



GUYANA

ACT No. 31 of 2010

NATIONAL AGRICULTURAL RESEARCH AND EXTENSION INSTITUTE ACT 2010

assent.

Barrat Jagdeo
Barrat Jagdeo,
President.

March 02, 2011

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AN ACT to promote greater efficiency in the crops and agricultural product industry, to provide enhanced services in Agricultural Research and Extension and Crop Protection and to establish the National Agricultural Research and Extension Institute, so as to make provision for effective administration and regulation of trade, commerce and export of crops and agricultural products and for matters related or incidental.

A.D. 2010

Enacted by the Parliament of Guyana:-

PART I**PRELIMINARY**

Short title and commencement.

1. This Act may be cited as the National Agricultural Research and Extension Institute Act 2010 and shall come into operation on such date as the Minister may by Order appoint.

Interpretation.

2. In this Act, unless the context otherwise requires—

- (a) "agriculture" includes horticulture, fruit growing, mushroom culture and tissue culture;
- (b) "Appointments Committee" means the Appointments Committee established under section 13;
- (c) "Board" means the Board of Directors of the Institute;
- (d) "Chairman" means the Chairman of the Board;
- (e) "Chief Executive Officer" means the Chief Executive Officer of the Institute appointed under section 17;
- (f) "Director" means a Director of the Board and includes the Chairman;

- (g) "Division" means the Plant Services Division of the Ministry of Agriculture;
- (h) "Institute" means the National Agricultural Research and Extension Institute established under section 16;
- (i) "invention" includes any new process or new technique, whether or not a patent could be granted in relation thereto;
- (j) "Minister" means the minister responsible for Agriculture;
- (k) "Programme Advisory Committees" means the Programme Advisory Committees appointed under section 7;
- (l) "Secretary" means the Secretary to the Board.

PART II

Establishment of
National
Agricultural
Research and
Extension Institute
Board.

NATIONAL AGRICULTURAL RESEARCH AND EXTENSION INSTITUTE BOARD

3. (1) There is established a body to be called the National Agricultural Research and Extension Institute Board.
- (2) The Board comprises thirteen Directors who shall represent the Government and interest groups and shall be persons qualified for such appointment as having had experience of, and shown capacity in, such matters which the Minister considers will be beneficial to the functioning of the Board, in particular, in matters relating to agricultural research, extension and crop protection.
- (3) The Board shall be a body corporate.
- (4) The Chairman of the Board shall be appointed by the Minister from among the Directors.
- (5) The seal of the Institute shall be kept in the custody of the Chief Executive Officer or the Secretary and shall be authenticated by the signatures of the Chief

Executive Officer and the Secretary.

(6) Every document purporting to be an instrument duly executed under the seal of the Institute shall be received in evidence and deemed, without further proof to be so executed, unless the contrary is proved.

(7) The documents, other than those required by law to be made under seal and all decisions of the Institute may be signified under the hand of the Chief Executive Officer or the Secretary.

(8) The Chairman and other Directors of the Board shall be paid allowances as the Minister may determine.

Functions of Board. 4. The functions of the Board shall be—

(a) to advise the Minister on matters of policy relating to agricultural research, extension and crop protection;

(b) to supervise and control the functioning and activities of the Institute;

(c) to ensure that the activities of the Institute are consistent with the policy and objectives of the Government, and the national priorities, relating to agriculture, agricultural research, extension and crop protection;

(d) to approve, oversee and evaluate on a continuing basis the programmes being implemented by the Institute; and

(e) to give general and technical advice and guidance to the Chief Executive Officer.

Board to co-operate with National Science Research Council.

5. (1) The Board shall, in matters relating to its functions, cooperate with the National Science Research Council and shall be guided by the National Science Policy formulated by the National Science Research Council so far as the Policy relates to agricultural research.

(2) For the purposes of subsection (1), the Board, if so required by any written law or requested by the National Science Research Council, shall nominate one or more representatives on any committee of that Council constituted for any purpose relating to agricultural research.

**Meetings and
procedure of Board.**

6. (1) The Board shall meet at least once every month for the transaction of its business at the place and time and on the days as the Board may determine.

(2) The Chairman shall, within seven days of the requisition in writing addressed to him by four or more Directors, summon a special meeting to consider the matters contained in the requisition.

(3) The Chairman shall preside over all the meetings of the Board and in his absence, the Directors present shall elect one of their number to preside over a meeting.

(4) Where the Chairman is unable to perform the functions of his office owing to his absence from Guyana or inability for any other reason, the Minister may appoint any Director to act as Chairman during the time the absence or inability continues.

(5) The Chairman or in his absence the Director elected or appointed to preside under this section and four other Directors shall form a quorum.

(6) A Director shall not attend a meeting of the Board or take part in any deliberation in respect of any matter in which he has direct or indirect pecuniary or other interest and the interest shall be recorded in the minutes of the meeting.

(7) A Director who fails to disclose the interest referred to in subsection (6) shall be liable to be removed from the Board.

(8) Minutes in proper form shall be kept by the Secretary, shall be confirmed as soon as practicable at a subsequent meeting of the Board and signed by the Secretary and

certified copies of the minutes when so confirmed shall be forwarded to the Minister within the period determined by the Board.

(9) The Board shall take decisions on the basis of a simple majority of the Directors present and voting and in the event of equality of votes, the person presiding shall have a second or casting vote.

(10) No Director shall personally sponsor or recommend any application for employment of any person under this Act.

(11) Subject to this section the Board shall have the power to regulate its own proceedings.

**Appointment of
Programme
Advisory
Committees
and any other
committees of the
Board.**

7. (1) The Board shall appoint three Programme Advisory Committees to be known as the Research Programme Advisory Committee, the Extension Programme Advisory Committee and the Crop Protection Programme Advisory Committee, respectively.

(2) The Board may appoint such other committees as it thinks fit.

(3) A committee appointed under subsection (2) shall include such members of the Board as the Board thinks fit and may include persons who are not members of the Board.

(4) Subject to the other provisions of this Act, the constitution, functions and procedure of a committee appointed under subsection (2) and the terms and conditions of appointment of the members thereof shall be such as may be determined by the Board.

**Composition of
Programme
Advisory
Committees.**

8. (1) A Programme Advisory Committee shall consist of such number of persons, not exceeding fifteen, as the Board thinks appropriate, appointed by the Board from

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among persons qualified as having had practical experience of, and shown capacity in, matters relating to the relevant aspect of agriculture or having academic qualifications in such matters.

(2) The Board may give to a Programme Advisory Committee, directions relating to the exercise and performance of its functions and the Programme Advisory Committee shall give effect to any directions.

(3) The terms and conditions of appointment of the members of the Programme Advisory Committees shall be such as may be determined by the Board.

(4) The Board may prescribe the procedure of the Programme Advisory Committees including the intervals at which the meetings of the Programme Advisory Committees shall be held and the quorum for their meetings.

Functions of
Programme
Advisory
Committees.

9. The functions of the Programme Advisory Committees shall be —

(a) to advise the Board on such matters relating to agricultural research, extension or crop protection, as the case may be, as may be referred to it by the Board and in keeping with the functions of the Institute stated in section 18;

(b) to advise the Board on any matter, relating to its functions, in respect of which the Board seeks the advice of the Programme Advisory Committee;

(c) to perform such other functions relating to agricultural research, extension or crop protection as the case may be, as may be assigned to it by the Board.

- Staff of Programme Advisory Committees.** 10. The Board shall provide the Programme Advisory Committees with such staff as they may require for the purpose of carrying out their functions.
- Expenses of Programme Advisory Committees or other committees.** 11. No expenditure shall be incurred by the Programme Advisory Committees or other committees without the approval of the Board.
- Power to delegate.** 12. Subject to the provisions of this Act, the Board may delegate to any of its Directors or to the Programme Advisory Committees or any other committee constituted under section 7 (2), the power and authority to carry out on its behalf such functions of the Board as it may determine.
- Appointments Committee.** 13 (1) There shall be established a committee to be known as the Appointments Committee of the Board consisting of the Chairman, Chief Executive Officer, and three other Directors representing each Programme Advisory Committee.
- (2) Save as otherwise provided in this Act, the power to make appointments of, to remove, and to exercise disciplinary control over, officers and other employees of the Board and the Institute shall vest in the Appointments Committee; the Appointments Committee shall have power to appoint advisers, experts and consultants.
- (3) The Appointments Committee may delegate to the Chief Executive Officer, the power to take disciplinary action against all or any class of the employees of the Institute for any misconduct, and to impose any penalties as may be specified by the Appointments Committee.
- (4) Where any power delegated to the Chief Executive Officer by this section is exercised by the Chief Executive Officer, any person in respect of whom the power

was exercised may appeal to the Appointments Committee from the decision of the Chief Executive Officer.

(5) Subject to regulations made by the Minister, the Appointments Committee may regulate its own procedure and business.

Officers and other employees of Board.

14. (1) There shall be a Secretary and such other officers and other employees of the Board as the Board deems necessary for the purpose of carrying out its functions.

(2) The power vested in the Appointments Committee under section 13 to make the appointment of, to remove, and to exercise disciplinary control over, the Secretary shall be exercised by the Appointments Committee with the approval of the Minister.

(3) Notwithstanding anything contained in this Act, where the office of Secretary is vacant or where he is for any reason unable to perform the functions of his office, the Minister may assign a public officer in the Ministry to carry out the functions of the office of Secretary.

(4) The remuneration and other terms and conditions of appointment of the Secretary and other officers and employees of the Board shall be such as may be determined by the Board with the approval of the Minister.

Indemnity of officers and employees of Institute.

15. Every Director, adviser, officer, expert, consultant or employee of the Authority shall be indemnified by it against all losses and expenses sustained or incurred by him in the discharge of the duties of his office, save such losses and expenses as are sustained and incurred as a result of his own wilful act or default.

PART III**NATIONAL AGRICULTURAL RESEARCH AND EXTENSION INSTITUTE****Establishment of
National
Agricultural
Research and
Extension Institute.**

16. (1) There is established a body to be called the National Agricultural Research and Extension Institute which shall perform duties and discharge functions under the supervision and control of the Board.

(2) The headquarters of the Institute shall be situated at such place in Guyana as may be specified by the Minister.

(3) In addition to facilities provided at its headquarters, the Institute may establish facilities at such other places in Guyana as may be determined by the Board with the approval of the Minister.

**Officers and
employees of the
Institute.**

17. (1) The Institute shall have—

(a) a Chief Executive Officer; and

(b) such other officers and employees as the Board deems necessary for the purpose of carrying out its functions.

(2) The power to make appointments of, to remove, and to exercise disciplinary control over—

(a) the Chief Executive Officer shall vest in the Minister; and

(b) any other officer or employee of the Institute shall vest in the Appointments Committee.

(3) The remuneration and other terms and conditions of appointment of the Chief Executive Officer shall be determined by the Minister and of other officers and employees of the Institute shall be determined by the Board with the approval of the Minister.

Functions of
Institute.

18. (1) The functions of the Institute shall be to —

- (a) advise on, and develop, appropriate systems to promote balanced, diversified and sustained agricultural development and optimize agricultural production through adaptive and investigative research;
- (b) facilitate the use of improved production technology by, and establish adequate feedback systems from, agricultural producers in order to achieve and maintain national self-sufficiency and export capacities in food and fibre;
- (c) provide adequate phytosanitary and crop protection services to farmers, exporters and the general public;
- (d) provide adequate quarantine services to enable the exportation and importation of plant and plant products and other regulated articles, to reduce the risk of the introduction and spread of exotic plant pests;
- (e) deliver quality extension services to farmers, providing advice on the transfer of technology acquired during the research operation;
- (f) facilitate the easy transfer of technology from research to farmers; and
- (g) provide and have farmers access approved genetic materials to be used in upgrading agricultural production based on market demands and consumer preferences;
- (h) regulate the importation and exportation of genetic material for agricultural cultivation and development, including live plants, tissue cultures, seeds and other material;
- (i) assist farmers to develop cost effective and sustainable agricultural production systems through the use of appropriate and market driven

- technologies;
- (j) regulate the growing of crops and post harvest handling and care of agricultural produce including agro-processing according to acceptable international standards;
 - (k) ensure compliance with the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures and the full implementation of the International Sanitary and Phytosanitary Measures of the International Plant Protection Convention by authorizing the Crop Protection Programme Advisory Committee to discharge such functions and perform such duties;
 - (l) carry out applied agricultural research, including research into appropriate systems of mechanization, to provide answers to current and foreseeable problems facing crop, and forestry production;
 - (m) evaluate under local conditions, scientific findings in other countries;
 - (n) determine, develop and popularize mechanisms, programmes and activities by which the agricultural potential of Guyana may be realized;
 - (o) collaborate closely with all other agencies and institutions engaged in agricultural and related research.
- (2) The Institute may, subject to the general or special directions of the Minister, assist and encourage the private sector in establishing and running projects in the crops or agricultural product industry.

**Management of
Institute.**

19. (1) The supervision and control of the functioning and activities of the Institute shall vest in the Board.

- (2) Subject to the provisions of this Act, the Chief Executive Officer shall be responsible for the day to day administration of the Institute.
- (3) All the property of the Institute, whether movable or immovable, shall vest in the Board and shall be held by or on behalf of the Board.
- (4) All actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Institute may be brought or taken by or against the Board.
- (5) All contracts entered into by the Institute, shall be entered into, in the name of the Board and by any person as maybe authorized by the Board.

Officers and employees of Division and National Agricultural Research Institute.

20. (1) On and from the date of commencement of this Act, all officers and employees of the Division and the National Agricultural Research Institute shall be deemed to be officers and employees of the Institute.
- (2) The officers and employees of the Division and the National Agricultural Research Institute shall be employed on terms and conditions as may be agreed upon between the Board and each person so employed.
- (3) The terms and conditions referred to in subsection (2), taken as a whole, shall not be less favourable than those applicable to an officer or employee of the Division and the National Agricultural Research Institute immediately before the date of commencement of this Act.
- (4) The Institute shall, in respect of the persons so employed under subsection (2), be the successor to the Government with regard to the officers' or employees' leave and superannuation rights and benefits, whether accrued, earned, inchoate or

contingent.

(5) For the purpose of every law, determination or agreement relating to the employment of persons under subsection (2), including the determination of and right to receive superannuation benefits, the employment shall be deemed to have been uninterrupted and the period of service of each officer or employee of the Division and the National Agricultural Research Institute, and every other period of service of that officer or employee that is recognized as continuous employment with the Government shall be deemed to have been a period of service with the Institute.

(6) No person employed under subsection (2) shall be entitled to receive any payment of compensation or other benefit by reason of this Act.

Fees charged by Institute.

21. The Institute may, with the approval of the Board, charge fees for any services rendered by it.

Discoveries and inventions.

22. All discoveries and inventions made by the Institute or by any of its officers or other employees or agents in the course of the performance of its functions under this Act, shall be the property of the Institute and shall vest in the Board and the Board may make any such discovery or invention available to the public on such conditions and subject to the payment of such fees or royalties as the Board may think fit.

Meeting of expenses of Institute and payment of income of Institute to fund of Board.

23. (1) No expenditure shall be incurred by the Institute without the approval of the Board.

(2) All expenditure incurred by the Institute in accordance with the provisions of this Act shall be paid from the fund of the Board.

(3) All monies received by the Institute shall be paid into the fund of the Board and shall form part of it:

Provided that where any such monies are given to the Institute by way of grant, gift, bequest or donation by any person for any specific purpose related to the functions of the Institute, the Board shall ensure that the monies are utilized for that specific purpose.

PART IV

FINANCIAL PROVISIONS

Fund.

24. (1) There shall be established a Fund to be known as the National Agricultural Research and Extension Institute Fund which shall vest in the Institute and shall be utilised by it to meet expenses in connection with its duties and functions under this Act including salaries, remuneration or allowance of any Director, Chief Executive Officer, Secretary, advisers, experts, consultants, officers and employees of the Institute.

(2) The Fund shall consist of any-

- (a) amount made available from the Consolidated Fund;
- (b) investment, grant or loan received from the Government;
- (c) charges for the management of any task;
- (d) grant, financial assistance received from national or international agencies or organisations; or
- (e) any other sums received by the Institute.

Investments by Board.

25. Monies standing to the credit of the Board may from time to time be invested in such securities as may be determined by the Board and the Board may, from

time to time, sell any or all of such securities with the approval of the Minister.

PART V

MISCELLANEOUS

Services of professionals.

26. The Board or the Institute may at any time retain the services of professionals and may pay such remuneration or fees, in respect thereof as the Board may, with the approval of the Minister, determine.

Power of the Minister to give directions.

27. (1) The Minister may give to the Board or the Institute directions of a general character as to the policy to be followed by it in the exercise of its functions and the Board or the Institute, as the case may be, shall give effect to any such directions.

(2) The Board or the Institute shall provide such facilities to the Minister as will enable him to verify any information furnished by it in pursuance of any direction given under subsection (1).

Limitation provisions excluded.

28. No statute of limitation shall apply to any action or suit brought by the Board or in respect of any property owned by the Board.

Accounts and audit.

29. The Board, the Institute and the Programme Advisory Committees shall keep accounts of its transactions to be audited annually by the Auditor-General.

Annual report. No. 20 of 2003

30. (1) Subject to section 80 of the Fiscal Management and Accountability Act 2003, the Board shall, not later than four months after the end of each calendar year, submit to the Minister a report containing—

(a) an account of the functioning of the Board and the Institute throughout the preceding calendar year in such detail as the Minister may

direct;

(b) a statement of the accounts of the Board and the Institute relating to that calendar year in accordance with section 29.

(2) The Institute shall provide the Board with all the information it may require to prepare the report referred to in subsection (1).

(3) A copy of the report referred to in subsection (1) together with the report of the Auditor-General shall be laid before the National Assembly not later than nine months after the expiry of the calendar year to which they relate.

Superannuation
benefits.

31. (1) Where, with the approval of the appropriate authority, an officer or employee—

(a) is seconded or temporarily transferred from his pensionable office within the meaning of the Pensions Act to an office with the Board, the Institute, or the Programme Advisory Committees, section 5 of that Act shall apply to him as if his service in the office with the Board, the Institute or the Programme Advisory Committees, as the case may be, were service in a public office;

(b) is transferred from a pensionable office within the meaning of the Pensions Act to a substantive appointment in an office with the Board, the Institute, or the Programme Advisory Committees, his service with the Board, the Institute or the Programme Advisory Committees, as the case maybe, shall be other public service within the meaning of, and for the purposes of, such provisions in relation thereto as are contained in

Cap. 27:02.

Cap. 27:02.

the Pensions Act.

- Cap. 39:05. (2) Where a teacher who has done qualifying service within the meaning of the Teachers' Pensions Act, is with the approval of the appropriate authority—
- Cap. 27:02. (a) recorded or temporarily transferred from his pensionable office as a teacher to an office with the Board, the Institute, or the Programme Advisory Committees, section 5 of the Pensions Act (as it applies *mutatis mutandis* to a teacher under the Teachers' Pension Act), shall apply to him as it applies in the case of a public officer;
- (b) transferred from his pensionable office as a teacher to a substantive appointment in an office with the Board, the Institute, the Programme Advisory Committees, his service with the Board, the Institute, or the Programme Advisory Committees, as the case may be, shall be treated as if it were other public service within the meaning of, and for the purposes of, such provisions in relation thereto as are contained in the Pensions Act and as if he were a public officer to whom the Pensions Act applies.
- (3) In subsections (1) and (2) "appropriate authority" means a person or authority vested by law with power to appoint an officer or employee to the pensionable office held by him (and to which the Pensions Act applies) or to appoint a teacher to the office held by him as a teacher, as the case may be.
- (4) The Board may with the approval of the Minister, make such provision as it thinks fit for the payment of pension, gratuity or other allowance, in respect of the service of the officers and other employees of the Board or the Institute on

their retirement therefrom.

Power to make regulations.

32. (1) The Minister may make regulations for carrying into effect the purposes of this Act.

(2) Without prejudice to the generality of the foregoing, the regulations made under subsection (1) may in particular, provide for—

- (a) the procedure and business of the Board;
- (b) the procedure and business of the Appointments Committee and the Programme Advisory Committees; and
- (c) any other matter which may be regulated, prescribed or done by regulations.

Power of Board to make rules.

33. The Board may, subject to this Act and any regulations made thereunder, make rules to provide for all or any of the following matters—

- (a) the charging of fees by the Institute for services rendered by the Institute;
- (b) the charging of fees under section 21; and
- (c) generally for the exercise of its functions.

Transfer and vesting.

34. (1) On and from the date of commencement of this Act, all the assets and liabilities of the Division and the National Agricultural Research Institute shall stand transferred to, and vested in, the Institute.

(2) The assets referred to in the subsection (1) shall be deemed to include all properties whether movable or immovable, including the rights and interests of any offices of the Division and the National Agricultural Research

Institute, and any offices of the Regional Democratic Council that is being utilized exclusively for plant services including crop production and crop protection and all other interests and rights in, or arising out of, such properties as may be in the possession of the Division and the National Agricultural Research Institute, and all books of account and other documents relating to the same.

(3) The liabilities referred to in subsection (1) shall be deemed to include all debts, liabilities and obligations of whatever kind.

(4) Without prejudice to the provisions of subsection (1), all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Division and the National Agricultural Research Institute immediately before the date of commencement of this Act, for or in connection with the purpose of the Division and the National Agricultural Research Institute shall be deemed to have been incurred, entered into or engaged to be done, with or for the Institute.

(5) All sums of money due to the Division and the National Agricultural Research Institute immediately before the date of commencement of this Act shall be deemed to be due to the Institute and all suits and other legal proceedings instituted or which could have been instituted by or against the Division and the National Agricultural Research Institute immediately before that date may be continued or instituted by or against the Institute.

Repeal.
No. 19 of 1984.

35. The National Agricultural Research Institute of Guyana Act 1984 is repealed.

Passed by the National Assembly on 30th December, 2010.



Clerk of the National Assembly.

(Bill No. 24/2010)