

PRESENTATION ON THE AGRICULTURAL DEVELOPMENT ACT

PRESENTED BY:

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THE SCHEME AND STRUCTURE OF THE AGRICULTURAL DEVELOPMENT ACT



- ▶ The Act shall be passed by each Province setting up an authority (the **Authority**) for development and regulation of the agricultural sector and formulation of agricultural policy in such Province.
- ▶ The Act shall establish special agricultural tribunals (the **Tribunals**) to act as an exclusive forum for all disputes emanating from the Act.
- ▶ Largescale corporate farming over state-owned land in the form of medium and long-term projects.
- ▶ Formalisation of general private farming arrangements through contracts containing well defined terms.
- ▶ Corporatization of smallholder farming by enabling smallholders to form entities and pool their resources whilst protecting their proprietary interests.

SALIENT FEATURES OF THE ACT

THE AUTHORITY

- Will act through an Executive Board containing members from the Government and the Private Sector.
- The Executive Board will form Commissions to further the purposes of the Act.

COMMISSIONS

The Authority shall aid the conducting of agricultural activity through, inter alia, the following commissions:

- The Corporate Farming Commission
- The Smallholders Corporatization Commission
- The Contract Farming Commission
- Any other Commission that it may constitute

DISPUTE RESOLUTION

- Mandatary internal dispute resolution mechanisms also envisioned for all forms of agricultural activity under the Act.
- The court of first instance for all matters arising out of or in connection to the Act shall be the Agricultural Tribunal.
- The appeal from a decision of the Agricultural Tribunal shall vest relevant High Court.

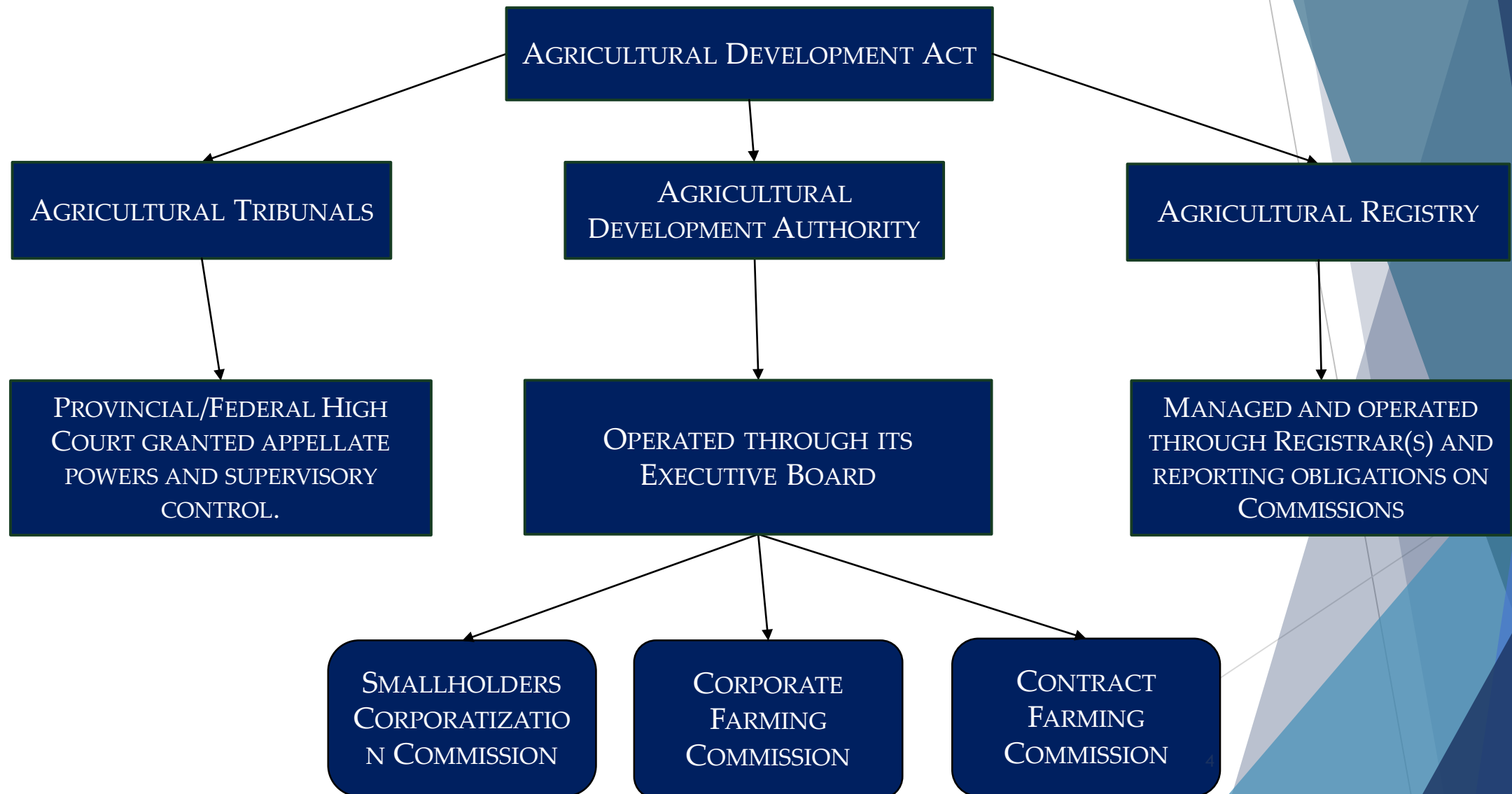
THE REGISTRY

- Setting up of the Registry and ancillary matters such as data to be recorded, places of sitting and territorial limits.
- The management of the Registry and maintenance of the register shall vest with an appointed Registrar and such other additional officers felt necessary.

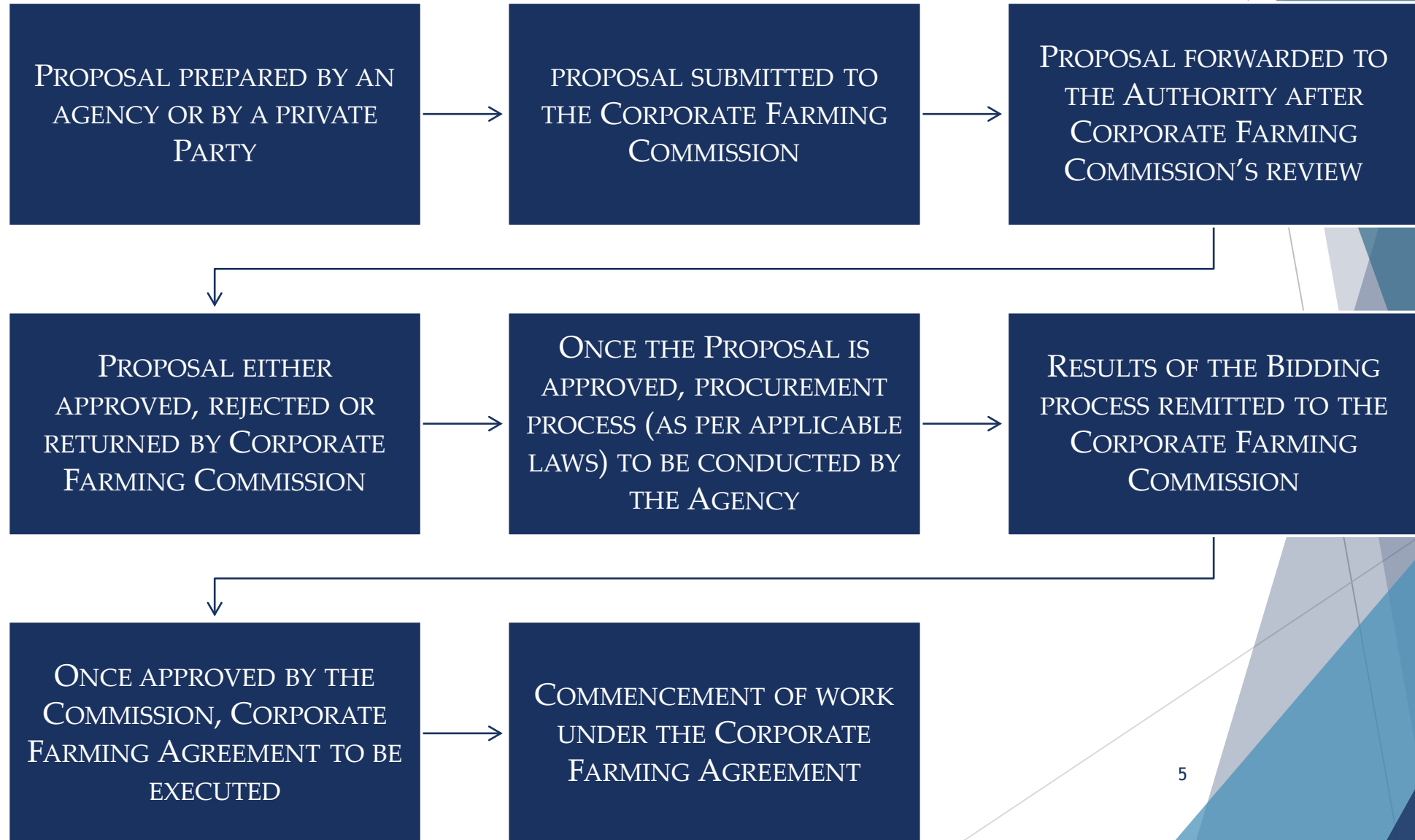
MISCELLANEOUS PROVISIONS

- Overriding Provisions.
- Exemption of Authority and Commissions from taxation.
- Authority empowered to make rules and regulations and grant incentives and Benefits
- Protection of benefits and incentives granted under the Act.
- Immunity from legal action for functions in pursuance of the Act.
- Cognizance and penalizing offences under the Act.
- Repeal and savings of various laws.

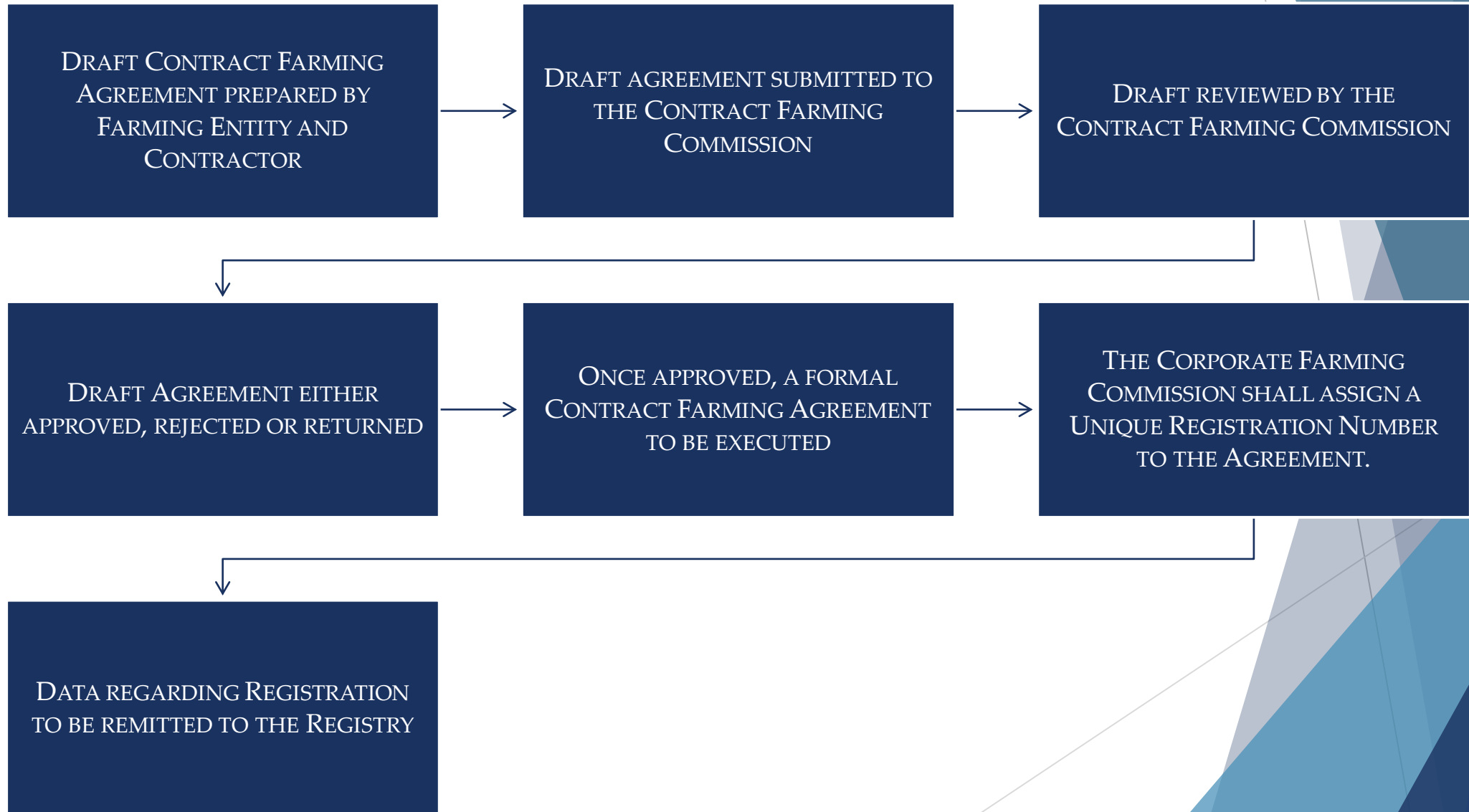
STRUCTURE OF THE ENVISAGED AUTHORITY & DISPUTE RESOLUTION FORUM



PROCESS FLOW UNDER THE CORPORATE FARMING RULES



PROCESS FLOW UNDER THE CONTRACT FARMING RULES



SALIENT FEATURES OF THE SMALLHOLDERS RULES

SMALLHOLDERS COMMISSION

- Smallholders Commission shall be the governing body for the registration, regulation and oversight of Farmers' Organizations (FOs) and other organizations (**Notified Organizations**) having such composition as may be prescribed.
- Make policy recommendations to the Authority.
- Dispose of applications for, *inter alia*, acquisition or cessation of membership in FOs and other Notified Organizations, mergers of FOs, dissolution of FOs and deregistration of Notified Organizations.

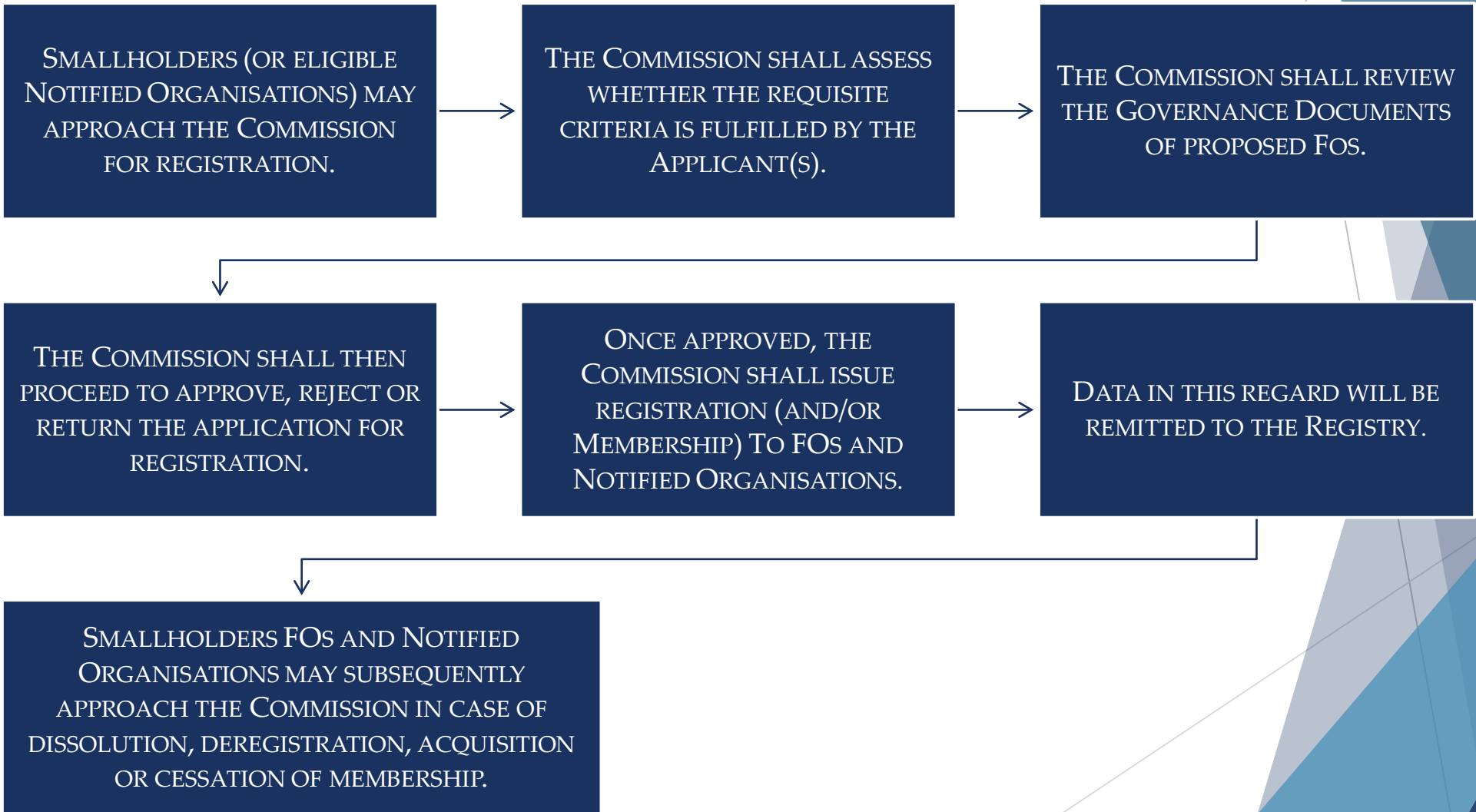
KEY ELEMENTS OF FARMER'S ORGANIZATIONS

- Independent Legal Personality.
- Pooling of land by smallholder without effecting proprietary rights.
- Each member shall have 1 vote regardless of contribution of land or funds.
- Governance through Executive Committees and internal governance documents.

JURISDICTION OF AGRICULTURAL TRIBUNAL

- Disputes inter se members of FOs or between the management and members of FOs.
- Disputes arising from any order passed, direction given, award made or other decision or act of the Smallholders Commission.
- Any other dispute that the Authority or Smallholders Commission may prescribe through regulations.

STRUCTURE UNDER THE CORPORATIZATION OF SMALLHOLDERS RULES



THANK YOU

