

Rwanda

Law establishing Rwanda Cooperative Agency (RCA) and Determining its Mission, Organisation and Functioning

Law 48 of 2013

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Commenced on 12 July 2013

[This is the version of this document from 12 July 2013.]

We, KAGAME Paul,

President of the Republic;

**THE PARLIAMENT HAS ADOPTED AND WE SANCTION, PROMULGATE THE FOLLOWING LAW AND
ORDER IT BE PUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF RWANDA**

THE PARLIAMENT:

The Chamber of Deputies, in its session of 16 May 2013;

The Senate, in its session of 16 May 2013;

Pursuant to the Constitution of the Republic of Rwanda of 04 June 2003 as amended to date, especially in Articles 62, 66, 67, 88, 89, 90, 92, 93, 94, 95, 108, 183 and 201;

Pursuant to Organic Law n° 06/2009/OL of 21/12/2009 establishing general provisions governing Public Institutions as modified and complemented to date;

Pursuant to Law n° 50/2007 of 18/09/2007 determining the establishment, organization and functioning of Cooperative Organizations in Rwanda as modified and complemented to date;

Having reviewed Law n° 16/2008 of 11/06/2008 establishing Rwanda Cooperative Agency (RCA) and determining its responsibilities, organization and functioning;

ADOPTS:

Chapter One General provisions

Article One – Purpose of this Law

This Law establishes the Rwanda Cooperative Agency, abbreviated as «RCA». It also determines its mission, organization and functioning.

RCA shall have legal personality, administrative and financial autonomy and be managed in accordance with laws governing public institutions.

Article 2 – Head Office of RCA

The Head Office of RCA shall be located in Kigali City, the Capital of the Republic of Rwanda. It may be transferred elsewhere on the Rwandan territory if deemed necessary.

In order to fulfill its mission, RCA may have branches elsewhere in the country if deemed necessary, upon approval by a Prime Minister's Order.

Chapter II

Mission of RCA

Article 3 – Mission of RCA

The main mission of RCA shall be the following:

- 1° to implement Government policy in matters relating to cooperative organizations;
- 2° to register cooperative organizations and grant them legal personality;
- 3° to regulate and supervise cooperative organizations including the national cooperative unions, federations and confederation;
- 4° to set standards and formulate professional ethics for prudent management of cooperative organizations;
- 5° to promote the cooperative organizations sector;
- 6° to assist cooperative organizations in their capacity building through training and seminars of its members and managers;
- 7° to promote business entrepreneurship in the cooperative organizations sector;
- 8° to encourage the cooperative movement to take advantage of investment opportunities at national, regional and international levels;
- 9° to carry out research and studies on cooperative organizations and ensure their publication;
- 10° to advise the Government on the elaboration of national policies and strategies in relation with cooperative organizations;
- 11° to ensure the compliance of laws and regulations governing cooperative organizations and other laws that cooperative organizations are requested to conform to;
- 12° to develop relations and collaboration with other regional or international agencies in charge of cooperative organizations.

Chapter III

Supervising authority of RCA and its category

Article 4 – Supervising authority of RCA and its category

A Prime Minister's Order determines the supervising authority of RCA and its category.

There shall be concluded between the supervising authority of RCA and its decision-making organ a performance contract indicating competences, rights and obligations of each party in order for RCA to fulfill its missions.

Such contract shall be valid for a period equal to the term of office of members of the decision-making organ of RCA.

Chapter IV Organisation and functioning of RCA

Article 5 – Management organs of RCA

RCA shall be comprised of the following two (2) management organs:

- 1° the Board of Directors;
- 2° the General Directorate.

A Prime Minister's Order may determine other necessary organs in order for RCA to fulfill its mission.

Section One – Board of Directors

Article 6 – Board of Directors of RCA

The Board of Directors of RCA shall be the governing and decision-making organ. Its competences, responsibilities and functioning as well as the responsibilities and the term of office of its members shall be determined by a Prime Minister's Order.

A Presidential Order shall appoint members of the Board of Directors including the Chairperson and the Deputy Chairperson.

Members of the Board of Directors shall be selected on the basis of their competence and expertise.

At least thirty percent (30%) of the members of the Board of Directors shall be females.

Article 7 – Sitting allowances for members of the Board of Directors

Members of the Board of Directors present in the meetings of the Board of Directors shall be entitled to sitting allowances determined by a Presidential Order.

Article 8 – Incompatibilities with membership of the Board of Directors

Members of the Board of Directors shall not be allowed to perform any remunerated activity within RCA.

They shall also not be allowed, either individually or companies in which they hold shares, to bid for tenders of RCA.

Section 2 – General Directorate

Article 9 – Composition of the General Directorate of RCA

Members of the General Directorate of RCA shall be appointed by a Presidential Order.

Competences and responsibilities of members of the General Directorate of RCA as well as modalities for performance of their duties shall be determined by a Prime Minister's Order.

Article 10 – Statute governing staff of RCA and benefits of members of the General Directorate and staff of RCA

The staff of RCA shall be governed by the General Statute for Rwanda Public Service.

Benefits allocated to the members of the General Directorate and to the staff of RCA shall be determined in accordance with legal provisions governing benefits to employees of public institutions.

Article 11 – Organization, functioning and responsibilities of RCA services

The organization, functioning and responsibilities of RCA services shall be determined by a Prime Minister's Order.

Chapter V Property and finance

Article 12 – Property of RCA and its sources

The property of RCA shall be comprised of movables and immovables.

It comes from the following sources:

- 1° the State budget allocations;
- 2° State or partners' subsidies;
- 3° income from the services rendered;
- 4° loans to RCA approved by the Minister in charge of finance;
- 5° proceeds from the property of RCA;
- 6° donations and bequests.

Article 13 – Use, management and audit of RCA property

The use, management and audit of RCA property shall be carried out in accordance with relevant legal provisions.

RCA internal audit unit shall submit a report to the Board of Directors with a copy to the head of the General Directorate of RCA.

Article 14 – Approval and management of RCA budget

The budget of RCA shall be approved and managed in accordance with relevant legal provisions.

Article 15 – Annual financial report

Within three (3) months following the end of the financial year, the head of the General Directorate of RCA shall submit the annual financial report to the supervising authority of RCA after its approval by the Board of Directors in accordance with laws governing the management of State finance and property.

Article 16 – Competence of judicial police

An Order of the Minister in charge of Justice shall confer upon some staff members of RCA the power to act as Judicial Police Officers. Such Judicial Police Officers shall have powers to investigate offences throughout the national territory, but limited only to offences related to the cooperative organizations.

Chapter VI

Miscellaneous and final provisions

Article 17 – Activities and property of RCA

Activities and property of RCA which was established under Law n° 16/2008 of 11/06/2008 establishing Rwanda Cooperative Agency «RCA» and determining its mission, organization and functioning shall continue to be owned by RCA established by this Law.

Article 18 – Drafting, consideration and adoption of this Law

This Law was drafted, considered and adopted in Kinyarwanda.

Article 19 – Repealing provision

Law n° 16/2008 of 11/06/2008 establishing Rwanda Cooperative Agency «RCA» and determining responsibilities, organization and functioning and all other prior legal provisions contrary to this Law are hereby repealed.

Article 20 – Commencement

This Law shall come into force on the date of its publication in the Official *Gazette* of the Republic of Rwanda.