



# The



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## SUPPLEMENTS

### Ordinance

No. 2—The Kasese District (Coffee and Cotton) Ordinance, 2006.

### Acts

No. 5—The Uganda Industrial Research Institute Act, 2006.

No. 6—The Employment Act, 2006.

No. 7—The Labour Unions Act, 2006.

No. 8—The Labour Disputes (Arbitration and Settlement) Act, 2006.

No. 9—The Occupational Safety and Health Act, 2006.

No. 10—The Uganda Tea Authority (Repeal) Act, 2006.

No. 11—The Uganda Tea Growers Corporation (Repeal) Act, 2006.

No. 12—The Local Governments (Rating) (Amendment) Act, 2006.

No. 13—The Local Council Courts Act, 2006.

No. 14—The Warehouse Receipt System Act, 2006.

No. 15—The Uganda National Roads Authority Act, 2006.

No. 16—The Police (Amendment) Act, 2006.

General Notice No. 211 of 2006.

## STATUTORY NOTICE

IN EXERCISE of the powers conferred upon the Minister by Section 45, Part III, of the Water Act, Cap. 152, Statute 9 of 1995; this Statutory Notice is hereby made this 26th day of April, 2006 declaring Sironko Town as a Water Supply Area; and in exercise of powers conferred upon him by Section 46 of the Water Act, Cap. 152, the Minister hereby appoints Sironko Town Council the Authority in charge of Water Supply services in that area.

HON. KAHINDA-OTAFIIRE, MAJOR GEN. (RTD.),  
*Minister of Water, Lands and Environment.*

General Notice No. 212 of 2006.

## STATUTORY NOTICE

IN EXERCISE of the powers conferred upon the Minister by Section 45, Part III, of the Water Act, Cap. 152, Statute 9 of 1995; this Statutory Notice is hereby made this 26th day of April, 2006 declaring Migyera Town as a Water Supply Area; and in exercise of powers conferred upon him by Section 46 of the Water Act, Cap. 152, the Minister hereby appoints Nabiswera Sub-County Council the Authority in charge of Water Supply services in that area.

HON. KAHINDA-OTAFIIRE, MAJOR GEN. (RTD.),  
*Minister of Water, Lands and Environment.*

General Notice No. 213 of 2006.

## STATUTORY NOTICE

IN EXERCISE of the powers conferred upon the Minister by Section 46, of the Water Act, Cap. 152, this Statutory Notice is hereby made this 3rd day of May, 2006 declaring National Water and Sewerage Corporation (NWSC) as the Authority in charge of Water Supply and Sewerage services in the gazetted Hoima Water Supply and Sewerage Area, with effect from 1st July, 2006.

The Statutory Notice suspends General Notice No. 61 of 2002 published in the Uganda Gazette, Vol. No. 14 of March, 2002, until further notice.

HON. KAHINDA-OTAFIIRE, MAJOR GEN. (RTD.),  
*Minister of Water, Lands and Environment.*

General Notice No. 214 of 2006.

## STATUTORY NOTICE

IN EXERCISE of the powers conferred upon the Minister by Section 46, of the Water Act, Cap. 152, this Statutory Notice is hereby made this 3rd day of May, 2006 declaring National Water and Sewerage Corporation (NWSC) as the Authority in charge of Water Supply and Sewerage services in the gazetted Masindi Water Supply and Sewerage Area, with effect from 1st July, 2006.

The Statutory Notice suspends General Notice No. 61 of 2002 published in the Uganda Gazette, Vol. No. 14 of March, 2002, until further notice.

HON. KAHINDA-OTAFIIRE, MAJOR GEN. (RTD.),  
*Minister of Water, Lands and Environment.*

General Notice No. 215 of 2006.

## STATUTORY NOTICE

IN EXERCISE of the powers conferred upon the Minister by Section 46, of the Water Act, Cap. 152, this Statutory Notice is hereby made this 3rd day of May, 2006 declaring National Water and Sewerage Corporation (NWSC) as the Authority in charge of Water Supply and Sewerage services in the gazetted Mubende Water Supply and Sewerage Area, with effect from 1st July, 2006.

The Statutory Notice suspends General Notice No. 61 of 2002 published in the Uganda Gazette, Vol. No. 14 of March, 2002, until further notice.

HON. KAHINDA-OTAFIIRE, MAJOR GEN. (RTD.),  
*Minister of Water, Lands and Environment.*

General Notice No. 216 of 2006.

STATUTORY NOTICE

IN EXERCISE of the powers conferred upon the Minister by Section 45, Part III, of the Water Act, Cap. 152, Statute 9 of 1995; this Statutory Notice is hereby made this 26th day of April, 2006 declaring Kachumbala Town as a Water Supply Area; and in exercise of powers conferred upon him by Section 46 of the Water Act, Cap. 152, the Minister hereby appoints Kachumbala Sub-County Council the Authority in charge of Water Supply services in that area.

HON. KAHINDA-OTAFIIRE, MAJOR GEN. (RTD.),  
*Minister of Water, Lands and Environment.*

General Notice No. 217 of 2006.

THE ADVOCATES ACT.  
NOTICE.

APPLICATION FOR A CERTIFICATE OF ELIGIBILITY.

IT IS HEREBY NOTIFIED that an application has been presented to the Law Council by Rita Namakiika who is stated to be a holder of Bachelor of Laws of Makerere University having been awarded a Degree on the 21st day of November, 2003 and to have been awarded a Diploma in Legal Practice by the Law Development Centre on the 6th day of May, 2005 for the issue of a Certificate of Eligibility for entry of her name on the Roll of Advocates for Uganda.

Kampala, HELLEN OBURA (MRS.),  
8th February, 2006. *Acting Secretary, Law Council.*

General Notice No. 218 of 2006.

THE COMPANIES ACT, LAWS OF UGANDA 2000.  
(Cap. 110).  
NOTICE.

Pursuant to section 19 (4) of the Companies Act notice is hereby given that Company Profiles Uganda Limited has by Special Resolution passed on 24th day of May, 2006 and with the approval of the Registrar of Companies changed in name to Companies Profiles Africa Limited and that such new name has been entered in my register.

DATED at Kampala this 26th day of May, 2006.

KYOMUGASHO MERCY KENTARO,  
*Assistant Registrar of Companies.*

General Notice No. 219 of 2006.

THE COMPANIES ACT, LAWS OF UGANDA 2000.  
(Cap. 110).  
NOTICE.

Pursuant to section 19 (4) of the Companies Act notice is hereby given that Blair Wood Roofing Limited has by Special Resolution passed on 5th day of May, 2006 and with the approval of the Registrar of Companies changed in name to Gaudet Wood Limited and that such new name has been entered in my register.

DATED at Kampala this 6th day of June, 2006.

BEN TURYASINGURA,  
*Registrar of Companies.*

General Notice No. 220 of 2006.

THE COMPANIES ACT, LAWS OF UGANDA 2000.  
(Cap. 110).  
NOTICE.

Pursuant to section 19 (4) of the Companies Act notice is hereby given that ICL (Uganda) Limited has by Special Resolution passed on 10th day of May, 2006 and with the approval of the Registrar of Companies changed in name to Dimension Data (Uganda) Limited and that such new name has been entered in my register.

DATED at Kampala this 7th day of June, 2006.

JULIET NAGAWA LUGGYA,  
*Assistant Registrar of Companies.*

General Notice No. 221 of 2006.

THE COMPANIES ACT, LAWS OF UGANDA 2000.  
(Cap. 110).  
NOTICE.

Pursuant to section 19 (4) of the Companies Act notice is hereby given that Joyinter Cargo and Transporters Limited has by Special Resolution passed on 6th day of June, 2006 and with the approval of the Registrar of Companies changed in name to Joyinter Investments Limited and that such new name has been entered in my register.

DATED at Kampala this 6th day of June, 2006.

JULIET NAGAWA LUGGYA,  
*Assistant Registrar of Companies.*

General Notice No. 222 of 2006.

THE COMPANIES ACT (Cap. 110).  
M/S CERAMIC & FURNITURE (U) LIMITED.  
SPECIAL RESOLUTION FOR VOLUNTARY WINDING  
OF THE COMPANY

At an Extra Ordinary Meeting of the members of the company duly convened on 21st day of December, 2005 at the company offices on Plot 54/2 Kampala Road the following resolutions were passed:-

1. The company by a special resolution is to be wound up and is hereby ordered to be wound up voluntarily under S. 276(1)b of the companies Act.
2. The company hereby appoints M/s. E. Beyaraza Wagaba & Associated Advocates & Solicitors P.O. Box 25590, Kampala as the liquidator of the company with the appointment to take immediate effect from the date of this Resolution.

DATED at Kampala this 21st day of December, 2005.

  
Director

  
Director

General Notice No. 223 of 2006.

THE TRADE MARKS ACT.  
(Cap. 83).  
NOTICE.

NOTICE IS HEREBY GIVEN that any person who has grounds to oppose the registration of any of the marks advertised herein within sixty days from the date of this Gazette, lodge a Notice of opposition on Trade Mark Form No. 6 together with a fee of Shs 4000 in case of National applicants or US\$ 250 in case of Foreign applicants. The period of lodging Notice of opposition may be extended in suitable cases by the Registrar as he may fit upon such terms as he may direct. Formal opposition should not be lodged until after reasonable notice has been given by letter to the applicant so that he may have an opportunity to

withdraw his application before the expense of opposition proceedings is incurred. Failure to give such notice will be taken into account in considering any application by the opponent for an order for costs if the opposition is uncontested by the applicant. Representations of the marks herein advertised can be inspected at the office of the Registrar of Trade Marks, Amamu House, Plot No. 5B George Street, P.O. Box 6848, Kampala.

(21) APPLICATION NO. 28828 IN PART "A".  
(52) Class 16.  
(54)

(53) **TRUECOLOR**  
(59)  
(64)

(57) *Nature of goods*— Paper and paper articles, cardboard and cardboard articles; printed matter, newspapers and periodicals, books; book-binding material; photographs; stationery, adhesive materials (stationery); artists' materials; paint brushes, typewriters and office requisites (other than furniture); instructional and teaching material (other than apparatus); playing cards; (printers' type) and cliches (stereotype), staplers, stamps (seals), writing instruments, drawing instruments, ink, erasing products, paper folders, pictures and glue stick.

(73) *Name of applicant*— Huang Xiaoxi of Guangdong Lotus Stationery Co. Ltd.

(77) *Address*— Rm 3001, Gaoya Bldg, Tianyu Garden, 152 Linhezhong Rd., Guangzhou, China.

(74) *C/o.* Sipi Law Associates & Legal Consultants, P.O. Box 4180, Kampala, Uganda.

(22) *Date of filing application*— 5th June, 2006.

(21) APPLICATION NO. 28709 IN PART "A".  
(52) Class 3.  
(54)

(53) **Dabur**  
(59)  
(64)

(57) *Nature of goods*— All goods in Class 3.

(73) *Name of applicant*— Dabur India Limited.

(77) *Address*— 8/3, Asaf Ali Road, New Dheli - 110002 India.

(74) *C/o.* Magezi, Ibale & Co. Advocates, P.O. Box 10969, Kampala.

(22) *Date of filing application*— 20th April, 2006.

(21) APPLICATION NO. 28827 IN PART "A".  
(52) Class 30.  
(54)



(53)  
(59)  
(64)

(57) *Nature of goods*— All goods in Class 30.

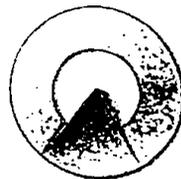
(73) *Name of applicant*— Disha Trading and Investments Limited.

(77) *Address*— P.O. Box 24544, Kampala.

(74)

(22) *Date of filing application*— 1st June, 2006.

(21) APPLICATION NO. 28529 IN PART "A".  
(52) Class 7.  
(54)



(53)  
(59)  
(64)

(57) *Nature of goods*— Passenger and goods elevators and parts thereof (included in this class), escalators, moving walkways and parts thereof (included in this class) including step rollers, pallet rollers, steps, pallets and handrails, other vertical, horizontal and inclined conveyors; electric motors and parts thereof other than for land vehicles, transmissions, other than for land vehicles, hydraulic engines and motors, other than for land vehicles, electrical drives for machines, motors and engines, other than for land vehicles, brake linings other than for land vehicles, brake shoes and brake segments, other than for land vehicles, bearings for machines, couplings (connections) other than for land vehicles, drive belts, transmissions shafts, other than for land vehicles, control mechanisms for machines, engines or motors, pulleys of metal (parts of machines).

(73) *Name of applicant*— Inventio Ag.

(77) *Address*— Postfach, 6052, Hergiswil NW, Switzerland.

(74) *C/o.* Sengendo & Co. Advocates, P.O. Box 6914, Kampala-Uganda.

(22) *Date of filing application*— 27th February, 2006.

(21) APPLICATION NO. 28710 IN PART "A".  
(52) Class 3.  
(54)

**VATIKA**

(53)  
(59)  
(64)

(57) *Nature of goods*— All goods included in Class 3.

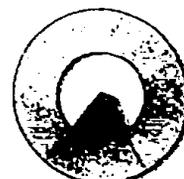
(73) *Name of applicant*— Dabur India Limited.

(77) *Address*— 8/3, Asaf Ali Road, New Delhi - 110002 India.

(74) *C/o.* Magezi, Ibale & Co. Advocates, P.O. Box 10969, Kampala.

(22) *Date of filing application*— 20th April, 2006.

(21) APPLICATION NO. 28530 IN PART "A".  
(52) Class 9.  
(54)



(53)  
(59)  
(64)

(57) *Nature of goods*— Electric and electronic measuring, signalling, checking (supervision), controlling and regulating apparatus (included in this class), in particular optical and acoustic display apparatus and signal transmitters, inspection indicator boards, alarm apparatus, apparatus for entering data and instructions (data processing apparatus), apparatus for recording, receiving, registering, transmitting, processing, converting, issuing and reproducing of data, language, text, signals, sound and images, microprocessors, remote monitoring apparatus, remote control apparatus, speed regulator, apparatus for individual and building monitoring, electronic identification apparatus, identification chips; transformers; computer software, electronic publications (downloadable), magnetic and digital storage media; electrical installation material, namely electricity conduits (electricity), wire connectors, terminals (electricity), sheaths for electric cables, electro cables, electric wires, electricity material for wires and cables, integrated circuits, switches, printed circuits, control panels, fuses; safety circuits.

(73) *Name of applicant*— Inventio Ag.

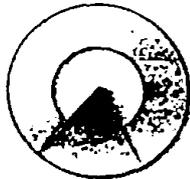
(77) *Address*— Postfach, 6052, Hergiswil NW, Switzerland.

(74) *C/o. Sengendo & Co. Advocates, P.O. Box 6914, Kampala, Uganda.*

(22) *Date of filing application*— 27th February, 2006.

(21) APPLICATION NO. 28528 IN PART "A".

(52) Class 6.  
(54)



(53)  
(59)  
(64)

(57) *Nature of goods*— Stairs of metal steps of metal, steps and pallets of metal for escalators and moving walkways, doors of metal, doorframes and timber sets of metal, wire ropes and belts of metal, ropes and belts of metal with and without coating; foundry molds of metal, guide rail, frames of metal for building, partitions of metal, girders of metal, wall linings of metal, elevator car of metal.

(73) *Name of applicant*— Inventio Ag.

(77) *Address*— Postfach, 6052, Hergiswil NW, Switzerland.

(74) *C/o. Sengendo & Co. Advocates, P.O. Box 6914, Kampala, Uganda.*

(22) *Date of filing application*— 27th February, 2006.

(21) APPLICATION NO. 28537 IN PART "A".

(52) Class 16.  
(54)

## OPTISTAFF

(53)  
(59)  
(64)

(57) *Nature of goods*— Printed matter, newspapers, reviews, periodicals and publications; documentation for use in relation to financial, banking and insurance services; books, paper and cardboard and goods made from these materials; instructions and teaching manuals; photographs; stationery.

(73) *Name of applicant*— The Standard Bank of South Africa Ltd.

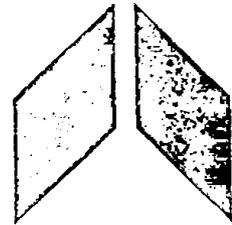
(77) *Address*— Standard Bank Centre, 6 Simmonds Street, Johannesburg, Gauteng, South Africa.

(74) *C/o. Sengendo & Co. Advocates, P.O. Box 6914, Kampala, Uganda.*

(22) *Date of filing application*— 27th February, 2006.

(21) APPLICATION NO. 28539 IN PART "A".

(52) Class 29.  
(54)



(53)  
(59)  
(64)

(57) *Nature of goods*— Edible oils, fats, ghee, margarine, butter, soup products, milk and dairy products, flavoured milk, milk shakes, meat, fish, poultry and game, meat extracts, preserved, dried, and cooked fruits and vegetables, jellies, jams, compotes, eggs; snack food items included in Class 29.

(73) *Name of applicant*— International Foodstuffs Co.

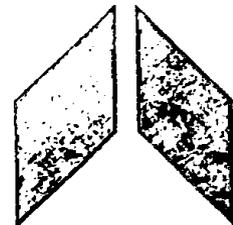
(77) *Address*— Al Wahda Street, Industrial Area No. 1, P.O. Box 4115, Sharjah, United Arab Emirates.

(74) *C/o. Sengendo & Co. Advocates, P.O. Box 6914, Kampala, Uganda.*

(22) *Date of filing application*— 27th February, 2006.

(21) APPLICATION NO. 28538 IN PART "A".

(52) Class 30.  
(54)



(53)  
(59)  
(64)

(57) *Nature of goods*— Chocolates and chocolate confectionery products, sugar confectionery products, candies, biscuits (all types), pasta, macaroni, noodles, spaghetti, vermicelli, ice creams, yeast, baking powder, and other bakery ingredients, salad dressings, mayonnaise, vinegar, ketchup, sauces (condiments), ices, ready to cook dough products, frozen dough, frozen pastries, coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee, bread, pastry, honey, treacle, ices, salt, mustard flour and other such products made from cereals.

(73) *Name of applicant*— International Foodstuffs Co.

(77) *Address*— Al Wahda Street, Industrial Area No. 1, P.O. Box 4115, Sharjah, United Arab Emirates.

(74) *C/o. Sengendo & Co. Advocates, P.O. Box 6914, Kampala, Uganda.*

(22) *Date of filing application*— 27th February, 2006.

(21) APPLICATION NO. 28493 IN PART "A".

(52) Class 5.  
(54)

## AVEXITE

(53)  
(59)  
(64)

- (57) *Nature of goods*— Pharmaceutical preparations and substances.
- (73) *Name of applicant*— Tibotec Pharmaceuticals Ltd.
- (77) *Address*— Little Islands, County Cork, Ireland.
- (74) *C/o.* Sengendo & Co. Advocates, P.O. Box 6914, Kampala, Uganda.
- (22) *Date of filing application*— 15th February, 2006.

(21) APPLICATION NO. 28494 IN PART "A".  
 (52) Class 5.  
 (54)

## EXDARUS

- (53)
- (59)
- (64)
- (57) *Nature of goods*— Pharmaceutical preparations and substances.
- (73) *Name of applicant*— Tibotec Pharmaceuticals Ltd.
- (77) *Address*— Little Islands, County Cork, Ireland.
- (74) *C/o.* Sengendo & Co. Advocates, P.O. Box 6914, Kampala, Uganda.
- (22) *Date of filing application*— 15th February, 2006.

(21) APPLICATION NO. 28496 IN PART "A".  
 (52) Class 5.  
 (54)

## LIATUDE

- (53)
- (59)
- (64)
- (57) *Nature of goods*— Pharmaceutical preparations and substances.
- (73) *Name of applicant*— Tibotec Pharmaceuticals Ltd.
- (77) *Address*— Little Islands, County Cork, Ireland.
- (74) *C/o.* Sengendo & Co. Advocates, P.O. Box 6914, Kampala, Uganda.
- (22) *Date of filing application*— 15th February, 2006.

(21) APPLICATION NO. 28610 IN PART "A".  
 (52) Class 5.  
 (54)

## BARACLUDE

- (53)
- (59)
- (64)
- (57) *Nature of goods*— Pharmaceutical preparations.
- (73) *Name of applicant*— Bristol-Myers Squibb Company.
- (77) *Address*— 345 Park Avenue, New York, New York 10154, United States of America.
- (74) *C/o.* Sengendo & Co. Advocates, P.O. Box 6914, Kampala, Uganda.
- (22) *Date of filing application*— 23rd March, 2006.

(21) APPLICATION NO. 27425 IN PART "A".  
 (52) Class 5.  
 (54)

## DALAZIN

- (53)
- (59)
- (64)
- (57) *Nature of goods*— All goods included in class 5.
- (73) *Name of applicant*— Medreich Limited PLC.
- (77) *Address*— 9 Royal Parade Kew Gardens Surrey TW 93QD.
- (74) *C/o.* Muwanguzi, Zziwa & Musisi Advocates, Kampala.
- (22) *Date of filing application*— 24th February, 2005.

(21) APPLICATION NO. 27426 IN PART "A".  
 (52) Class 5.  
 (54)

## DOCANE

- (53)
- (59)
- (64)
- (57) *Nature of goods*— All goods included in class 5.
- (73) *Name of applicant*— Medreich Limited PLC.
- (77) *Address*— 9 Royal Parade Kew Gardens Surrey TW 93QD.
- (74) *C/o.* Muwanguzi, Zziwa & Musisi Advocates, Kampala.
- (22) *Date of filing application*— 24th February, 2005.

(21) APPLICATION NO. 27422 IN PART "A".  
 (52) Class 5.  
 (54)

## APETI

- (53)
- (59)
- (64)
- (57) *Nature of goods*— All goods included in class 5.
- (73) *Name of applicant*— Medreich Limited PLC.
- (77) *Address*— 9 Royal Parade Kew Gardens Surrey TW 93QD.
- (74) *C/o.* Muwanguzi, Zziwa & Musisi Advocates, Kampala.
- (22) *Date of filing application*— 24th February, 2005.

(21) APPLICATION NO. 27423 IN PART "A".  
 (52) Class 5.  
 (54)

## BALABON

- (53)
- (59)
- (64)
- (57) *Nature of goods*— All goods included in class 5.
- (73) *Name of applicant*— Medreich Limited PLC.
- (77) *Address*— 9 Royal Parade Kew Gardens Surrey TW 93QD.
- (74) *C/o.* Muwanguzi, Zziwa & Musisi Advocates, Kampala.
- (22) *Date of filing application*— 24th February, 2005.

(21) APPLICATION NO. 27424 IN PART "A".  
 (52) Class 5.  
 (54)

## CILVIR

- (53)
- (59)
- (64)
- (57) *Nature of goods*— All goods included in class 5.
- (73) *Name of applicant*— Medreich Limited PLC.
- (77) *Address*— 9 Royal Parade Kew Gardens Surrey TW 93QD.
- (74) *C/o.* Muwanguzi, Zziwa & Musisi Advocates, Kampala.
- (22) *Date of filing application*— 24th February, 2005.

(21) APPLICATION NO. 27427 IN PART "A".  
 (52) Class 5.  
 (54)

## GYTON

- (53)
- (59)
- (64)
- (57) *Nature of goods*— All goods included in class 5.
- (73) *Name of applicant*— Medreich Limited PLC.
- (77) *Address*— 9 Royal Parade Kew Gardens Surrey TW 93QD.

(74) C/o. Muwanguzi, Zziwa & Musisi Advocates, Kampala.

(22) *Date of filing application*— 24th February, 2005.

(21) APPLICATION NO. 27428 IN PART "A".

(52) Class 5.

(54)

## HYCIN

(53)

(59)

(64)

(57) *Nature of goods*— All goods included in class 5.

(73) *Name of applicant*— Medreich Limited PLC.

(77) *Address*— 9 Royal Parade Kew Gardens Surrey TW 93QD.

(74) C/o. Muwanguzi, Zziwa & Musisi Advocates, Kampala.

(22) *Date of filing application*— 24th February, 2005.

(21) APPLICATION NO. 27429 IN PART "A".

(52) Class 5.

(54)

## KLOVIR

(53)

(59)

(64)

(57) *Nature of goods*— All goods included in class 5.

(73) *Name of applicant*— Medreich Limited PLC.

(77) *Address*— 9 Royal Parade Kew Gardens Surrey TW 93QD.

(74) C/o. Muwanguzi, Zziwa & Musisi Advocates, Kampala.

(22) *Date of filing application*— 24th February, 2005.

(21) APPLICATION NO. 27430 IN PART "A".

(52) Class 5.

(54)

## LANERD

(53)

(59)

(64)

(57) *Nature of goods*— All goods included in class 5.

(73) *Name of applicant*— Medreich Limited PLC.

(77) *Address*— 9 Royal Parade Kew Gardens Surrey TW 93QD.

(74) C/o. Muwanguzi, Zziwa & Musisi Advocates, Kampala.

(22) *Date of filing application*— 24th February, 2005.

(21) APPLICATION NO. 27431 IN PART "A".

(52) Class 5.

(54)

## MOFIN

(53)

(59)

(64)

(57) *Nature of goods*— All goods included in class 5.

(73) *Name of applicant*— Medreich Limited PLC.

(77) *Address*— 9 Royal Parade Kew Gardens Surrey TW 93QD.

(74) C/o. Muwanguzi, Zziwa & Musisi Advocates, Kampala.

(22) *Date of filing application*— 24th February, 2005.

(21) APPLICATION NO. 27432 IN PART "A".

(52) Class 5.

(54)

## OSTIG

(53)

(59)

(64)

(57) *Nature of goods*— All goods included in class 5.

(73) *Name of applicant*— Medreich Limited PLC.

(77) *Address*— 9 Royal Parade Kew Gardens Surrey TW 93QD.

(74) C/o. Muwanguzi, Zziwa & Musisi Advocates, Kampala.

(22) *Date of filing application*— 24th February, 2005.

(21) APPLICATION NO. 27433 IN PART "A".

(52) Class 5.

(54)

## PHEXIN

(53)

(59)

(64)

(57) *Nature of goods*— All goods included in class 5.

(73) *Name of applicant*— Medreich Limited PLC.

(77) *Address*— 9 Royal Parade Kew Gardens Surrey TW 93QD.

(74) C/o. Muwanguzi, Zziwa & Musisi Advocates, Kampala.

(22) *Date of filing application*— 24th February, 2005.

Kampala, KYOMUGASHO MERCY KENTARO.  
6th June, 2006. *Assistant Registrar of Trade Marks.*

## ADVERTISEMENTS

### THE REGISTRATION OF TITLES ACT.

(Cap. 230).

#### NOTICE.

#### ISSUE OF SPECIAL CERTIFICATE OF TITLE.

*Leasehold Register*—Volume 2964 Folio 4 Plot 9 Kakiika Road, Mbarara.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Bakatonda Nazario of P.O. Box 545, Mbarara, a special Certificate of Title under the above Volume and Folio, the Certificate of Title which was originally issued having been lost.

Kampala, GODLIVE NAYEBARE.  
5th June, 2006. *for Ag. Commissioner Land Registration.*

### THE REGISTRATION OF TITLES ACT.

(Cap. 230).

#### NOTICE.

#### ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyaggwe Block 135 Plot 19, Area: 4.05 Hectares at Kasazi.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Achom Veronica of P.O. Box 370, Entebbe, a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Mukono, CHRISTINE NAMIREMBE KATENDE.  
4th May, 2006. *for Ag. Commissioner Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

## NOTICE.

## ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Busiro Block 276 Plot 74 at Naluvule.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Francis Magembe Byaruhanga of P.O. Box 6960, Kampala, a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Kampala, GODLIVE NAYEBARE,  
2nd June, 2006. *for Ag. Commissioner Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

## NOTICE.

## ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Busiro Block 276 Plot 73 at Naluvule.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Francis Magembe Byaruhanga of P.O. Box 6960, Kampala, a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Kampala, GODLIVE NAYEBARE,  
2nd June, 2006. *for Ag. Commissioner Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

## NOTICE.

## ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyaggwe Block 116 Plot 305, Area: 0.206 Hectares at Namumira.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Constance Nabyonga of Namumira-Kyaggwe, a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Mukono, CHRISTINE NAMIREMBE KATENDE,  
30th May, 2006. *for Ag. Commissioner Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

## NOTICE.

## ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Busiro Block 376 Plot 298, Approx. 0.070 of a Hectare at Katala.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Harriet Rosette Babalanda Falk, Patrick Christian Falk and Luck Clement Ochieng of P.O. Box 8263, Kampala, a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Kampala, DDAMULIRA AHMED,  
24th January, 2006. *for Ag. Commissioner Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

## NOTICE.

## ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyaggwe Block 116 Plot 303, Area: 0.202 Hectares at Namumira.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of E. Ndwaddewazibwa of Namumira-Kyaggwe, a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Mukono, CHRISTINE NAMIREMBE KATENDE,  
30th May, 2006. *for Ag. Commissioner Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

## NOTICE.

## ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 248 Plot 307, Approx. 0.13 of a Hectare at Kauku.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Kawuku Properties Limited of P.O. Box 3843, Kampala, a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Kampala, MUHEREZA EDWIN K.B.,  
1st June, 2006. *for Ag. Commissioner Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

## NOTICE.

## ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 266 Plot 250.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Nabukalu Eluminanta Nantege Harriet; Kyebuzibwa Marlon and Nassimbwa Cate (Administrators of the Estate of the Late Kayongo Drake, Admin. Cause No. HCT-OO-CV-AC-585/05 of the High Court of Uganda), a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Kampala, DDAMULIRA AHMED,  
30th May, 2006. *for Ag. Commissioner Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

## NOTICE.

## ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kibuga Block 8 Plot 611, Approx. 0.25 Acres at Rubaga.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Francis Luswa Luyimbazi of P.O. Box 973, Kampala, a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Kampala, MUHEREZA EDWIN K.B.,  
1st June, 2006. *for Ag. Commissioner Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

## NOTICE.

## ISSUE OF SPECIAL CERTIFICATE OF TITLE.

*Leasehold Register*—Volume 391 Folio 2 Plot No. 13 and 17, Grant Street Masaka.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Mwagalanyi & Company Limited of P.O. Box 78, Masaka, a special Certificate of Title under the above Volume and Folio, the Certificate of Title which was originally issued having been lost.

Kampala, NAMUTEBI VERONICA,  
6th June, 2006. *for Ag. Commissioner Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

## NOTICE.

## ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Burahya Block 10 Plot 28, at Kitwe and Kyaitama.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Efuraimu Kyamulesire of P.O. Box 852, Fort-Portal, a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Fort Portal, G.K. MPAKA,  
8th May, 2006. *for Ag. Commissioner Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

## NOTICE.

## ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 244 Plot 169 at Muyenga.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of George Kyalingonza, a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Kampala, VERONICA NAMUTEBI,  
30th May, 2006. *for Ag. Commissioner Land Registration.*

## DEED POLL

Let it be known by the whole world that by this Deed which I intend to be registered with the Registrar of Documents of the Republic of Uganda, I Kibirige Hassan the undersigned of P.O. Box 14349, Kampala, a citizen of the Republic of Uganda formerly known as Kibirige Charles Martin, shall from the date of this Deed Poll, be known and called Kibirige Hassan and shall from now hence forth sign all Documents in the name of Kibirige Hassan and all future deeds, agreements and addresses shall be fully signed and addressed in the said name of Kibirige Hassan.

In witness hereof, I have hereto written and signed my said name Kibirige Hassan this 26th day of May, 2006.

Signed at Mbale before me this 26th day of May, 2006.

KIBIRIGE HASSAN,  
*Renouncer/Declarant.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

## NOTICE.

## ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 208 Plots 1608 and 1610.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Musa Kasule, a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Kampala, DDAMULIRA AHMED,  
5th April, 2006. *for Ag. Commissioner Land Registration.*

## DEED POLL

By this Deed Poll, I Abdi Joseph of P.O. Box 2293, Kampala, Uganda, formerly known as Emunu Vien do hereby absolutely renounce, abandon and discard the use of my former name Emunu Vien and in lieu thereof from now onwards adopt and take on the use of the name Abdi Joseph and henceforth I shall be known as Abdi Joseph and in pursuance of such change of names as aforesaid, I hereby declare that I shall at all material times hereinafter in all records, deeds and instruments in writing and in dealings, transaction and all occasions whatsoever, when my names shall be required or used, sign and style myself by the names Abdi Joseph and however, all documents, instruments and matters preceding this deed poll bearing the former names mentioned hereinbefore shall remain valid, and be construed to read, Abdi Joseph instead of my former names hereby renounced.

In witness whereof I have hereunder signed and subscribed to my names Abdi Joseph.

DATED at Kampala this 30th day of May, the year 2006

ABDI JOSEPH  
*Renouncer*

## THE BIRTHS AND DEATHS REGISTRATION ACT.

CAP. 309

(ACT NO. 28 OF 1970)

## DEED POLL—NOTICE OF CHANGE OF NAME

Know ye all persons by this Deed Poll that, I Kirabo Sharon of C/o. P.O. Box 7166, Kampala, Ugandan Citizen by birth formerly and lately known as Asiimwe Kirabo Sharon do hereby formerly and absolutely renounce, abandon and relinquish the name or the use of the name of Asiimwe Kirabo Sharon and in lieu thereof I hereby adopt and assume as from the 10th day of April, 2006 the name of Kirabo Sharon as my proper full name.

And in pursuance of such change of name as aforesaid I hereby declare that as from the said 10th day of April, 2006 and all items thereafter in all times, deeds, records and proceedings as well as in all dealings, transactions and matters and all occasions whatsoever the said name of Kirabo Sharon shall be used and subscribed in lieu of my former name of Asiimwe Kirabo Sharon.

And I hereby authorise and require all persons who ever describe me, designate me and address me at all times by such assumed and adopted name of Kirabo Sharon.

In witness whereof I have hereto subscribed and signed my adopted and assumed name of Kirabo Sharon.

Declared at Kampala this 10th day of April, 2006.

KIRABO SHARON  
*Declarant/Renouncer*

**ACTS SUPPLEMENT**

*to The Uganda Gazette No. 36 Volume XCVIX dated 8th June, 2006.*

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**Act 5** *Uganda Industrial  
Research Institute Act* **2006**

THE UGANDA INDUSTRIAL RESEARCH INSTITUTE  
ACT, 2003.

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ARRANGEMENT OF SECTIONS

*Section.*

PART I—PRELIMINARY.

1. Short title.
2. Interpretation.

PART II—ESTABLISHMENT, OBJECTS AND FUNCTIONS  
OF THE INSTITUTE.

3. Establishment of the Institute.
4. Objectives of the Institute.
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PART III—THE BOARD OF THE INSTITUTE.

6. Board of the Institute.
7. Functions, powers and duties of the Board.
8. Meetings of the Board.
9. Tenure of office of members of the Board.
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PART IV—MANAGEMENT AND STAFF OF THE INSTITUTE.

11. Executive Director and Deputy Executive Director.
12. Functions of the Executive Director and Deputy Executive Director.
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*Section.*

PART V—FINANCIAL PROVISIONS.

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17. Accounts.
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PART VI—MISCELLANEOUS.

20. Protection of Board members and staff from personal liability.
21. Annual Report.
22. Regulations.
23. Common Seal of the Institute and executors of contracts, *etc.*
24. Service of documents.
25. Amendment of Schedule.

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**SCHEDULES.**

FIRST SCHEDULE

Membership of Board.

SECOND SCHEDULE

Meetings of Board.

**THE UGANDA INDUSTRIAL RESEARCH INSTITUTE  
ACT, 2003.**

**An Act to provide for the establishment of the Uganda Industrial Research Institute (UIRI), to provide for its functions, its management and finances and for other connected matters.**

DATE OF ASSENT: 30th July, 2003.

*Date of commencement:* 8th June, 2006.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.

1. This Act may be cited as the Uganda Industrial Research Institute Act, 2003. Short title.

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

“applied industrial research” means research undertaken to create utility of science and technology for application in industrial development;

“Board” means the Board established under section 6 of this Act;

“Institute” means the Uganda Industrial Research Institute established under section 3 of this Act;

“Minister” means the Minister responsible for industry.

PART II—ESTABLISHMENT, OBJECTS AND FUNCTIONS  
OF THE INSTITUTE.

Establishment of the Institute.

3. (1) There is established the Uganda Industrial Research Institute.

(2) The Institute shall be a body corporate with perpetual succession and a common seal, and shall be capable of suing or being sued in its corporate name.

(3) The Institute may, for the purpose of carrying out functions under this Act, purchase, hold, manage and dispose of any property whether movable or immovable and may enter into any contract and other transaction as may be expedient and may do or suffer any other act or thing that a body corporate may lawfully do or suffer.

Objectives of the Institute.

4. The objectives of the Institute are—

(a) to undertake applied industrial research; and

(b) to develop and acquire appropriate technology in order to create a strong, effective and competitive sustainable industrial sector for the rapid industrialisation of Uganda.

Functions of the Institute.

5. For the attainment of its objectives under section 4, the Institute will perform the following functions—

- (a) identify and develop appropriate processes and product technologies for the exploitation of natural resources;
- (b) upgrade and strengthen the existing indigenous technologies through basic and applied research;
- (c) set up demonstration plants to illustrate the benefits of new technologies;
- (d) design, develop and adapt machinery, tools, equipment and instruments suitable for rural areas;
- (e) develop suitable recovery processes and devices to reduce environmental hazards created by agricultural and industrial wastes;
- (f) maintain a comprehensive data bank in industrial research, technologies, materials and products;
- (g) facilitate the provision of technical advice to existing enterprises in order to improve their operations;
- (h) provide research findings to entrepreneurs to assist them in setting up new investment projects;
- (i) collaborate, affiliate and/or associate with, any body or organisation, whether in Uganda or elsewhere which has objectives similar to those of the Institute;
- (j) perform such other functions that may be assigned for the attainment of the Institute's objectives under this Act; and
- (k) serve as a production technology reference centre.

## PART III—BOARD OF THE INSTITUTE.

Board of the  
Institute.

**6.** (1) The governing body of the Institute shall be a Board consisting of the members specified in the First Schedule to this Act.

(2) The Chairperson, and the two members from the private sector specified in the Schedule shall be appointed by the Minister and shall be persons who in the opinion of the Minister, are persons of high integrity and who qualify to be appointed by virtue of their knowledge, qualifications and experience in industrial research, product development, marketing or other related fields.

(3) The Minister shall, in consultation with the Ministry responsible for finance, by regulations, determine the terms and conditions of service of members of the Board.

Functions,  
powers and  
duties of the  
Board.

**7.** Subject to the provisions of this Act, the Board shall be responsible for—

- (a) the general direction and supervision of the Institute;
- (b) the implementation of its objectives and performance of its functions;
- (c) the management of its property, business, income, funds, and any other concerns and affairs; and
- (d) the appointment, control, discipline and removal from office of its employees.

Meetings of  
the Board.

**8.** The provisions of the Second Schedule to this Act shall apply to the meetings and proceedings of the Board.

Tenure of  
office of  
members of  
the Board.

**9.** (1) A person shall cease to be a member of the Board where he or she—

- (a) is representing a Ministry, Department or Institute and is removed by that Ministry, Department or Institute; or

- (b) was appointed by the Minister and has not been reappointed to serve another term;
- (c) was appointed by the Minister and has served for two consecutive terms of three years each; or
- (d) tenders in his or her resignation in writing to the appointing authority;
- (e) is removed by the Minister on the recommendation of the Board on any of the following grounds—
  - (i) inability to discharge the functions of his or her office arising out of infirmity of mind or body;
  - (ii) incompetence; or
  - (iii) misconduct or misbehaviour;

(2) Where a person is removed by—

- (a) the Ministry, Department or Institute that appointed him or her, that Ministry or Department or Institute shall appoint another person to fill the vacancy;
- (b) the Minister under paragraph (b) or (c) of subsection (1), the Minister shall appoint another person to be a member in his or her place.

**10.** (1) The Board may, for the efficient performance of its functions—

Committees  
of the  
Board.

- (a) appoint committees consisting of such a number of its members as the Board deems fit;
- (b) co-opt any person onto any committee appointed under this section.

(2) Subject to any direction given by the Board, a committee appointed under this section may regulate its own procedure.

PART IV—MANAGEMENT AND STAFF OF THE INSTITUTE.

Executive  
Director and  
Deputy  
Executive  
Director.

**11.** (1) The Minister shall, on the recommendation of the Board, appoint on contract the Executive Director, and Deputy Executive Director of the Institute.

(2) The Executive Director and the Deputy Executive Director shall each hold office for a term of four years on such terms and conditions as the Board may specify in the instrument of appointment.

(3) The contracts of the Executive Director or Deputy Executive Director may be renewed by the Minister on the recommendation of the Board.

(4) The Executive Director or the Deputy Executive Director shall cease to hold office if—

(a) he or she resigns; or

(b) he or she is removed from office by the Board for—

(i) gross misconduct;

(ii) inability to discharge the functions of his or her office; or

(iii) causing financial loss to the Institute.

(5) The Executive Director or the Deputy Executive Director removed from office under paragraph (b) (iii) of subsection (4), shall be liable to prosecution and upon conviction shall lose his or her terminal benefits.

12. (1) The Executive Director shall be the chief administrative officer of the Institute and shall be responsible for the day-to-day operations of the Institute.

Functions of the Executive Director and Deputy Executive Director.

(2) The Executive Director shall be responsible to the Board.

(3) Subject to the provisions of this Act and the general supervision and control of the Board, the Executive Director shall be the accounting officer of the Institute.

(4) The Executive Director shall keep the Board informed on the progress and activities of the Institute.

(5) The Deputy Executive Director shall deputise the Executive Director in the performance of his or her functions.

13. The Board shall appoint the other staff of the Institute on such terms and conditions as the Board may determine.

Other Staff.

PART V—FINANCIAL PROVISIONS.

14. (1) The funds of the Institute shall consist of—

Funds of the Institute.

- (a) moneys appropriated each year by Parliament for the purposes of the Institute;
- (b) grants and loans from Government or any person, authority or organisation;
- (c) fees derived from the activities of the Institute; and
- (d) any other money that may be received by or made available to the Institute with the approval of the Minister.

(2) All moneys of the Institute shall be deposited in a bank approved by the Board and shall not be withdrawn except with the approval of and in the manner determined by the Board.

(3) The Institute may, with the written approval of the Minister, invest any of its funds not immediately required for any of its functions.

Borrowing  
Powers.

**15.** (1) The Institute may, with the prior approval of the Minister, obtain loans and other credit facilities required for meeting its obligations and for carrying out its objects and functions under this Act.

(2) The Institute may, borrow by way of overdraft or otherwise any sums required for meeting current obligations of the Institute for discharging its functions.

(3) Subject to article 159 of the Constitution, a loan or credit facility obtained by the Institute under this section may, with prior approval of the Minister, be guaranteed by the Government and when so guaranteed, the principal sum and interest of the loan shall be a charge on the Consolidated Fund.

Estimates.

**16.** (1) The Institute shall, within three months before the commencement of each financial year, prepare and submit to the Minister for approval by the Minister responsible for finance, estimates of income and expenditure of the Institute for the next ensuing financial year; and where it becomes necessary at any time before the end of a financial year, prepare and submit to the Minister for similar approval, supplementary estimates for that financial year.

(2) No expenditure shall be made out of the funds of the Institute unless that expenditure is part of the expenditure approved under subsection (1) under the estimates for the financial year in which the expenditure is to be made or in any supplementary estimates for that year.

Accounts.

**17.** (1) The Institute shall keep proper books of accounts of all its income and expenditure and proper records in relation to them.

(2) Subject to any directions given by the Minister, the Board shall cause to be prepared in respect of each financial year and not later than three months after the close of the financial year, a statement of accounts which shall include a report on the performance of the Institute during that financial year and the statement shall comprise—

- (a) a balance sheet and a statement of income and expenditure of the Institute in respect of that financial year; and
- (b) any other information in respect of the financial affairs of the Institute as the Minister may in writing require.

**18.** (1) The accounts of the Institute shall, in respect of each financial year, be audited by the Auditor-General or by an auditor appointed by the Auditor-General. Audit.

(2) The Board shall ensure that within four months after the close of each financial year, the statement of accounts described in section 17 of this Act is submitted for auditing under this section.

(3) The Auditor-General and any auditor appointed by him or her shall have access to all books of accounts, vouchers and other financial records of the Institute and is entitled to have any information and explanations required by him or her in relation to them as he or she may think fit.

(4) The Auditor-General shall, within two months after receipt of the statement of accounts under subsection (2) of this section, audit the accounts and deliver to the Board a copy of the audited accounts together with his or her report on them stating any matter which in his or her opinion should be brought to the attention of the Minister.

(5) The Board, shall as soon as possible upon receiving it, deliver to the Minister a copy of the audited accounts together with the auditor's report under subsection (4) of this section.

Financial year of the Institute.

**19.** The financial year of the Institute shall be the period of twelve months beginning from the 1st day of July and ending on the 30th day of June in the year following; except that the first financial year of the Institute shall be the period commencing with the commencement of this Act and ending with the 30th day of June next following.

#### PART VI—MISCELLANEOUS.

Protection of Board members and staff from personal liability.

**20.** (1) A Board member, an employee, or other person acting on behalf of the Institute shall not be personally liable for any act done by him or her in good faith without negligence for the purpose of carrying into effect the provisions of this Act.

Annual Report.

**21.** The Board shall, within four months after the end of each financial year, submit to the Minister a report of the activities of the Institute in respect of that financial year.

Regulations.

**22.** The Minister may, in consultation with the Board, by statutory instrument, make regulations generally for the implementation of this Act.

Common Seal of the Institute and executors of contracts, etc.

**23.** (1) The common seal of the Institute shall be such device as the Board may determine and shall be kept in the custody of the Executive Director.

(2) The common seal of the Institute shall not be affixed on any document except in accordance with a resolution of the Board, and shall be authenticated by the signatures of the Chairperson and the Executive Director.

(3) In the absence of the Chairperson, any other Board member shall be designated by the Board to authenticate the common seal in place of the Chairperson.

(4) The signatures of the Chairperson, and the Executive Director under this section need not be witnessed by any other person.

(5) Every document purporting to be an instrument issued by the Institute and sealed with the common seal of the Institute, authenticated in the manner prescribed in this section shall be received in evidence without further proof as such an instrument duly issued or a contract or instrument duly entered into or executed as the case may be, unless the contrary is proved.

**24.** Without prejudice to any other law relating to the service of documents, a document required to be served on the Institute may be served by delivering it at the office of the Executive Director.

Service of documents.

**25.** The Minister may, in consultation with the Board, by statutory instrument, amend the Schedules to this Act.

Amendment of Schedule.

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**SCHEDULES.**

## FIRST SCHEDULE.

## MEMBERSHIP OF THE BOARD.

SECTIONS 6 AND 25.

The Board shall consist of—

- (a) a Chairperson;
- (b) two members, at least one of whom shall be a woman from the private sector appointed by the Minister, who, in his or her opinion, are persons of high integrity and who qualify to be appointed by virtue of their knowledge, qualifications and experience in industrial research, product development, marketing or other related fields;
- (c) the Commissioner for Industry and Technology;
- (d) the Director for Gender and Culture, Ministry responsible for Gender, Labour and Social Development;
- (e) the Director General, National Agricultural Research Organisation;
- (f) the Executive Director, Uganda National Bureau of Standards;
- (g) the Executive Secretary, Uganda National Council for Science and Technology;
- (h) the Executive Director, National Environment Management Authority;
- (i) the Representative from the Ministry responsible for finance;
- (j) a Representative from the National Council for Higher Education;
- (k) the Executive Director of the Institute who shall be the Secretary to the Board.

SECOND SCHEDULE.

SECTIONS 8 AND 25

MEETINGS OF BOARD.

1. (1) The Board shall ordinarily meet for the discharge of business at least once in every three months at such times and places as the Chairperson may determine.

Meetings of  
the Board.

(2) The Chairperson shall also summon a special meeting of the Board upon a request made in writing by not less than six members of the Board.

(3) The Executive Director shall, where the Chairperson is absent, summon a meeting of the Board upon a request made in writing by not less than six members of the Board.

(4) Six members of the Board shall form a quorum at any meeting of the Board.

2. (1) The Chairperson shall preside at all meetings of the Board and in his or her absence a member elected by the members present from among their number shall preside.

Proceedings  
of the  
Board.

(2) A question proposed at any meeting of the Board shall be determined by a simple majority of the members present by voting and where there is an equality of votes, the person presiding at the meeting shall have a second or casting vote.

(3) The Board may co-opt any person who is not a member to attend any of its meetings as an advisor and that person may speak at the meeting on any matter in relation to which his or her advice is sought but shall not have the right to vote on any matter coming for decision before the meeting.

(4) Except as otherwise expressly stated in this Act, the Board may regulate its own procedure.

(5) The quality of any proceedings of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

(6) The Executive Director shall keep or cause to be kept the minutes of every meeting of the Board.

(7) The minutes recorded under this section shall be submitted to the Board for confirmation at its next meeting following that to which the minutes relate and when so confirmed, shall be signed by the Chairperson in the presence of the other members.

**ACTS SUPPLEMENT**

*to The Uganda Gazette No. 36 Volume XCVIX dated 8th June, 2006.*

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**Act 6**

*Employment Act*

**2006**

**THE EMPLOYMENT ACT, 2006**

**ARRANGEMENT OF SECTIONS**

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**THE EMPLOYMENT ACT, 2006.**

**An Act to revise and consolidate the laws governing individual employment relationships, and to provide for other connected matters.**

DATE OF ASSENT: 24th May, 2006.

*Date of Commencement:* See Section 1.

BE IT ENACTED by Parliament as follows:

**PART I—PRELIMINARY****1. Commencement**

This Act shall come into force on a date to be appointed by the Minister by statutory instrument.

**2. Interpretation**

In this Act, unless the context otherwise requires—

“affiliated union” means any Labour Union affiliated to a Federation of Labour Unions;

“business” includes any trade, profession, undertaking, operation or establishment, whether public, co-operative or private;

“casual employee” means a person who works on a daily or hourly basis where payment of wages is due at the completion of each day’s work;

“child” means a person below the age of eighteen years;

“Commissioner” means the Commissioner in the Ministry responsible for labour;

“continuous service” means an employee’s service with the same employer as defined in Part VIII;

“contract of apprenticeship” means a contract of service—

(a) where there is an obligation on the employer to take all reasonable steps to ensure that the employee is taught, and acquires, the knowledge and skills of that industry, by means of practical training received in the course of the employee’s employment; and

(b) where there is a provision for formal recognition of the fact that the employee has acquired the knowledge and skills, intended to be acquired when the employee has done so;

“contract of service” means any contract, whether oral or in writing, whether express or implied, where a person agrees in return for remuneration, to work for an employer and includes a contract of apprenticeship;

“currency point” means the value specified in relation to currency point in Schedule 2;

“dependent relative” means a member of an employee’s family who substantially depends on that employee for his or her livelihood;

“disability” means any permanent—

- (a) physical disability or impairment;
- (b) physical illness;
- (c) psychiatric illness;
- (d) intellectual or psychological disability or impairment;
- (e) loss or abnormality of physiological, psychological or anatomical structural function;
- (f) reliance on a guide dog, wheelchair, or any other remedial means; and
- (g) presence in the body of organisms capable of causing illness;

“Disciplinary Code” means the code set out in Schedule 1;

“dismissal from employment” means the discharge of an employee from employment at the initiative of his or her employer when the said employee has committed verifiable misconduct;

“employee” means any person who has entered into a contract of service or an apprenticeship contract, including, without limitation, any person who is employed by or for the Government of Uganda, including the Uganda Public Service, a local authority or a parastatal organisation but excludes a member of the Uganda Peoples’ Defence Forces.

“employer” means any person or group of persons, including a company or corporation, a public, regional or local authority, a governing body of an unincorporated association, a partnership, parastatal organisation or other institution or organisation whatsoever, for whom an employee works or has worked, or normally worked or sought to work, under a contract of service, and includes the heirs, successors, assignees and, transferors of any person or group of persons for whom an employee works, has worked, or normally

works;

“forced and compulsory labour” means all work or service which is extracted from any person under the threat of a penalty, including the threat of any loss of rights or privileges and for which that person has not offered himself or herself voluntarily;

“HIV” means Human Immune-Deficiency Virus;

“Industrial Court” means the Industrial Court established by the Trade Disputes (Arbitration and Settlement) Act, 2006;

“labour officer” means the Commissioner or a District Labour officer;

“labour union” means a labour union registered under the Labour Unions Act, 2006;

“light work” means work that is not physically, mentally, and socially injurious to the child;

“migrant worker” means a person who migrates or has migrated from one country to another with a view to being employed by another person and includes any person regularly admitted as a migrant worker;

“mine” means any undertaking, whether public or private, for the extraction of any substance from on or under the surface of the earth by means involving the employment of persons underground;

“Minister” means the Minister responsible for labour matters;

“pay period” means the relevant period, whether of a day, week, fortnight or month by reference to which an employee is entitled to receive his or her wages;

“parties” means the parties to a contract of service;

“President” means the President of Uganda;

“probationary contract” means a contract of employment, which is not of more than six months duration, is in writing and

- expressly states that it is for a probationary period;
- “public service” means service by or for the Government of Uganda and includes persons employed in the public service, parastatal organisations and local authorities, but does not include a member of the Uganda Peoples’ Defence Forces;
- “qualified medical practitioner” means a Government medical officer or a registered medical practitioner;
- “recruitment” includes all operations undertaken with the object of obtaining or supplying the labour of persons who do not continuously offer their services at the place of employment;
- “regulations” means regulations made under section 97;
- “termination of employment” means the discharge of an employee from an employment at the initiative of the employer for justifiable reasons other than misconduct, such as, expiry of contract, attainment of retirement age, etc;
- “termination” has the meaning given by section 65;
- “union member” means a member of a Labour Union or other organisation representative of the interests of workers;
- “wages” means remuneration or earnings, however designated or calculated, capable of being expressed in terms of money and fixed by mutual agreement or by national laws or regulations, which are payable under an oral or written contract of service for work done or to be done, or for services rendered or to be rendered but excluding any contributions made or to be made by the employer in respect of his or her employee’s insurance, medical care, welfare, education, training, invalidity, retirement pension, post-service gratuity or severance allowance;

“week” means a period of seven consecutive days.

### **3. Application of the Act**

(1) Except as otherwise provided in this Act, this Act applies to all employees employed by an employer under a contract of service.

(2) This Act does not apply to—

(a) employers and their dependent relatives when dependant relatives are the only employees in a family undertaking, as long as the total number of dependent relatives does not exceed five; and

(b) the Uganda Peoples’ Defence Forces, other than their civilian employees.

(3) The Minister may, after consultation with the Labour Advisory Board and after taking due account of all Conventions and other international instruments ratified by Uganda, by regulations exclude from the application of all or part of this Act, limited categories of employed persons in respect of whom special problems of a substantial nature arise.

(4) The Minister may, after consultation with the Labour Advisory Board, by regulations exclude from the application of all or part of this Act, categories of employed persons whose terms and conditions of employment are governed by special arrangements, provided those arrangements afford protection that is equivalent to or better than the provisions of this Act from which those categories are being excluded.

(5) Except where the contrary is provided, nothing in this Act applies to employment outside Uganda.

### **4. Provisions in agreement**

Any provision in an agreement, or a contract of service shall be void

where it—

- (a) excludes or limits the operation of any provision of this Act to the detriment of the employee; or
- (b) precludes any person from—
  - (i) presenting a complaint under this Act to a labour officer;
  - (ii) initiating or enforcing any proceedings under this Act; or
  - (iii) giving evidence in connection with any such complaints or proceedings referred to in paragraphs (ii) and (iii) unless that provision forms part of a written agreement for the settlement of a dispute that has been approved by a labour officer as fair and reasonable in all the circumstances.

## PART II—GENERAL PRINCIPLES

### 5. **Forced labour**

- (1) No person shall use or assist any other person, in using forced or compulsory labour.
  - (2) The term “forced or compulsory labour “ does not include-
    - (a) any work or service extracted by virtue of compulsory military service laws for work of a purely military character;
    - (b) any work or service which forms part of the normal civic obligations of the citizens of Uganda;
    - (c) any work or service extracted from any person as a consequence of a conviction by a court of law, provided that the work or service is carried out under the supervision and control of a public authority and that the person is not hired out to or placed at the disposal of a

private individual, company or association;

- (d) any work or service extracted in cases of an emergency, such as in the event of war or disaster or threat of calamity in any circumstance that would endanger the existence or the well-being of the whole or part of the population.

(3) A person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding forty eight currency points or to two years imprisonment, or both and to a fine of four currency points for each day or part of the day on which the breach continues.

## **6. Discrimination in employment**

(1) In the interpretation and application of this Act it shall be the duty of all parties, including the Minister, labour officers and the Industrial Court to seek to promote equality of opportunity, with a view to eliminating any discrimination in employment.

(2) Without prejudice to subsection (1), in the interpretation and application of this Act, it shall be the duty of all parties, including the Minister, a labour officer and the Industrial Court, to promote and guarantee equality of opportunity for persons who, as migrant workers, or as members of their families, are lawfully within the territory of Uganda.

(3) Discrimination in employment shall be unlawful and for the purposes of this Act, discrimination includes any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, the HIV status or disability which has the effect of nullifying or impairing the treatment of a person in employment or occupation, or of preventing an employee from obtaining any benefit under a contract of service.

(4) Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements of that particular job

shall not be deemed to be discrimination.

(5) It shall be lawful for the Minister, by regulations to limit the range of jobs open to migrant workers.

(6) The Minister and the Labour Advisory Board shall, in performing their duties, seek to give effect to the principle of equal remuneration for male and female employees for work of equal value.

(7) Every employer shall pay male and female equal remuneration for work of equal value.

## **7. Sexual harassment in employment**

(1) An employee shall be sexually harassed in that employee's employment if that employee's employer, or a representative of that employer—

- (a) directly or indirectly makes a request of that employee for sexual intercourse, sexual contact or any other form of sexual activity that contains—
  - (i) an implied or express promise of preferential treatment in employment;
  - (ii) an implied or express threat of detrimental treatment in employment ;
  - (iii) an implied or express threat about the present or future employment status of the employee;
- (b) uses language whether written or spoken of a sexual nature;
- (c) uses visual material of a sexual nature; or
- (d) shows physical behaviour of a sexual nature.

which directly or indirectly subjects the employee to behaviour that is unwelcome or offensive to that employee and that, either by its nature or through repetition, has a detrimental effect on that employee's

employment, job performance, or job satisfaction.

(2) If an employee is sexually harassed in any way described in subsection(1) by the employer or employer's representative, the employee is entitled to lodge a complaint with a labour officer and the labour officer shall have the powers to make all of the orders he or she could have made if the complaint was a complaint about unjustified disciplinary penalty or unjustified dismissal.

(3) For purposes of this section, an employer's representative is a person who is employed by that employer, who either has authority over the employee alleging sexual harassment or is in a position of authority over other employees in the work place of the employee alleging sexual harassment.

(4) Every employer who employs more than twenty five employees is required to have in place measures to prevent sexual harassment occurring at their work place.

### PART III—ADMINISTRATION AND JURISDICTION

#### **8. Labour to Administer the Act**

(1) The administration of this Act shall be the responsibility of the Directorate of Labour acting under the authority of the Minister, as well as the local authorities as may be required under the Local Governments Act.

(2) The Commissioner may delegate on the request of a district to a district Labour Officer the exercise of any of his or her powers and the performance of any of his or her duties under this Act, generally or in part, and may revoke the delegation by written notice at any time.

#### **9. Appointment of officers**

(1) Subject to any written law relating to the appointment of a person to the public service, there shall be appointed a Commissioner who shall be responsible for the implementation of the provisions of this Act, acting under the directions of the Minister.

(2) Notice of the appointment of a Commissioner shall be

published in the *Gazette*.

(3) The Commissioner shall have all the powers of a labour officer including those set out in sections 11, 12, 14 and 15.

(4) Every District Service Commission shall appoint a district Labour Officer and such other officers, as may be necessary for purposes of administering this Act.

(5) For the avoidance of doubt, every district shall have at least one district Labour Officer.

## **10. Labour inspection**

(1) The provisions of this section are in addition to and not in derogation of any other powers or duties conferred or imposed on any person by this or any other Act.

(2) A labour officer is empowered to engage in labour inspection which shall include—

- (a) securing the enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work;
- (b) the supply of technical information and advice to employers, employees and their organisations concerning the most effective means of complying with the legal provisions; and
- (c) bringing to the notice of the Minister defects or abuses not specifically covered by existing legal provisions.

## **11. Powers of labour officer**

(1) A labour officer is empowered—

- (a) to enter freely and without previous notice at any hour of the

day or night, any work place for inspection;

- (b) to enter by day, any premises which he or she may have reasonable cause to believe to be liable to inspection; and
- (c) to carry out any examination, test or inquiry which he or she may consider necessary in order to satisfy himself or herself that the legal provisions are being strictly observed, and in particular—
  - (i) to question, alone or in the presence of witnesses, the employer or the staff of the undertaking, on any matters concerning the application of this Act ,or other legal provisions made under this Act;
  - (ii) to require the production of any books, registers or other documents the keeping of which is prescribed by law in order to ascertain whether they are in conformity with the legal provisions, and to copy those documents or make extracts from them;
  - (iii) to enforce the posting of notices required by law; and
  - (iv) to take or remove for purposes of analysis, samples of materials and substances used or handled, subject to the employer or his or her representative being notified of any samples or substances taken or removed for that purposes.

(2) Notwithstanding subsection (1), a labour officer shall, where he or she believes that there is a present or imminent danger to the health or safety of the workers, close the work place without the prior approval of the Commissioner except that the labour officer shall inform the Commissioner within forty eight hours of the closure of the work place.

(3) A labour officer may by order, and after the approval of the

Commissioner—

- (a) require an employer to remedy any defect in the plant layout or working methods which, in the opinion of the labour officer, constitutes a threat to the health or safety of the workers; and
- (b) close down a work place or discontinue any work process if he or she is of the opinion that there is imminent danger to the health or safety of the workers.

(4) An order made under subsection (2) and (3) shall be subject to appeal before the Industrial Court.

(5) Except where a labour officer considers it to be prejudicial to the performance of his or her duties, a labour officer shall notify the employer, or their representative immediately on his or her arrival at a working place, for purposes of an inspection visit.

(6) A labour officer acting in good faith is not liable for any loss or cause of action that may arise out of his or her carrying out of the provisions of this section.

## **12. Settlement of grievances**

(1) Where an employer neglects or refuses to fulfil the terms of a contract of employment, or where a complaint or a labour dispute arises as to the rights or liabilities of either party under a contract of employment or under this Act, the aggrieved party may report the matter to a labour officer.

(2) A labour officer shall on receipt of a report under subsection (1) resolve the matter by agreement between the parties, involving as much as is practically possible in the negotiations, the workers or the Labour Union that may be present at the aggrieved party's work place.

## **13. Labour officer's power to investigate and dispose of complaints**

(1) A labour officer to whom a complaint has been made under

this Act shall have the power to—

- (a) investigate the complaint and any defence put forward to such a complaint and to settle or attempt to settle any complaint made by way of conciliation, arbitration, adjudication or such procedure as he or she thinks appropriate and acceptable to the parties to the complaint with the involvement of any Labour Union present at the place of work of the complainant; and
- (b) require the attendance of any person as a witness or require the production of any document relating to the complaint after reasonable notice has been given;
- (c) hold hearings in order to establish whether a complaint is or is not well founded in accordance with this Act or any other law applicable and the labour officer shall, while conducting the hearing employ the most suitable means he or she considers best able to clarify the issues between the parties;
- (d) presume the complaint settled if the complainant fails to appear within a specified period; or
- (e) adjourn the hearing to another date.

(2) The labour officer shall, while exercising the powers under paragraph (a) state the reasons for his or her decision on a complaint.

#### **14. Labour officer's power to prosecute**

(1) A labour officer may institute civil or criminal proceedings before the Industrial Court in respect of a contravention or alleged contravention of this Act or regulations made under this Act, and may prosecute and appear in his or her own name in respect of the proceedings.

(2) The rules of evidence shall apply in any criminal proceedings under this Act, but shall not apply in any civil

proceedings before the Industrial Court.

### **15. Obstruction of officers**

A person commits an offence where he or she—

- (a) willfully delays or obstructs any labour officer in the exercise of any power, duty or function under this Act; or
- (b) fails to comply with any reasonable directions, order, requirement, request, demand or inquiry of a labour officer, made or given in pursuance of any power conferred upon the labour officer by this Act; or
- (c) conceals or otherwise prevents or attempts to conceal any person from appearing before, or being examined by a labour officer.

### **16. Criminal offences**

(1) A person who records or causes to be recorded wrong, inaccurate or deficient information in an employee's records of service, whether retained by the employer or communicated to a labour officer, with an intention to defraud the employee or the employer or any public authority, or who acts so as to conceal such fraudulent acts, commits an offence.

(2) It is an offence for an employer or employee to fail, without justifiable cause to reply to a labour officer's written request for information within a period of fourteen days from the time that request was received by the employer or the employee as the case may be.

(3) Where a court imposes a fine under this section, the court may order part of or all of the fine to be paid to an employee or employer, as the case may be, who has suffered loss as a consequence of the commission of the offence.

### **17. Conflict of interest**

A labour officer shall not place himself or herself in any position that

involves a conflict of interest.

### **18. A Labour officer not to reveal trade secrets**

A labour officer shall not reveal, during or after the period of his or her appointment, any manufacturing or commercial secrets or working processes or confidential information which come to his or her knowledge in the performance of his or her duties.

### **19. Returns and statistics**

The Commissioner may require an employer to furnish in writing returns and statistics, whether periodical or otherwise, of the number of employees, the rates of remuneration and any other conditions of service affecting such employment.

### **20. Annual report**

(1) The Commissioner shall publish an annual report of inspection services, covering the following matters—

- (a) developments with regard to relevant laws and regulations;
- (b) the staff under the jurisdiction of the Commissioner;
- (c) statistics of work places liable to inspection and the number of workers employed in the work place;
- (d) findings in the course of inspection;
- (e) statistics of industrial accidents and occupational diseases;
- (f) statistics of people with disabilities in work places and any aids being provided by the employer; and
- (g) statistics of proceedings brought before the Industrial Court and of their disposal.

### **21. Labour Advisory Board**

(1) There is established a Labour Advisory Board which shall consist of—

- (a) a Chairperson;
- (b) the Commissioner as an *ex-officio* member;
- (c) public officers, and representatives of employers and employees not exceeding ten in total, as the Minister may from time to time appoint, by notice published in the *Gazette*; and
- (d) one representative of persons with disabilities.

(2) Appointments made under this section shall be for a period of three years and except for good cause, no person shall be removed from the Board before the expiry of his or her term of appointment.

(3) The Chairperson of the Labour Advisory Board shall be appointed by the Minister and, shall be a person well versed in labour matters and of high moral calibre.

(4) The representative of employers and employees shall be nominated for appointment to the Labour Advisory Board by the Federations of Employers and Federations of Labour Unions, respectively.

(5) Without prejudice to the generality of the Minister's power of appointment, there shall be an equal number of representatives of employers and employees appointed to the Labour Advisory Board at any one time.

(6) The Labour Advisory Board shall meet as many times as are necessary for the conduct of its business, but shall meet at intervals of not more than three months between each meeting.

## **22. Functions of Board**

(1) The functions of the Labour Advisory Board are to advise the Minister on any matter falling under this Act and on any other matters affecting employment and industrial relations as may from time to

time be referred to the Board by the Minister.

(2) The Board shall exercise its powers and perform its functions in such manner and subject to such conditions set out in the regulations.

(3) Where it is proposed to introduce measures designed to encourage and promote collective bargaining, the Minister shall seek the views of the Labour Advisory Board on the measures, before their introduction.

(4) Subject to subsection (1), the Labour Advisory Board shall advise the Minister on the following—

- (a) matters concerning relations between Uganda and the International Labour Organisation, including the making of replies and comments to questionnaires and proposed texts of international labour standards, the taking of action necessary to comply with the obligations of membership of the International Labour Organisation, and any proposed denunciation of a ratified Conventions;
- (b) aspects of vocational guidance and vocational training;
- (c) matters concerning the operation of the employment service and the development of the employment service policy;
- (d) the formulation and development of policies designed to promote the granting of paid educational leave to workers for the purposes of—
  - (i) training;
  - (ii) labour union social and civic education, and
  - (iii) labour union education; and
- (e) the formulation and development of a national policy on vocational rehabilitation and the employment of persons

with disabilities.

(5) The Minister shall in consultation with, and after approval of the Minister responsible for Finance shall fix the remuneration for the members of the Board.

#### PART IV—THE EMPLOYMENT RELATIONSHIP

### **23. General**

A person shall not be employed under a contract of service except in accordance with this Act.

### **24. Continuation of contracts in force**

All contracts of service valid and in force at the commencement of this Act shall continue to be in force on the commencement of this Act and shall be deemed to have been made under this Act.

### **25. Oral and written contracts**

A contract of service, other than a contract which is required by this or any other Act to be in writing, may be made orally, and except as otherwise provided by this Act, shall apply equally to oral and written contracts.

### **26. Attestation.**

(1) A contract of service made with an employee who is unable to read or understand the language in which the contract is written shall be attested to.

(2) Attestation shall be by means of a written document drawn up by a magistrate or labour officer and, before attesting to the contract the magistrate or labour officer shall—

- (a) ascertain that the employee has freely consented to the contract and that his or her consent has not been obtained by coercion, undue influence, misrepresentation or mistake;

- (b) ensure that the contract complies with this Act; and
- (c) be satisfied that the employee has duly understood the terms of the contract before giving his or her final agreement to it.

(3) The magistrate or labour officer shall give a copy of the document recording the attestation to the employer and to the employee, but the original of the document recording the attestation shall be retained by the magistrate or labour officer.

(4) A contract which should have been, but was not, attested to as provided for under this section may be enforced at the instance of the employee and the absence of attestation shall not prejudice in any way the rights of the employee.

## **27. Variation or exclusion of provisions of the Act**

(1) Except where expressly permitted by this Act, an agreement between an employer and an employee which excludes any provision of this Act shall be void and of no effect.

(2) Nothing in this section shall prevent the application by agreement between the parties, of terms and conditions, which are more favourable to the employee than those contained in this Act.

## **28. Transfer of contract**

(1) Except as provided for by subsection (2), a contract of service shall not be transferred from one employer to another without the consent of the employee.

(2) Where a trade or business is transferred in whole or in part, the contracts of service of all employees employed at the date of transfer shall automatically be transferred to the transferee, and all rights and obligations between each employee and the transferee shall continue to apply as if they had been rights and obligations concluded between the employee and the transferee.

(3) A transfer referred to in subsection (2) shall not interrupt the employee's continuity of service, and the service shall continue with

the transferee as if he or she were the transferor.

### **29. Death of employer**

Where the employer's personal or legal position formed the basis of the employment relationship with the employee, the death of an employer shall cause the contract of service to terminate one month from the date of the employer's death, unless it is otherwise legally terminated within that period.

### **30. Insolvency of employer**

(1) The bankruptcy or winding up of the employer's business shall cause the contract of service of any employee to terminate one month from the date of the bankruptcy or the winding-up order.

(2) Subsection (1) shall not apply where, notwithstanding the occurrence of bankruptcy or winding-up, the business continues to operate or is transferred.

(3) An employee's claim for wages and other entitlements in case of bankruptcy or winding-up shall be governed by section 48.

### **31. Inability to pay wages**

(1) Where an employer is unable, or refuses, to pay wages, a labour officer, on the application of any employee of that employer, shall declare the contract of service terminated.

(2) The termination referred to in subsection (1) shall be without prejudice to all outstanding and accrued rights arising under this Act, the contract of service or any other law.

### **32. Employment of Children**

(1) A child under the age of twelve years shall not be employed in any business, undertaking or work place.

(2) A child under the age of fourteen years shall not be employed in any business, undertaking or workplace, except for light work carried out under supervision of an adult aged over eighteen years,

and which does not affect the child's education.

(3) A person shall not continue to employ any child under the age of fourteen years after being notified in writing by a labour officer that the employment or work is not light work meeting the criteria in subsection (2).

(4) A child shall not be employed in any employment or work which is injurious to his or her health, dangerous or hazardous or otherwise unsuitable and an employer shall not continue to employ a child after being notified in writing by a labour officer that the employment or work is injurious to health, dangerous or otherwise unsuitable for that child.

(5) A child shall not be employed between the hours of 7 p.m. and 7 a.m.

(6) Any person, including a Labour Union or employer's organisation, may complain to a labour officer if he or she considers that a child is being employed in breach of this section.

(7) A person who is aggrieved by a decision of a labour officer under this section may appeal to the Industrial Court.

### **33. Medical examinations**

(1) The Minister may by regulations require persons over the age of eighteen years seeking employment involving exposure to hazards specified by regulations to undergo medical examination before being engaged by an employer and at regular intervals thereafter.

(2) Where a medical examination is required under this section, it shall be carried out by a qualified medical practitioner and shall be certified by a district medical officer in the presence of a labour officer.

(3) Where a medical examination is required under this section, the results of the medical examination shall be kept confidential by the medical practitioner, and shall not be disclosed to any other person, other than the person who is the subject of the medical

examination, without that person's consent.

### **34. Special categories of employees**

Without prejudice to the generality of the preceding sections of this Part, the Minister shall on the recommendation the Labour Advisory Board make regulations governing the employment of persons with disabilities, apprentices and other categories of employees, who in his or her opinion, are in need of special protection under the law.

### **35. Notification of vacancies**

(1) Every person employing an employee shall notify the district labour officer of any employment vacancy whenever it occurs

(2) The Minister may by regulations exempt specified categories of employers from the provisions of this section.

### **36. Departure from Uganda**

An employee shall not, without his or her consent, be required to accompany his or her employer outside Uganda, unless his or her contract expressly provides so.

### **37. Migrant workers**

(1) No person shall organise the illicit or clandestine movement of migrants for employment for purposes of departing from, passing through or arriving in Uganda, or give assistance to any organisation for that purpose.

(2) A person shall not employ a person whom he or she knows to be unlawfully present in Uganda.

(3) A person who contravenes this section commits an offence.

### **38. Recruitment permit**

(1) A person or his or her agent or messengers, shall not engage in the business of operating a recruitment agency, unless he or she is in possession of a valid recruiting permit issued by the

Commissioner.

(2) A recruiting permit shall be subject to such conditions as the Commissioner may require, and may be revoked at any time for good cause.

(3) This section shall not apply to recruitment for employment—

(a) as a domestic servant; or

(b) on non-manual labour.

(4) Nothing in this section shall be taken as restricting or prohibiting official labour exchanges operated by or with the approval of the Commissioner.

(5) Recruitment agencies shall submit returns of their operations to the commissioner.

(6) The Minister shall make regulations governing the operations.

(7) A person who acts in breach of this section commits an offence.

### **39. Repatriation**

(1) An employee recruited for employment at a place which is more than one hundred kilometres from his or her home shall have the right to be repatriated at the expense of the employer to the place of engagement in the following cases—

(a) on the expiry of the period of service stipulated in the contract;

(b) on the termination of the contract by reason of the employee's sickness or accident;

(c) on the termination of the contract by agreement between the parties, unless the contract contains a written provision to the contrary; and

(d) on the termination of the contract by order of the labour

officer, the Industrial Court or any other court.

(2) Where the family of the employee has been brought to the place of employment by the employer, the family shall be repatriated at the expense of the employer, in the event of the employee's repatriation or death.

(3) Where an employee has been in employment for at least ten years he or she shall be repatriated at the expense of the employer, irrespective of his or her place of recruitment.

(4) A labour officer may, notwithstanding anything in this section, exempt an employer from the obligation to repatriate in circumstances where the labour officer is satisfied that it is just and equitable to do so, having regard to any agreement between the parties or in the case of the summary dismissal of an employee for serious misconduct.

#### PART V—WAGES AND RELATED NOTICES.

### **40. Duty of employer to provide work**

(1) Every employer shall provide his or her employee with work-

- (a) in accordance with the contract of service;
- (b) during the period for which the contract is binding; and
- (c) on the number of days equal to the number of working days expressly or impliedly provided for in the contract.

(2) The duty in subsection (1) shall not apply if—

- (a) the contract is frustrated;
- (b) its performance is suspended;

(c) it is prevented by an act of God or civil strife,

(d) the employee has terminated the contract of service.

(3) Without prejudice to the generality of subsection (1) and (2), an employer is not be liable to provide work where interruptions to his or her business activities are caused by—

(a) natural calamities;

(b) a strike, go-slow or other industrial action;

(c) subject to subsection (6), economic or technological reasons which result in a shortage or reduction of work that is beyond the employer's control.

(4) Where an employer fails to provide work as required by this section, he or she shall pay to the employee, in respect of every day on which he or she shall so fail, wages at the same rate as if the employee had performed a day's work.

(5) Subsection (3) shall not apply if on any day the employer offers, at the same wage rate, suitable alternative employment which the employee refuses or fails to undertake.

(6) The exemption from the duty of the employer to provide work arising under subsection (3)(c) is limited to a maximum of fifteen days in any one six-month period.

#### **41. Entitlement to wages**

(1) Subject to subsection (2), wages shall be paid in legal tender to the employee entitled to payment.

(2) Notwithstanding subsection (1), an employer may, with the prior written agreement of the employee, pay wages by bank cheque, postal order, money order or by direct payment to the employee's bank account.

(3) Notwithstanding anything in this section, the Minister may, after consultation with the Labour Advisory Board, by regulations provide for the partial payment of wages in the form of allowances in kind, and in no case shall alcoholic beverages or noxious drugs, in industries or occupations in which payment in the form of such allowances is customary or desirable, be for the personal use of the employee and his or her family, and the value attributed to such allowance shall be fair and reasonable.

(4) An employee shall not be obliged to make use of any shops established by the employer for the use of his or her employees or services operated in connection with the undertaking.

(5) Wages shall not be payable to any employee in respect of any period where he or she has been sentenced and imprisoned by a court of law.

(6) An employee is not entitled to receive wages in respect of any period where he or she is absent from work without authorisation or good cause except that, in the case of an employee who has completed at least three months' continuous service with his or her employer, the following shall not constitute absence without good cause—

- (a) absence attributable to the occurrence of exceptional events preventing the employee from reaching his or her place of work or from working;
- (b) absence attributable to a summons to attend a court of law or any other public authority having power to compel attendance; or
- (c) absence attributable to the death of a member of the employee's family or dependent relative, subject to a maximum of three days' absence on any one occasion and a maximum of six days in any one calendar year.

(7) An employee who has completed at least three months' continuous service and is absent from work on account of one of the situations specified in subsection (6), is entitled to receive wages as though he or she had not been absent from work and had fully performed his or her duties under his or her contract of service throughout the absence, and his or her wages shall not, by reason of his or her absence, be subject to any deduction.

(8) Any employer who is not incorporated or resident in Uganda shall be required by a labour officer to pay a bond assessed at the equivalent of one months wages for each employee employed, or to be employed, by that employer.

(9) A bond paid by any employer shall be held by the Ministry responsible for Labour on behalf of that employer in a separate interest bearing account and shall not be used for any purpose other than paying wages and other entitlements to that employer's employees in the event of default by that employer.

#### **42. Death of an employee**

(1) In the case of an employee dying during the term of a contract of service, his or her heirs or legal representatives shall be entitled to the wages and any other remuneration due to the employee at the date of death.

(2) Where any employee dies at his or her work place, or on the way to his or her place of work, the employer shall be required to notify the death to the District labour officer who shall notify the Commissioner.

(3) Where an employee dies while at work, or while travelling to his or her place of work, their employer shall be required to transport the employee's body to a place of burial notified by that employee's next of kin.

#### **43. Payment of wages**

(1) The payment of wages in legal tender shall take place at the

place of the employee's work or, if he or she works at more than one location, the premises of his or her employer from which he or she works or from which his or her work is administered.

(2) Payment of wages shall not take place in premises licensed for the sale of alcoholic beverages or in places of amusement, except in the case of employees whose place of work is in such premises.

(3) An employer shall not impose in any contract of service, any agreement, or condition, as to the place where, or the manner in which, or the person with whom, any wages paid to an employee shall be expended and an agreement or condition which contravenes this section shall be invalid.

(4) In the absence of a prior written agreement to the contrary—

(a) an employee engaged to work for one day at a time shall be paid his or her wages at the end of that day;

(b) an employee paid by the hour, day or week shall be paid his or her wages at the end of that hour, day or week;

(c) an employee paid fortnightly or monthly shall be paid at the end of each fortnight or month; and

(d) an employee engaged to be paid by the piece of work done or by results shall be paid at intervals of not more than one fortnight.

(5) Where the employee is being housed by the employer, the employee shall not be required to vacate the premises until he or she has been paid his or her terminal benefits.

(6) On the termination of his or her employment in whatever

manner; an employee shall, within seven days from the date on which the employment terminates be paid his or her wages and any other remuneration and accrued benefits to which he or she is entitled.

#### **44. Payment of wages to another**

Except where it is expressly provided by law, no person may receive the wages due to any employee on behalf of that employee without the written permission of the employee to whom the wages are due.

#### **45. Prohibition on certain deductions**

(1) Except as otherwise permitted by this Act or any other law, remuneration earned by or payable to an employee shall be paid directly to the employee.

(2) No deduction shall be made from the wages of an employee with a view to ensuring a direct or indirect payment to his or her employer or the employer's representative or to any intermediary for the purpose of obtaining or retaining employment.

(3) All employers shall be required to provide employees with the equipment, tools and material necessary for that employee to perform his or her duties, and shall not require that employee to pay the employer, or any other person, for the equipment, tools or material.

#### **46. Permitted deductions**

(1) The following deductions from remuneration due to an employee are permitted—

- (a) an amount in respect of any tax, rate, subscription or contribution imposed by law;
- (b) where the employee has previously given his or her written consent to a deduction being made, the deduction being in respect of any amount representing a contribution to any provident or pension fund or scheme established or maintained by the employer or some other person;

- (c) deduction by way of reasonable rent or other reasonable charge for accommodation provided by the employer for the employee, or the employee's family, where the employee has agreed to the deduction; and
- (d) union dues, deducted in accordance with section 50.

(2) Notwithstanding the provisions of any other law, an employer shall not deduct from the wages of an employee the cost of any protective gear or tools of trade which are provided by the employer.

(3) The attachment of wages by operation of law shall be permitted, but any such attachment shall not be more than two-thirds of all remuneration due in respect of that pay period.

#### **47. Repayment**

(1) Without prejudice to any other liability for a breach of the provisions of this Part, an employer who acts in contravention of the provisions of this Part is liable to repay any remuneration wrongfully withheld or wrongfully deducted from the employee.

(2) A request for repayment by an employee under this Part—

(a) shall be made to a labour officer; and

(b) shall be made not later than six years after the allegedly unlawful deduction has been made.

#### **48. Preferential claims**

Notwithstanding any other law to the contrary, on the bankruptcy or winding-up of an employer's business, the claim of an employee or those claiming on his or her behalf, wages and other payments to which he or she is entitled under this Act, shall have priority over all other claims which have accrued in respect of the twenty-six weeks immediately preceding the date on which the declaration of bankruptcy or winding-up is made.

#### **49. Union dues**

(1) In this section, the expression "union dues" means any

regular or periodic subscription required to be paid by a union member to any labour union of which he or she is a member under the rules, as a condition of his or her membership, but does not include any pay or subscription for a particular object or purpose.

(2) The General Secretary of a Labour Union or his or her representative may issue to every employer who employs any person who is a member of a Labour Union a written notice attached with the written consent of the respective employee, requiring the employer—

- (a) to deduct from the wages of his or her employees who are members of the labour union such sums specified as union dues in the notice, and such deductions shall be made at the periods specified in the notice; and
- (b) to pay to the labour union the sums deducted in accordance with this section.

(3) Where an employer to whom a notice has been given under subsection (2) refuses or fails to comply with the provisions of the notice, he or she shall be liable to pay to the labour union a sum equal to three percent of the total amount of the deduction for each month during which the sums are not paid to the union, the outstanding in addition to the union dues.

## **50. Pay statements**

(1) Every employee shall receive with each payment of his or her wages an itemised pay statement from his or her employer, in writing, in a form and language which the employee may reasonably be expected to understand, which shall set out—

- (a) the amount of every deduction from his or her wages due at the end of that particular pay period;
- (b) the amount of every deduction from his or her wages during that pay period and the purpose for which each such

deduction was made; and

(c) the employee's net wages payable at the end of that pay period.

(2) Where an employer fails to provide a pay statement as required by this section, or fails to provide a statement that is accurate, an employee shall have the right of complaint to a labour officer.

(3) A labour officer, following a complaint made under this section shall have the power to issue one or more written statements which shall take the place of any pay statements the employer has failed to issue, or amend any inaccuracies in any pay statement issued in respect of which a complaint has been made.

(4) A labour officer shall have the power to order the employer to pay to the employee the aggregate of any deductions from the employee's wages made by the employer in a manner that was not in accordance with an accurate pay statement.

(5) Any written statement issued by the labour officer in place of or in amendment of the employee's pay statement shall, for all purposes be regarded as if it had been duly issued by the employer in accordance with subsection (1).

#### PART VI—RIGHTS AND DUTIES IN EMPLOYMENT.

### **51. Weekly rest**

(1) An employee shall not be required to work for an employer for more than six consecutive days without a day's rest, which shall be taken on any day which is customary or as shall be agreed between the parties.

(2) The Minister may by regulations exclude from the operation of this section—

- (a) persons holding high managerial positions; and
- (b) persons working in family establishments employing not more than five dependent relatives.

## **52. Pay calculation**

(1) Where an employee is employed on a contract under which wages are calculated by reference to a period of one week or more, a deduction shall not be made from his or her wages on account of his or her not working, or not attending at his or her place of work, on the weekly rest day.

(2) Wages payable under a contract of employment—

- (a) shall be assumed to be in respect of a forty eight-hour week in the absence of an agreement to the contrary and;
- (b) in the absence of a written agreement to the contrary, hours worked in excess of forty eight hours in any one week shall be regarded as “overtime hours” for the purposes of this Part.

## **53. Length of working hours per week**

(1) Subject to subsections (2) and (3), in all establishments, the maximum working hours for employees shall be forty eight hours per week.

(2) The employer and the employee may agree that the maximum working hours per week shall not be less than forty eight hours.

(3) Subject to subsection (4), an employer and employee may, agree that the normal working hours in a week shall be more than forty eight hours.

(4) Hours of work shall not, except as provided in subsection (5), exceed ten hours per day or fifty six hours per week.

(5) Where persons are employed in shifts, it shall be permissible to employ persons in excess of ten hours in any one day or forty-eight hours in any one week, where the average number of hours over a period of three weeks exceeds neither ten hours per day nor fifty six hours per week.

(6) In any establishment where the maximum working hours are at least eight hours per a day, a thirty-minute break shall be granted each day to the employees.

(7) The Minister may, after consultation with the Labour Advisory Board, and subject to the provisions of this section and section 54, regulate the maximum number of hours per week including overtime work, which may be worked in any industry or occupation and may, by order, provide for temporary exceptions in extraordinary situations where the public interest so requires.

(8) Where hours in excess of eight hours per day or forty eight hours per week are worked, they shall, in the absence of a written agreement to the contrary, be remunerated at the minimum rate of one and a half times of the normal hourly rate if the overtime is on the normal working days, and at two times the hourly rate where the overtime is worked on gazetted public holidays.

#### **54. Annual leave and public holidays**

(1) Subject to the provisions of this section—

(a) an employee shall, once in every calendar year, be entitled to a holiday with full pay at the rate of seven days in respect of each period of a continuous four months' service, to be taken at such time during such calendar year as may be agreed between the parties; and

(b) an employee shall be entitled to a day's holiday with full pay on every public holiday during his or her employment or, where he or she works for his or her employer on a public holiday, to a day's holiday with full pay at the expense of the employer

on some other day that would otherwise be a day of work.

(2) Where an employee who works on a public holiday receives, in respect of such work, pay at not less than double the rate payable for work on a day that is not a public holiday, that employee shall not be entitled to a day's holiday with full pay in lieu of the public holiday.

(3) Subject to subsection (2), any agreement to relinquish the right to the minimum annual holiday as prescribed in this section, or to forgo such a holiday, for compensation or otherwise, shall be null and void.

(4) This section shall apply only to employees—

(a) who have performed continuous service for their employer for a minimum period of six months;

(b) who normally work under a contract of service for sixteen hours a week or more.

(5) An employee is entitled to receive, upon termination of employment, a holiday with pay proportionate to the length of service for which he or she has not received such a holiday, or compensation in lieu of the holiday.

## **55. Sick pay**

(1) An employee who has completed not less than one month's continuous service with an employer and who is incapable of work because of sickness or injury is entitled to sick pay as follows—

(a) for the first month's absence from work he or she is entitled to full wages and every other benefit whether for his or her family or himself or herself stipulated in the contract of service; and

(b) if at the expiration of the second month the sickness of the employee still continues, the employer is entitled to

terminate the contract of service on complying with all the terms of the contract of service up to the time of termination of employment.

(2) For the employee to be entitled to sick pay as referred to in subsection (1), the employee shall—

(a) notify or cause to be notified as soon as is reasonably practicable, his or her employer of his or her absence and the reason for it; and

(b) produce, if requested by his or her employer and at intervals of not less than one week, a written certificate signed by a qualified medical practitioner certifying his or her incapacity for work and duration of the incapacity.

(3) The employer may require that the certificate referred to in subsection (2)(b) be obtained from a qualified medical practitioner other than the company medical practitioner except that, in such a case the employer is responsible for any fees and transport costs payable in connection with the issuing of the certificate.

(4) This section applies to employees who are normally employed for at least sixteen hours a week.

(5) This section shall not derogate from any persons rights under the Workers Compensation Act.

## **56. Maternity leave**

(1) A female employee shall, as a consequence of pregnancy, have the right to a period of sixty working days leave from work on full wages hereafter referred to as “maternity leave”, of which at least four weeks shall follow the childbirth or miscarriage.

(2) A female employee who becomes pregnant shall have the right to return, to the job which she held immediately before her

maternity leave or to a reasonably suitable alternative job on terms and conditions not less favourable than those which would have applied had she not been absent on maternity leave.

(3) In the event of sickness arising out of pregnancy or confinement, affecting either the mother or the baby, and making the mother's return to work inadvisable, the right to return mentioned in subsection (2) shall be available within eight weeks after the date of childbirth or miscarriage.

(4) A female employee is entitled to the rights mentioned in subsections (1), (2) and (3) if she gives not less than seven days' notice in advance or a shorter period as may be reasonable in the circumstances, of her intention to return to work.

(5) The notices referred to in subsection (4) shall be in writing if the employer so requests.

(6) A female employee who seeks to exercise any of the rights mentioned in this section shall, if requested by the employer, produce a certificate as to her medical condition from a qualified medical practitioner or midwife.

### **57. Paternity leave**

(1) A male employee shall, immediately after the delivery or miscarriage of a wife, have the right to a period of four working days' leave from work yearly herein referred to as paternity leave.

(2) An employee referred to in subsection (1) shall be entitled to the payment of his full wages during the said paternity leave.

(3) A male employee shall, after the paternity leave, have the right to return to the job which he held immediately before his paternity leave.

### **58. Notice periods**

(1) A contract of service shall not be terminated by an employer unless he or she gives notice to the employee, except—

- (a) where the contract of employment is terminated summarily in accordance with section 69; or
- (b) where the reason for termination, is attainment of retirement age.

(2) The notice referred to in this section shall be in writing, and shall be in a form and language that the employee to whom it relates can reasonably be expected to understand.

(3) The notice required to be given by an employer or employee under this section shall be—

- (a) not less than two weeks, where the employee has been employed for a period of more than six months but less than one year;
- (b) not less than one month, where the employee has been employed for a period of more than twelve months, but less than five years;
- (c) not less than two months, where the employee has been employed for period of five ,but less than ten years; and
- (d) not less than three months where the service is ten years or more.

(4) Where the pay period by reference to which the employee is paid his or her wages is longer than the period of notice to which the employee would be entitled under sub section (3), the employee is entitled to notice equivalent to that pay period.

(5) Any agreement between the parties to exclude the operation of this section shall be of no effect, but this shall not prevent an employee accepting payment in lieu of notice.

(6) Any outstanding period of annual leave to which an employee is entitled on the termination of the employee's employment shall not be included in any period of notice which the employee is entitled to under this section.

(7) During the notice period provided for in subsection (3), the employee shall be given at least one-half day off per week for the purpose of seeking new employment.

### **59. Written particulars**

(1) An employee is entitled to receive from his or her employer notice in writing of the following particulars of employment—

- (a) the full names and addresses of the parties to the contract of service;
- (b) the date on which employment under the contract began, specifying the date from which the employee's period of continuous service for the purposes of this Act shall commence;
- (c) the title of the job that the employee is employed to do;
- (d) the place where the employee's duties are to be performed;
- (e) the wages which the employee is entitled to receive or the means by which they can be calculated, and in either case, the intervals at which they will be paid, and the deductions or other conditions to which they shall be subject;
- (f) the rate of any overtime pay applicable to the employee;
- (g) the employee's normal hours of work and the shifts or days of the week on which such work is to be performed;
- (h) the number of days' annual leave to which the employee is entitled and his or her entitlement to wages during such leave;
- (i) the terms or conditions relating to incapacity for work due to sickness or injury, including any provision for sick pay;
- (j) the length of notice in excess of that provided by this Act required for lawful termination of the contract by the employer or employee; and
- (k) the terms or conditions relating to incapacity for work due to

sickness or injury, including any provisions for sick pay.

(2) For any or all of the information required by subsection (1), the employer may, in writing, refer the employee to a document which is reasonably accessible to the employee during working hours at the place of work which contains the relevant information in a form and in a language that the employee can reasonably be expected to understand.

(3) The notice referred to in subsection (1) shall be given by the employer to the employee not later than twelve weeks after the date on which employment commences.

(4) Where there has been an agreed change affecting any of the matters referred to in subsection (1), the employer shall issue a written notice to the employee of the change.

(5) An employer shall retain a copy of the written particulars issued under subsection (1), and of any changes in them and shall produce the copy on demand, to a labour officer.

## **60. Written particulars to act as evidence**

Where there is any dispute between an employer and employee concerning the terms and conditions of employment—

- (a) the written particulars referred to in section 59, together with any notice of change, shall be admissible evidence of the existence of the terms and conditions about which there is a dispute; and
- (b) there shall be a rebuttable presumption that the terms and conditions of employment are accurately stated in the written particulars and in any notified changes.

## **61. Certificate of service**

(1) On the termination of a contract of service an employer, if so requested by the employee, shall provide the employee with a certificate indicating—

- (a) the names and addresses of the employer and employee;

- (b) the nature of the employer's business;
- (c) the length of the employee's period of continuous employment with the employer;
- (d) the capacity in which the employee was employed prior to termination;
- (e) the wages payable at the date of termination of the contract; and
- (f) where the employee so requests, the reason or reasons for the termination of the employee's employment.

(2) The certificate referred to in subsection (1) shall not contain any judgment on or evaluation of the employee's work, but where it is requested by the employee, the employer may provide it in a separate document.

(3) The certificate referred to in subsection (1) shall, so far as is practicable, be written in a language the employee may reasonably be expected to understand.

#### PART VII—DISCIPLINE AND TERMINATION.

### **62. Disciplinary penalties**

(1) Sections 62 to 64 shall apply where an employer imposes a disciplinary penalty, other than dismissal, on an employee because of neglect, failure or alleged failure on the part of an employee to carry out his or her duties under his or her contract of service.

- (2) "Disciplinary penalty" for the purposes of this Part include—
- (a) a written warning;
  - (b) reprimand; and
  - (c) suspension from work.

(3) An employer is entitled to impose a disciplinary penalty only where it is reasonable to do so in the particular circumstances and what is reasonable shall be decided by considering—

- (a) the nature of the neglect, failure or alleged failure on the part

of the employee, the penalty imposed by the employer, the procedure followed by the employer in imposing the penalty, the reformed conduct of the employee and if any the personal circumstances of the employee; and

(b) Code of Discipline set out in Schedule 1.

(4) An employee shall not be suspended from work for more than fifteen days in any six-month period.

(5) Except in exceptional circumstances an employer who fails to impose a disciplinary penalty within fifteen days from the time he or she becomes aware of the occurrence giving rise to disciplinary action, shall be deemed to have waived the right to do so.

### **63. Suspension**

(1) Whenever an employer is conducting an inquiry which he or she has reason to believe may reveal a cause for dismissal of an employee, the employer may suspend that employee with half pay.

(2) Any suspension under subsection (1) shall not exceed four weeks or the duration of the inquiry, whichever is the shorter.

### **64. Complaint by employee**

(1) Where an employee believes that an employer was not justified in imposing a disciplinary penalty on him or her, or in imposing a suspension with half pay, the employee may, within a period of four weeks after the imposition of the penalty or suspension, make a written or oral complaint to a labour officer.

(2) Where a complaint under this section has been made to a labour officer, the officer shall—

(a) investigate the circumstances leading to the imposition of the disciplinary penalty, and in the course of these investigations he or she shall consult any Labour Union, if any, established in the business in which the employee is

employed; and

(b) seek to settle the matter in the first instance by mediation.

(3) Where a complaint under this section has been made, a labour officer shall, except where the employer has withdrawn the disciplinary penalty imposed or has paid the employee for the period of the suspension, decide whether it was reasonable for the employer to impose the disciplinary penalty or the suspension with half pay.

(4) The labour officer shall communicate his or her decision under subsection (4), including the reasons for that decision in writing to the employer and to the employee.

(5) Where a labour officer decides that the imposition of a disciplinary penalty or the suspension with half pay was unreasonable, the labour officer may make an order—

(a) that the original penalty be revoked;

(b) that the original penalty be revoked and be replaced by another specified lesser penalty; or

(c) that the employer pay to the employee the wages which would otherwise have been due for the period of suspension with half pay.

(6) Where in an order by the labour officer under subsection (5), the penalty has been revoked, no reference to the penalty shall appear in the employee's personal record but where the penalty has been reduced, only the lesser penalty shall be noted in the record.

(7) The Minister may, by regulations provide that this section shall apply only to disciplinary fines in excess of a specified sum, and to periods of suspension in excess of a specified duration.

(8) The right of an employee to make a complaint under this section shall be without prejudice to any right an employee may enjoy

under an agreement between an employer or group of employers and any labour union.

## **65. Termination**

(1) Termination shall be deemed to take place in the following instances—

- (a) where the contract of service is ended by the employer with notice;
- (b) where the contract of service, being a contract for a fixed term or task, ends with the expiry of the specified term or the completion of the specified task and is not renewed within a period of one week from the date of expiry on the same terms or terms not less favourable to the employee;
- (c) where the contract of service is ended by the employee with or without notice, as a consequence of unreasonable conduct on the part of the employer towards the employee; and
- (d) where the contract of service is ended by the employee, in circumstances where the employee has received notice of termination of the contract of service from the employer, but before the expiry of the notice.

(2) The date of termination shall, unless the contrary is stated, be deemed to be—

- (a) in the circumstances governed by subsection (1)(a), the date of expiry of the notice given;
- (b) in the circumstances governed by subsection (1)(b), the date of expiry of the fixed term or completion of the task;
- (c) in the circumstances governed by subsection (1)(c) or subsection (1)(d), the date when the employee ceases to work for the employer; and
- (d) in the circumstances when an employee attains normal retirement age.

**66. Notification and hearing before termination**

(1) Notwithstanding any other provision of this Part, an employer shall, before reaching a decision to dismiss an employee, on the grounds of misconduct or poor performance, explain to the employee, in a language the employee may be reasonably expected to understand, the reason for which the employer is considering dismissal and the employee is entitled to have another person of his or her choice present during this explanation.

(2) Notwithstanding any other provision of this Part, an employer shall, before reaching any decision to dismiss an employee, hear and consider any representations which the employee on the grounds of misconduct or poor performance, and the person, if any chosen by the employee under subsection (1) may make.

(3) The employer shall give the employee and the person, if any, chosen under subsection (1) a reasonable time within which to prepare the representations referred to in subsection (2).

(4) Irrespective of whether any dismissal which is a summary dismissal is justified, or whether the dismissal of the employee is fair, an employer who fails to comply with this section is liable to pay the employee a sum equivalent to four weeks' net pay.

(5) A complaint alleging a failure on the part of the employer to comply with this section may be joined with any complaint alleging unjustified summary dismissal or unfair dismissal, and may be made to a labour officer by an employee who has been dismissed, and the labour officer shall have power to order payment of the sum mentioned in subsection (4) in addition to making an order in respect of any other award or decision reached in respect of the dismissal.

(6) A complaint under subsection (5) shall be made within three months after the date of dismissal.

**67. Probationary contracts**

(1) Section 66 does not apply where a dismissal brings to an end a probationary contract.

(2) The maximum length of a probationary period is six months, but it may be extended for a further period of not more than six months with the agreement of the employee.

(3) An employer shall not employ an employee under a probationary contract on more than one occasion.

(4) A contract for a probationary period may be terminated by either party by giving not less than fourteen days' notice of termination, or by payment, by the employer to the employee, of seven days' wages in lieu of notice.

**68. Proof of reason for termination**

(1) In any claim arising out of termination the employer shall prove the reason or reasons for the dismissal, and where the employer fails to do so, the dismissal shall be deemed to have been unfair within the meaning of section 71.

(2) The reason or reasons for dismissal shall be matters, which the employer, at the time of dismissal, genuinely believed to exist and which caused him or her to dismiss the employee.

(3) In deciding whether an employer has satisfied this section, the contents of a certificate such as is referred to in section 61 informing the employee of the reasons for termination of employment shall be taken into account.

**69. Summary termination**

(1) Summary termination shall take place when an employer terminates the service of an employee without notice or with less notice than that to which the employee is entitled by any statutory provision or contractual term.

(2) Subject to this section, no employer has the right to terminate a contract of service without notice or with less notice than that to which the employee is entitled by any statutory provision or contractual term.

(3) An employer is entitled to dismiss summarily, and the dismissal shall be termed justified, where the employee has, by his or her conduct indicated that he or she has fundamentally broken his or her obligations arising under the contract of service.

**70. Complaint to labour officer in cases of summary dismissal**

(1) Where an employee complains that he or she has been summarily dismissed without justification, he or she may, within six months after the date of dismissal, present a complaint to a labour officer who shall seek to settle the matter in the first instance by mediation.

(2) A labour officer, presented with a claim under this section, shall decide whether the dismissal was justified in the circumstances, having regard to section 75 and to the Code of Discipline set out in Schedule 1.

(3) Where a labour officer decides that a summary dismissal was unjustified, he or she shall inform the parties of the decision and shall order the employer to pay—

- (a) the net wages which the employee would have earned had he or she been given the period of notice to which he or she was entitled under this Act or under his or her contract of service;
- (b) where the dismissal ends the contract before the completion of any service upon which the employee's wages become due, the proportion of the wages due for the period of time for which the employee has worked; and
- (c) any other losses consequent upon the dismissal and arising

between the date of dismissal and the date of expiry of the period of notice referred to in paragraph (a).

(4) The right of the employee to present a complaint under this section shall be in addition to his or her right of complaint of unfair dismissal and any other infringement of his or her statutory rights.

(5) The right of an employee to make a complaint under this section shall be in addition to any right an employee may enjoy under an agreement between the employer or group of employers and a labour union.

(6) For any complaint of unfair dismissal, the burden of proving that a dismissal has occurred rests on the employee, and the burden of justifying the grounds for the dismissal rests on the employer.

## **71. Unfair termination**

(1) An employee who has been continuously employed by his or her employer for at least thirteen weeks immediately before the date of termination, shall have the right to complain that he or she has been unfairly terminated.

(2) A complaint made under this section shall be made to a labour officer within three months of the date of dismissal, or such later period as the employee shall show to be just and equitable in the circumstances.

(3) No complaint under this section may be made by an employee whose services have been terminated or who has been dismissed under a probationary contract.

(4) The right of an employee to make a complaint under this section shall be in addition to any right an employee may enjoy under an agreement between an employer or group of employers and a labour union.

(5) If court finds that a dismissal is unfair, the court may—

(a) order the employer to reinstate the employee;

(b) order the employer to pay compensation to the employee.

(6) The court shall require the employer to reinstate or re-employ the employee unless—

- (a) the employee does not wish to be reinstated or re-employed;
- (b) the circumstances surrounding the dismissal are such that a continued employment relationship would be intolerable;
- (c) it is not reasonably practicable for the employer to reinstate or re-employ the employee; or
- (d) the dismissal is unfair only because the employer did not follow a proper procedure.

## **72. Representation**

(1) In any complaint made under sections 64, 70 and 71 a party may be represented by an advocate in the proceedings before a labour officer, and a party may also be assisted by or represented by any official of a Labour Union or any official of an employers organisation.

(2) Substantive justice shall be administered without undue regard to technicalities.

## **73. Criteria for unfair termination**

(1) A termination shall be unfair for the purposes of this Part where—

- (a) the termination is for any of the reasons specified in section 75; or
- (b) it is found out that in all the circumstances of the case, the employer did not act in accordance with justice and equity in terminating the employee from service.

(2) In deciding whether it was just and equitable for an employer to terminate the services of an employee, a labour officer shall consider—

- (a) Code of Discipline set out in Schedule 1,

- (b) the procedures adopted by the employer in reaching the decision to dismiss the employee, the communication of that decision to the employee and the handling of any appeal against the decision;
- (c) the conduct and capability of the employee up to the date of termination;
- (d) the extent to which the employer has complied with any statutory requirement connected with the termination, including the issuing of a certificate under section 61 and the procedural requirements set out in section 66; and
- (e) the previous practice of the employer in dealing with the type of circumstances which led to the termination.

#### **74. Role of employees**

In deciding whether a complaint made under section 70 is well founded, a labour officer shall consult the other employees, if any, in the business in which the employee was employed.

#### **75. Reasons for termination or discipline**

The following shall not constitute fair reasons for dismissal or for the imposition of a disciplinary penalty—

- (a) a female employee's pregnancy, or any reason connected with her pregnancy;
- (b) the fact that an employee took, or proposed to take, any leave to which he or she was entitled under the law or a contract;
- (c) an employee's membership or proposed membership of a labour union;
- (d) participation or proposed participation in the activities of a labour union outside working hours or, with the consent of the employer, within working hours;
- (e) an employee's seeking of office as, or acting or having acted in the capacity of, an officer of a labour union or a

workers' representative;

- (f) an employee's refusal or proposed refusal to join or withdraw from a labour union;
- (g) an employee's race, colour, sex, religion, political opinion or affiliation, national extraction, nationality, social origin marital status, HIV status or disability;
- (h) an employee's initiation or proposed initiation of a complaint or other legal proceedings against his or her employer, except where the conduct is, in the opinion of the labour officer, wholly irresponsible and without foundation; and
- (i) an employee's temporary absence from work for any period up to three months on reliable grounds, including illness or injury.

## **76. Industrial action**

(1) The organisation or intended organisation of a strike or other form of industrial action shall not constitute a fair reason for dismissal or the imposition of a disciplinary penalty where the strike or other industrial action is lawful.

(2) The participation or intended participation of an employee in a strike or other form of industrial action shall not constitute a fair reason for dismissal or for the imposition of a disciplinary penalty where the strike or other industrial action is lawful.

## **77. Remedies for unfair termination**

(1) Where a labour officer decides that an employee's complaint of unfair termination under section 71 is well founded, the labour officer shall, subject to subsections(2) and(3) give the employee an award or awards of compensation specified in section 78.

## **78. Compensatory order**

(1) An order of compensation to an employee who has been unfairly terminated shall, in all cases, include a basic compensatory order for four weeks' wages.

(2) An order of compensation to an employee whose services have been unfairly terminated may include additional compensation at the discretion of the labour officer, which shall be calculated taking into account the following—

- (a) the employee's length of service with the employer;
- (b) the reasonable expectation of the employee as to the length of time for which his or her employment with that employer might have continued but for the termination;
- (c) the opportunities available to the employee for securing comparable or suitable employment with another employer;
- (d) the value of any severance allowance to which an employee is entitled under Part IX;
- (e) the right to press claims for any unpaid wages, expenses or other claims owing to the employee;
- (f) any expenses reasonably incurred by the employee as a consequence of the termination;
- (g) any conduct of the employee which, to any extent caused or contributed to the termination;
- (h) any failure by the employee to reasonably mitigate the losses attributable to the unjustified termination; and
- (i) any compensation, including ex gratia payments, in respect of termination of employment paid by the employer and received by the employee.

(3) The maximum amount of additional compensation which may be awarded under subsection (2) shall be three month's wages of the dismissed employee, and the minimum shall be one month's wages.

### **79. Calculation of a week's wages**

For the purpose's of this Part, a week's wages shall be calculated as follows—

- (a) where an employee's wages are the same for each pay

period, a week's wages shall be the amount paid or payable to the employee in respect of a full working week under his or her contract of service as it applied immediately before the date of dismissal;

- (b) where an employee's wages under his or her contract of service vary from one pay period to another according to the amount of work done by the employee during that period, a week's wages shall be the average wage received or payable in respect of a full working week by the employee, and the average wage shall be calculated by reference to the thirteen weeks of employment immediately preceding the date of dismissal.
- (c) where an employee's wages under his or her contract of service vary from one pay period to another according to the total number of hours which he or she works during a particular pay period, a week's wages shall be the wages received or payable by the employee for a working week of an average length which shall be calculated by reference to the average number of hours worked in each week by the employee during the thirteen weeks of employment immediately preceding the date of dismissal.

### **80. Settlement of termination cases**

Notwithstanding the provisions of this Act, an agreement between an employer and employee stating that no complaint in respect of a termination shall lie to a labour officer, or where a complaint made under sections 64 or 70 shall not be considered, an agreement made between the employer and employee shall—

- (a) be in writing;
- (b) be signed by the employer and the employee; and
- (c) contain the written statement of a labour officer to the effect that the terms of the agreement are fair and reasonable in the circumstances, and that the employee's entitlements under

this Act and under the contract of service have been paid.

### **81. Collective terminations**

(1) Where an employer contemplates terminations of not less than ten employees over a period of not more than three months for reasons of an economic, technological, structural or similar nature, he or she shall—

- (a) provide the representatives of the labour union, if any, that represent the employees in the undertaking with relevant information, and in good time which shall be a period of at least four weeks before the first of the terminations shall take effect, except where the employer can show that it was not reasonably practicable to comply with such a time-limit having regard to the reasons for the terminations contemplated, the number and categories of workers likely to be affected and the period over which the terminations shall be carried out, and the information in paragraph (a) shall include the names of the representatives of the Labour Union if any that represent the employees in the undertaking;
- (b) notify the Commissioner in writing of the reasons for the terminations, the number and categories of workers likely to be affected and the period over which the terminations are intended to be carried out.

(2) An employer who acts in breach of this section commits an offence.

## PART VIII—CONTINUITY OF EMPLOYMENT.

### **82. Basis of continuity**

Continuous service shall begin from and include the first day on which an employee begins to work for an employer and shall continue up to and include the last day on which that work shall be

completed.

### **83. Definition of continuous service**

(1) Subject to the provisions of this section, “continuous service” means an employee’s period of uninterrupted service with the same employer.

(2) There shall be a rebuttable presumption that the service of an employee with an employer shall be continuous, whether or not the employee remains in the same job.

(3) Any week or part of a week in which an employee is employed for sixteen hours or more shall count in calculation as a period of continuous service.

(4) Consecutive periods of employment with two successive employers where the successor has taken over the business of the former employer as receiver, liquidator, personal representative, or heir, or upon transfer of the whole or part of the business shall be deemed to constitute a single period of continuous service with the successor.

### **84. Continuity of employment**

(1) An employee’s continuous service shall not be regarded as broken where an employee is absent from work—

- (a) due to his or her taking annual leave, study or education leave, maternity leave or sick leave in accordance with this Act or the provisions of an agreement or his or her contract of service;
- (b) due to his or her suspension ,with or without pay, in accordance with this Act or the provisions of an agreement or his or her contract of service;
- (c) due to having been temporarily laid off by his or her employer;
- (d) due to a strike, lock-out or other industrial action in which he

or she did not participate;

(e) due to a sentence of imprisonment for an offence unrelated to his or her work; or

(f) in accordance with the agreement of his or her employer.

(2) Any period of time elapsing in a situation referred to in subsection (1) shall count for the purposes of calculating the length of continuous service.

### **85. Treatment of periods**

(1) The following periods shall not break the continuity of service and shall count for the purposes of calculating the length of continuous service—

(a) any period during which the employee is absent from work because of his or her participation in a strike or other industrial action; and

(b) any interval between an employee's two periods of employment with the same employer where the employer has agreed that, in consideration of the employee refunding or agreeing to refund any severance allowance and other terminal benefits received, service shall be regarded as continuous.

### **86. Seasonal employment**

(1) Where an employee is engaged in an occupation in which it is customary to employ some workers only at a certain season or time of the year, and that employee is employed in successive seasons, the employee shall be deemed to have been continuously employed for the aggregate of all the time he or she has actually performed work for the same employer in successive seasons.

(2) For the purpose of this section, “employed” means employed under a contract of service for a minimum of sixteen hours per week.

## PART IX—SEVERANCE ALLOWANCE.

**87. When severance allowance is due**

Subject to this Act, an employer shall pay severance allowance where an employee has been in his or her continuous service for a period of six months or more and where any of the following situations apply—

- (a) the employee is unfairly dismissed by the employer;
- (b) the employee dies in the service of his or her employer, otherwise than by an act occasioned by his or her own serious and wilful misconduct;
- (c) the employee terminates his or her contract because of physical incapacity not occasioned by his or her own serious and wilful misconduct;
- (d) the contract is terminated by reason of the death or insolvency of the employer;
- (e) the contract is terminated by a labour officer following the inability or refusal of the employer to pay wages under section 31; or
- (f) such other circumstances as the Minister may, by regulations, provide.

**88. No severance allowance under summary dismissal**

(1) No severance allowance shall be paid in circumstances where an employee—

- (a) is summarily dismissed with justification;
- (b) is dismissed by the employer and unreasonably refuses to accept an offer of re-employment by the employer at the same place of work, under no less favourable terms and wage rate than he or she was employed at immediately prior to the dismissal; or

(c) abandons his or her employment, or absconds from his or her place of work without leave for a period of more than three days without any explanation being provided to the employer.

(2) No severance allowance shall be paid where—

(a) the employer is a partnership and the employee's employment ceases on the dissolution of the partnership, and the employee either enters the employment of one or more of such partners immediately after such dissolution or the employee is offered, and unreasonably refuses employment on less favourable terms by one or more of such partners;

(b) the employee's employer dies, and the employee either enters the employment of the personal representative, widow, widower, or any heir of the deceased employer or immediately after such death, he or she is offered, and unreasonably refuses employment on less favourable terms by any such person or persons; or

(c) the contract which is terminated is a probationary contract.

(3) Where an employee accepts employment in the circumstances mentioned in subsection (2)(a), there shall be no break in continuity of service and the new employer or employers shall assume responsibility for all rights, including severance allowance of the employee arising in connection with his or her period of employment with his or her former employer or employers.

### **89. Calculation of amount of severance allowance**

The calculation of severance pay shall be negotiable between the employer and the workers or the labour union that represents them.

### **90. Bonus and other payments**

(1) Any gratuity, bonus, or pay other than what is provided for in this Act paid by an employer to an employee on the cessation of

his or her employment shall be taken into account in the calculation of any severance allowance, and the amount of the gratuity, bonus, or any other similar payment shall be deducted from any severance allowance which is due.

(2) Subject to this section, the right to a severance allowance shall be in addition to any other rights enjoyed by an employee in relation to his or her employer, and shall be subject to the same rights of set-off or compensation or counterclaim as are available against wages or any other remuneration due under a contract of service.

### **91. Payment of severance allowance**

(1) Where severance allowance is payable to an employee, it shall be paid on the cessation of employment or on the grant of any leave of absence pending the cessation of employment, whichever occurs earlier.

(2) Where severance allowance is payable in respect of a deceased employee, it shall be paid to the surviving spouse of the employee within thirty days of the employer being informed of the employee's death or, where there is no spouse, such other adult, dependent relative or guardian of a minor dependent relative as the labour officer may decide.

### **92. Failure to pay severance allowance**

(1) An employer who is liable to pay severance allowance and who wilfully and without good cause fails to pay the allowance in the manner and within the time provided under this Act commits an offence.

(2) An employer who commits an offence under this section shall pay a fine calculated at two times the amount of severance allowance payable, and the fine shall be payable to the same person and in the same way as the severance allowance is payable.

## PART X—REMEDIES, JURISDICTION AND APPEALS

### **93. Jurisdiction over claims; remedies**

(1) Except where the contrary is expressly provided for by this or any other Act, the only remedy available to a person who claims an infringement of any of the rights granted under this Act shall be by way of a complaint to a labour officer.

(2) A labour officer shall have jurisdiction to hear, and to settle by conciliation or mediation a complaint—

- (a) by any person alleging an infringement of any provision of this Act; or
- (b) by either party to a contract of service alleging that the other party is in breach of the obligations owed under this Act.

(3) Where there is an infringement of this Act, the labour officer shall have the power to order a party to comply with the provisions of this Act and, in accordance with its provisions, make the aggrieved party whole.

(4) Where there is a breach of obligations owed under a contract of service, the labour officer shall have the power to order a party to respect the obligations owed and, in accordance with the terms of the contract, to make the aggrieved party whole.

(5) Where the labour officer has found both an infringement of the Act and a breach of obligations owed under a contract of service, the remedy he or she shall order shall not result in double recovery for the aggrieved party.

(6) A claim in tort arising out of the employment relationship; claim shall be brought before a court and the labour officer shall not have the jurisdiction to handle such a claim.

(7) Where within ninety days of the submission of a complaint under this Act to a labour officer, he or she has not issued a decision on the complaint or dismissed it, the complainant may pursue the claim before the Industrial Court.

(8) A labour officer shall state the reasons for any decision taken on a complaint.

**94. Appeals**

(1) A party who is dissatisfied with the decision of a labour officer on a complaint made under this Act may appeal to the Industrial Court in accordance with this section.

(2) An appeal under this section shall lie on a question of law, and with leave of the Industrial Court, on a question of fact forming part of the decision of the labour officer.

(3) The Industrial Court shall have power to confirm, modify or overturn any decision from which an appeal is taken and the decision of the Industrial Court shall be final.

(4) The Minister may, by regulations, make provision for, the form which the appeal shall take.

**PART XI—MISCELLANEOUS****95. Criminal liability**

Nothing in this Act and no imposition of a disciplinary penalty for a breach of the Disciplinary Code shall exempt any person from being proceeded against, convicted or punished for a criminal offence.

**96. Penalties**

(1) A person who contravenes a provision of this Act, for which no penalty is expressly provided is liable, on conviction to a fine not exceeding twenty four currency points and on a second or subsequent conviction for the same offence, is liable to a fine not exceeding forty eight currency points or to imprisonment for a term not exceeding two years, or to both.

(2) Where an employer acts in contravention of any provision of this Act not specifically designated as an offence, a labour officer may caution him or her in writing against repeating or continuing such behaviour and if, having received a written caution, the

employer repeats the infringement in respect of which a caution, has been given, he or she commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or to imprisonment not exceeding one year or to both.

(3) Where an employer already convicted under subsection (2) commits a subsequent offence against the same provision of the Act, the employer is liable to a fine not exceeding forty eight currency points or to imprisonment for a term not exceeding two years or to both.

(4) Where a court imposes a fine it may under this Act, it may direct that the fine, when recovered, or such part of it as the court thinks fit, shall be applied to compensate any employer, employee or other person for any wrong done .

## **97. Regulations**

(1) The Minister may by statutory instrument make regulations for the better carrying into effect the provisions of this Act.

(2) Without prejudice to the general effect of subsection (1), regulations may be made under subsection (1) for any or all of the following matters—

- (a) exclusion from the application of all or part of this Act, limited categories of employed persons in respect of whom special problems of a substantial nature arise;
- (b) exclusion from the application of all or part of this Act categories of employed persons whose terms and conditions of employment are governed by special arrangements;
- (c) limitation of the range of jobs open to migrant workers;
- (d) conditions for the exercise of the Board's powers and functions;
- (e) medical examinations for persons over the age of eighteen seeking employment involving exposure to specified hazards;
- (f) employment of persons with disabilities, apprentices and

other categories of employees;

- (g) specified hazards;
- (h) exemption of specified categories of employers from notifying the district officer of any employment vacancy whenever it occurs;
- (i) partial payment of wages in form of allowances in kind;
- (j) exclusion of persons holding high managerial positions and persons working in family establishments from a rest after working for more than six consecutive days;
- (k) the maximum number of working hours per week;
- (l) limitation of application of disciplinary fines in excess of a specified sum and to periods of suspension in excess of a specified duration, where an employee believes an employer was not justified in imposing a penalty or suspension with half pay;
- (m) situations where severance allowance is due;
- (n) the form the appeal shall take;
- (o) the process of recruitment by recruitment agencies; and
- (p) any other matter under the Act.

## **98. Repeal**

The Employment Act, Cap 219 is repealed.

## **99. Savings**

(1) Without prejudice to the Interpretation Act, any statutory instrument, made under the Employment Act repealed by section 98, and in force at the commencement of this Act, shall, with the necessary modifications, continue in force so far as it is not inconsistent with this Act, until revoked or replaced by statutory instrument made under this Act.

(2) Any proceedings pending under the repealed Act before the

commencement of this Act may be continued and completed under this Act.

### **100. Transitional**

(1) Subject to section 3(2), every person who is employed by an employer under a contract of service, must be offered employment by the same employer as from the day this Act comes into force on terms and conditions of employment no less favourable than those that applied to that employees' employment under the Employment Act repealed by section 98.

(2) The terms and conditions, including the salary payable, on which such employees were employed, continue.

(3) There is no break or interruption in the employment of employees because of the enactment of this Act.

(3) Nothing in this Act affects any rights or liabilities of any employee under any provident, benefit, superannuation or retirement fund or scheme relating to any employee or former employee.

#### SCHEDULE 1

### DISCIPLINARY CODE

#### **1. Disciplinary rules**

(1) All organisations set up in accordance with this Act shall have disciplinary rules, and the form and content of the rules may vary according to the size and nature of the organisation.

(2) Disciplinary rules shall be in writing and shall be expressed in a manner and a language which the employer's employees may reasonably be expected to understand.

(3) Disciplinary rules shall be non-discriminatory and applied irrespective of race, colour, sex, religion, political opinion, national extraction, nationality, social origin, marital status or affiliation or intended affiliation to a union.

(4) A disciplinary penalty shall not be imposed on account of an

employee's participation or proposed participation in the activities of a union outside working hours or, with the consent of the employer, within working hours, or in the organisation or proposed organisation of a strike or other industrial action that is lawful.

(5) In cases of minor infringements of work discipline, the employer shall deal with the situation by way of informal advice and correction rather than invoking the formal procedures.

(6) Where the union is represented at the place of work by a union branch, the employer shall consult the union branch before initiating disciplinary proceedings and penalties involving dismissal against an employee who is a union member.

(7) Employers shall keep record of the nature of any offences, the consequential actions taken, the reasons for their taking action, the lodging of an appeal, and the outcome of any such appeal, and any other further developments.

(8) Copies of disciplinary rules shall be made readily available by the employer to every employee and shall be on permanent and prominent display to all employees.

(9) Disciplinary rules shall clearly indicate—

- (a) the employees to whom they apply;
- (b) the circumstances when the rules shall apply;
- (c) the content of the rules, expressed clearly in a form and in a language which the employees affected may be reasonably expected to understand; and
- (d) the penalties for infringement of the rules and the consequences of future infringements of the rules.

(10) The employer shall inform employees of their rights when accused of any infringements and of the procedures that shall be followed in investigating and dealing with complaints .

(11) The employer shall ensure that an employee faced with disciplinary action is—

- (a) fully aware of any complaints made against him or her and of the

nature and consequences of any proceedings taken against him or her;

(b) fully aware of the form the disciplinary proceedings shall take, including the possibility of appeals and the penalties for which he or she is liable if allegations are well founded;

(c) given a reasonable length of time in which to prepare any representation which he or she may wish to make in answer to the allegations, or in explanation of his or her behaviour; and

(d) given a reasonable opportunity to state his or her case, either personally or through a representative of his or her choice.

(12) In work places where there are a number of levels of supervisory and managerial posts, disciplinary rules shall make clear what level of management is authorised to initiate and implement any particular disciplinary action.

## **2. Disciplinary procedures**

(1) Disciplinary procedures shall be implemented without unnecessary delay, after proper investigations have been completed.

(2) Where a decision to implement a disciplinary procedure is taken, an employer shall at the first opportunity—

(a) inform, preferably in writing, the employee of what is happening, in a form and language which he or she shall be expected to understand; and

(b) remind the employee of his or her rights to prepare his or her case and or explanation, state his or her case and or explanation, and appeal against any decision.

## **3. Disciplinary penalties**

(1) In deciding on the imposition of a disciplinary penalty, the employer shall have regard to the circumstances of the employee as well as the circumstances of the infringement itself and, an employer shall not impose a disciplinary penalty more than fifteen days after the occurrence which gave rise to the disciplinary action.

(2) An employee is not liable to have his or her employment terminated

on the commission of a first disciplinary infringement, except in exceptional circumstances, and dismissal for misconduct shall be reserved for cases of serious misconduct or repeated infringements of disciplinary rules.

(3) For a first minor infringement such as—

(a) late arrival for work;

(b) unauthorised absence from work; or

(c) failure to apply himself or herself properly to his or her duties,

an employee against whom it is decided to take formal disciplinary proceedings shall receive a written warning.

(4) In serious infringements, such as the employee's failure to obey the reasonable orders of the employer, the employee shall be penalised by the imposition of a reprimand.

(5) In cases of serious misconduct, or persistence in committing less serious acts, the appropriate penalty shall be dismissal, especially where the infringement consists of—

(a) theft of or wilful damage to property of the employer;

(b) wilful endangering of the safety of the employer, a fellow employee or a member of the public;

(c) physical assault on an employer, a fellow employee or a member of the public; and

(d) inability to perform work by reason of voluntary intoxication, whether by drink or drugs; or other misconduct of similar gravity.

(6) Where a decision to dismiss is taken, the dismissal shall be with notice, or wages in lieu of notice and summary dismissal shall be reserved for only the most extreme cases where dismissal is the appropriate penalty.

(7) Under normal circumstances, dismissal shall not be imposed as a penalty without the employee having received a final written warning that he or she was in danger of losing his or her job because of his or her conduct and before deciding on dismissal as the appropriate penalty, an employer shall first consider alternative penalties including the loss of privileges, job transfer or suspension without pay.

(8) Disciplinary proceedings and particularly the imposition of sanctions against labour union officials shall not be instituted without consulting the union.

(9) The fact that an employee is charged with, or remanded in custody or is convicted of a criminal offence for an act committed outside working hours shall not automatically give rise to a dismissal or other disciplinary action and consideration in such cases shall always be given to the extent to which such a conviction shall make the employee unsuitable for his or her work.

(10) For purposes connected with an employee's employment, an infringement of disciplinary rules shall be disregarded after the expiry of two years in which that employee has not committed any further disciplinary breach.

(11) Disciplinary penalties which may be imposed shall be limited to those prescribed in section 62 and shall be subject to the restrictions set out in subsections (4) and (5) of that section.

#### SCHEDULE 2

#### SECTION 2

A currency point is equivalent to twenty thousand shillings.

**Cross references.**

1. Employment Act, Cap 219.
2. Interpretation Act, Cap 3.
3. Labour Unions Act, 2005.
4. Local Governments Act, Cap 243.
5. Labour Disputes (Arbitration and Settlement) Act, 2006.
6. Workers Compensation Act, Cap 225.

**ACTS SUPPLEMENT**

*to The Uganda Gazette No. 36 Volume XCVIX dated 8th June, 2006.*

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**Act 7**

*Labour Unions Act*

**2006**

**THE LABOUR UNIONS ACT, 2006.**

**ARRANGEMENTS OF SECTIONS**

*Section.*

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SCHEDULES

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SCHEDULE 2 MATTERS TO BE PROVIDED FOR IN THE  
CONSTITUTION OR RULES OF A LABOUR UNION.

**THE LABOUR UNIONS ACT, 2006.**

**An Act to regulate the establishment, registration and management of labour unions and to provide for other related matters.**

DATE OF ASSENT: 24th May, 2006.

*Date of Commencement:* See section 1.

BE IT ENACTED by Parliament as follows:

**PART I—PRELIMINARY****1. Commencement**

This Act shall come into force on a date to be appointed by the Minister by statutory instrument, and different days may be appointed for the commencement of different provisions.

**2. Interpretation**

In this Act, unless the context otherwise requires—

“affiliated union” means a registered labour union affiliated to any federation of labour unions which the Registrar may certify as a registered federation of labour unions;

“child” means a person who is under the age of eighteen years;

“COFTU” means Central Organisation of Free Trade Unions;

“currency point” means the value specified in relation to a currency point in Schedule 1;

“employee” means any person who has entered into a contract of service or a contract of apprenticeship as defined in the Labour Disputes (Settlement and Arbitration) Act and includes a person who is employed by or for the Government of Uganda, including the public service, any local authority or any parastatal organisation but does not include a member of the Uganda Peoples’ Defence Forces;

“employer” means any person or group of persons, including any company or corporation, any public, regional or local authority, any governing body of an unincorporated association, any partnership, any parastatal organisation or any other institution or organisation, for whom an employee works or has worked, or normally worked or sought to work, under a contract of service, and includes the heirs, successors, assignees and transferors of any person or group of persons for whom an employee works, has worked, or normally works;

“executive committee” includes a body, by whatever name called, to which the management of the affairs of a registered federation of labour unions or a registered labour union are entrusted, and includes the chairman, secretary and the treasurer of any such federation or registered labour union;

“federation” means a registered federation of labour unions;

“financial year” means a period of twelve months ending on the thirty-first day of December;

“functions” include powers and duties;

“Industrial Court” means the Industrial Court established by the Labour Disputes (Arbitration and Settlement) Act, 2006;

“injury” includes any actionable wrong and any injury to a person in respect of his or her business, occupation, employment or other source of income;

- “intimidate” means causing, in the mind of a reasonable person, apprehension of injury to him or her, to any member of his or her family, including his or her dependants, or reasonable apprehension of violence or damage to his or her person or property;
- “Labour Advisory Board” means the Labour Advisory Board established by the Employment Act, 2006;
- “labour dispute” means any dispute or difference between an employer or employers and employees, or between employees and employees, connected with the employment or non employment, or the terms of the employment, or with the conditions of labour, of any person, or with the economic and social interests of workers;
- “labour union” means any organisation of employees created by employees for the purpose of representing the rights and interests of employees and includes a registered labour union in existence at the commencement of this Act;
- “lock-out” means the closing of a place of employment, or the suspension of work, or the refusal by an employer to continue to employ or to re-engage any number of persons employed by him or her as a result of a dispute with the aim of compelling those persons or if aiding another employer in compelling a person or person employed by him or her to accept terms or conditions of or affecting employment;
- “Minister” means the Minister responsible for labour matters;
- “minor” means any person aged eighteen to twenty years;
- “National Organisation of Trade Unions” means the National Organisation of Trade Unions (established by the Trade Unions (Amendment) Decree, 1973), and functioning immediately before the commencement of this Act;

“officer” when used with reference to a registered organisation or an organisation which seeks to become registered, includes any member of the executive committee of the organisation, but does not include a trustee or an auditor;

“prescribed” means prescribed by regulations made under section 58;

“property” means any moveable or immovable property;

“public trustee” means the Public Trustee appointed by the Public Trustee Act;

“register” means the register of labour unions kept by the Registrar under section 14;

“registered” means registered under section 18;

“registered office” means the office of an organisation which is registered under section 39, as the head office of that organisation;

“registered organisation” means a federation of labour unions as the Registrar may certify in the *Gazette*; or a labour union which is registered under this Act;

“registered postal address” means the address of an organisation registered under section 39;

“Registrar” means a person appointed by the Minister under section 13 to act as Registrar of Labour Unions and includes any person appointed to be or to act as an assistant Registrar of Labour Unions;

“Secretary General” means the Secretary General of a labour union;

“strike” means the ‘go slow’ and ‘a sit down’ by a body of persons employed and acting in combination, or a concerted refusal or a refusal under a common understanding, of any number of persons employed to continue to work for an employer in consequence of a dispute, done as a means of compelling the employer, or to aid other employees, to accept or not to accept terms or conditions affecting the employment.

PART II—GENERAL PRINCIPLES OF FREEDOM OF ASSOCIATION

**3. Right of employees to organise**

Employees shall have the right to organise themselves in any labour union and may—

- (a) assist in the running of the labour union;
- (b) bargain collectively through a representative of their own choosing;
- (c) engage in other lawful activities for the purposes of collective bargaining or any other mutual aid practice; and
- (d) withdraw their labour and take industrial action.

**4. Employer not to interfere with right of association**

An employer shall not—

- (a) interfere with, restrain or coerce an employee in the exercise of his or her rights guaranteed under this Act;
- (b) interfere with the formation of a labour union or with the administration of a registered organisation;
- (c) discriminate in regard to the hire, tenure or any terms or conditions of employment in order to discourage membership in a labour union;
- (d) discharge an employee on account of his or her lawful involvement or proposed lawful involvement in the activities of a labour union, including his or her

participation in industrial action arising in connection with a labour dispute and not in contravention of the Labour Disputes (Arbitration and Settlement) Act, 2006; and

- (e) prevent or otherwise hinder a labour union official from having access to his or her employee or employees' representatives or otherwise omit to accord any labour union official facilities to enable him or her to discharge their responsibilities promptly and efficiently.

### **5. Offence on contravention of section 4**

An employer who contravenes section 4 commits an offence and—

- (a) is liable, on conviction, to a fine not exceeding ninety six currency points or imprisonment for a term not exceeding four years, or to both; and
- (b) in case of a continuous offence, is liable, on conviction, to a fine of two currency points for every day or part of a day during which the offence continues.

### **6. Labour union or employee may bring action**

(1) Where an employee or labour union is satisfied that an employer has contravened section 5, the employee or the labour union, as the case may be, may bring an action to the Industrial Court.

(2) The Industrial Court shall, if it is satisfied, that the contravention has occurred, order appropriate relief for the complaining party, including, but not limited to the reinstatement of any employee who has been dismissed.

### **7. Registrar's powers to investigate violation of section 5**

(1) For the purpose of ensuring compliance with sections 3 and 4, the Registrar may investigate the conduct of any employer in relation to any of the matters set out in sections 3 or 4 and may call on the employer to produce, for the Registrar's inspection, all or any of the books or documents of the employer, or to provide in writing any information or explanation which the Registrar may require.

(2) It is an offence for any employer to hinder or obstruct the Registrar in the course of his or her making investigations under subsection (1) or to fail or omit to produce any of the books or documents of the employer, or to fail or omit to furnish any information or explanation which the Registrar may require.

(3) An employee who believes that his or her rights under sections 3 or 4 have been infringed by an action taken by his or her employer or prospective employer shall have a right of action to the Industrial Court for an appropriate order.

### **8. Restraint of trade clauses**

The functions of a labour union or a federation of labour unions so far as they relate to the regulation of relations between employees and employers, or between employees and an employers' organisation, or between employees shall not, by reason only that they are in restraint of trade, be unlawful so as—

- (a) to render the labour union or a federation of labour unions or any of its members liable to criminal proceedings;
- (b) to render the labour union or a federation of labour union or any of its members liable in tort;
- (c) to make any agreement or trust void or voidable;
- (d) to render any rule of a labour union or federation of labour unions unlawful or unenforceable.

### **9. Registered federations of labour unions**

(1) A registered labour union may affiliate to a registered federation of labour unions.

(2) A federation of labour unions may be established for any lawful purpose including the following—

- (a) to formulate policy relating to the proper management of labour unions and the general welfare of employees;

- (b) to co-ordinate and supervise the activities of the federation in order to ensure that undertakings entered into by individual unions or by a federation of labour unions on behalf of its affiliated labour unions are duly honoured;
- (c) to plan for and administer, in collaboration with other interested bodies or persons, workers' education programmes;
- (d) to mainstream gender concerns in management and activities of labour unions;
- (e) to monitor the implementation of gender responsive provisions on the promotion of equal treatment, remuneration, training and capacity building in labour unions;
- (f) to serve as a link between registered labour unions, the Government and international organisations in all matters of mutual interest;
- (g) to serve generally as a consultant on all matters relating to labour union affairs; and
- (h) to affiliate to national and international federations of labour unions.

(3) The Secretary General of a registered federation of labour unions shall lodge with the Registrar—

- (a) a list of the affiliated unions qualified to vote in elections held by the federation for any office in the federation, or for any other matter;
- (b) the rules governing the holding of elections set out in paragraph (a); and
- (c) the rules governing the holding of any meetings including extraordinary general meetings of a registered federation of labour unions.

(4) It shall be the responsibility of the Secretary General to ensure that the particulars and information lodged with the Registrar in subsection (3) are correct and kept up to-date.

**10. Supply of information**

(1) Every registered labour union and federation of labour unions organisation shall submit annually, to the Registrar—

- (a) a list of organisations in Uganda and abroad, to which it is affiliated; and
- (b) a list of organisations, in Uganda and abroad, from which it has received financial assistance.

(2) An officer of a registered organisation commits an offence—

- (a) if, when required to provide information under subsection (1) fails to do so within reasonable time; or
- (b) where he or she knowingly furnishes false particulars.

**11. Representation on the Labour Advisory Board**

A representative of a labour union designated for appointment to the Labour Advisory Board shall be appointed by the registered organisations of labour unions for the purpose, as designated by the Registrar.

**12. Labour union branches**

(1) A registered labour union may, for purposes of the management of its affairs, form or dissolve branches as it thinks appropriate and the Registrar shall be kept informed of the formation or dissolution of the union's branches at all times, by the labour union.

(2) A registered labour union shall, where requested by the Minister or the Registrar, provide information on the number and location of its branches at any specified time.

**PART III—REGISTRATION OF LABOUR UNIONS****13. Registrar**

(1) The Minister shall, by statutory instrument appoint a Registrar of Labour Unions who shall be a senior public officer and who shall be responsible for the performance of the functions conferred upon the Registrar.

(2) The Minister may appoint one or more assistant Registrars of Labour Unions and such other officers as may be required, for purposes of this Act.

(3) The Minister may review the appointment of the Registrar and other officers as may be required, from time to time.

(4) No suit shall lie against any official appointed under this section for anything done or omitted to be done by him or her in good faith, and without negligence in the due performance of any function conferred by this Act.

(5) The Minister shall notify, in the *Gazette*, the appointment of the Registrar of Labour Unions.

#### **14. Register of labour unions and other books**

(1) The Registrar shall keep and maintain, in the prescribed manner, a register of labour unions and such other books and documents as is required by this Act and as the Minister may direct, in which the Registrar shall record or cause to be recorded, such particulars as may be prescribed by this Act.

(2) A copy of an entry or an extract from the register or other book or document maintained under this section, and certified as accurate by the Registrar, shall be prima facie evidence of the facts stated in the copy of the entry, or extract.

#### **15. Application for registration.**

(1) An application for registration as a labour union may be made by the Secretary General or any other officer of the organisation seeking registration as a labour union.

(2) An application for registration shall be accompanied by three certified copies of the constitution, and the rules of the organisation seeking registration as a labour union and a statement of the following particulars—

- (a) the name of the organisation seeking registration as a labour union, the address of its head office and its postal address;
- (b) the number of members;

(c) the titles, names, ages, addresses and occupations of its officers; and

(d) a revenue stamp of an amount prescribed by the Minister.

**16. Committee members to be employed in Uganda**

A labour union shall not be registered unless the members of its executive committee or any of its other committees are persons who are employed in Uganda.

**17. Confusing names**

A labour union shall not be registered by any name which is similar to or is likely to cause confusion with the name of an existing registered labour union or a labour union which has applied for registration.

**18. Certificate of registration**

(1) Subject to this section and to sections 19 and 20, the Registrar shall register a labour union in the prescribed manner and issue to it a certificate of registration in the prescribed form.

(2) A certificate issued under this section shall, for all purposes, unless proved to have been cancelled or withdrawn, be conclusive evidence that the labour union has been duly registered under this Act.

(3) The Registrar may, before registering a labour union, require additional information for purposes of being satisfied that the application for registration complies with this Act.

(4) The process of registration shall be within 90 days from the date of submission of the application.

**19. Refusal of registration**

(1) The Registrar shall refuse to register a labour union if he or she is satisfied that—

- (a) the labour union has not complied with this Act, or regulations made under this Act, or any reasonable request or order made by the Registrar, made in accordance with this Act or regulations made under this Act in respect of the registration;
- (b) any one of the principal objects of the constitution or rules of the labour union is unlawful or conflicts with this Act, or regulations made under this Act;
- (c) any of the proposed officers of the labour union is a person who has been convicted of an offence involving fraud or dishonesty;
- (d) the principal objects of the organisation seeking registration are not in accordance with those of a labour union, as defined by section 2 of this Act; and
- (e) the labour union is, directly or indirectly, under the substantial control of an employer or an organisation of employers or a political party.

(2) The Registrar shall inform, in writing, a labour union which is denied registration under this section, the reason or reasons for the refusal within a reasonable time from the date of the receipt of the application by the Registrar.

## **20. Cancellation of registration**

(1) The Registrar shall cancel the registration of a registered organisation—

- (a) where the registered organisation has been dissolved in accordance with this Act and the constitution of the registered organisation;
- (b) if the Registrar is satisfied that—
  - (i) the registered organisation has ceased to exist;
  - (ii) the registration was obtained by fraud, misrepresentation or mistake;

- (iii) any of the principal objects of the registered organisation has become unlawful;
- (iv) the constitution of the registered organisation, has become unlawful; or
- (v) the registered organisation has willfully, and after notice from the Registrar, contravened any provision of this Act or allowed any rule to continue in force, which is inconsistent with any provision of this Act, or has rescinded any rule providing for any matter for which provision is required by this Act.

(2) The Registrar shall give to every registered organisation the registration of which he or she proposes to cancel, at least two months' prior notice in writing, except in cases falling within subsection (1) (a).

(3) A registered organisation served with a notice under subsection (2) may, within two months after receiving the notice show cause to the Registrar in writing why the Registrar should not effect the proposed cancellation.

(4) In deciding whether to proceed with the cancellation under subsection (1) or not, the Registrar may hold any inquiry which he or she may consider appropriate in the circumstances.

(5) A registered organisation which has either failed to show cause under subsection (3) or which, having attempted to show cause, has failed to satisfy the Registrar that its registration should not be cancelled the Registrar may, after the expiration of the period of two months referred to in subsection (2), cancel the registration.

(6) An order made by the Registrar under this section cancelling the registration of a registered organisation shall briefly state the grounds for the cancellation of the registration and shall immediately be served on the registered organisation affected by the order.

(7) Upon cancellation of the registration of a registered organisation, the certificate of registration shall cease to have effect.

**21. Appeals.**

(1) A labour union aggrieved by the decision of the Registrar refusing, delaying or cancelling of registration may, within one month after the date of the order for refusal, delaying or cancellation of registration, appeal to the Industrial Court.

(2) The Registrar is entitled to be heard on an appeal brought under subsection (1).

(3) Where the appeal is in respect of an order for cancellation of registration, the labour union shall be deemed to be registered until the appeal is finally determined.

**22. Consequences of cancellation of registration**

(1) Where the registration of registered organisation is cancelled under section 20, the organisation shall cease to enjoy the rights and immunities granted by section 24.

(2) Notwithstanding the cancellation of registration under section 20, no civil or criminal proceedings shall be brought in any court against any officer or member of the organisation for which registration has been cancelled for any action taken by that officer or member personally in contemplation of or in furtherance of a labour dispute, where the proceedings are based only on the individual's participation in the organisation for which registration has been cancelled or participation in industrial action or picketing by the organisation for which registration has been cancelled.

(3) Any liability incurred by an organisation which has had its registration cancelled may be enforced against the assets of the registered organisation.

(4) Where the registration of a labour union is cancelled, the Secretary General shall, within one month of the cancellation, return the certificate of registration to the Registrar.

**23. Powers of Registrar to interdict or suspend certain officers**

(1) The Registrar may, after having given an officer or person acting as an officer an opportunity to be heard, interdict or suspend the officer or the person acting as an officer of a registered organisation, where the Registrar is satisfied that the officer or person has been convicted by a court of law, or is being investigated with a view to prosecution for—

- (a) misuse, misappropriation or mismanagement of the funds of the labour union; or
- (b) willful and persistent failure to comply with directions properly given by the Registrar under this Act.

(2) Where the Registrar interdicts or suspends any officer or person under sub-section (1) the Registrar shall, after having given the officer or person acting as the officer an opportunity to be heard, as soon as is practicable, forward to the Industrial Court a certified copy of his or her decision.

(3) The Industrial Court may direct the Registrar to remove or reinstate the officer or person acting as the officer of a registered organisation.

PART IV—RIGHTS AND RESPONSIBILITIES OF REGISTERED  
ORGANISATION.

**24. Rights and immunities of a registered organisation**

(1) A registered organisation shall enjoy the following rights, immunities and privileges—

- (a) it may sue or be sued under its registered name;
- (b) no suit or other legal proceedings shall be brought in any civil court against a registered organisation or any of its officers or members in respect of any act done in contemplation of or in furtherance of a dispute concerning a registered organisation to which the registered organisation is a

party, only on the ground that such an act induces some other person to break a contract of employment, or that it is in interference with the rights of some other person to dispose of his or her capital or his or her labour as he or she wishes;

(c) a suit brought against a registered organisation or against any of its members or officers on behalf of themselves and all other members of the registered organisation in respect of any tortious act alleged to have been committed by or on behalf of the registered organisation shall not be entertained by any court of law;

(d) every employer shall be bound to recognise, for the purposes of collective bargaining, and in relation to all matters affecting the relationship between the employer and his or her employees, any registered labour union to which any of his or her employees have previously subscribed their membership where the employees fall within the scope of membership of the labour union;

(2) Every employer is bound, under subsection (1)(d) to recognise any registered organisation, and the registered organisation representing the employees in question shall bargain in good faith.

(3) Where an employer refuses to deal with a registered organisation in accordance with subsection (1)(d), then the registered organisation shall complain to the Registrar, who shall immediately call upon the employer to show cause in writing within twenty-one days, why the employer is not complying with this Act.

(4) Where a registered organisation refuses to deal with an employer in accordance with subsection (1)(d) the employer may petition the Registrar, who shall immediately call upon the registered organisation to show cause in writing, why the registered organisation is not complying with this Act.

(5) Where the Registrar is not satisfied with the cause shown by the employer or registered organisation in subsections (3) and (4), he or she shall, within twenty one days, if he or she considers that the public interest so requires, make an order requiring an employer or a registered organisation to recognise any registered organisation or employer.

(6) Where the employer or registered organisation fails to comply with an order made under subsection (5), or where the Registrar declines to make the order the aggrieved party may refer the matter to the Industrial Court.

(7) The Industrial Court, after hearing both parties in respect of subsection (6), may—

- (a) order that the registered organisation and the employer shall deal in good faith, in respect of all matters concerning the relations of the employer and his or her employees who fall within the scope of the membership rule of the registered union; and
- (b) determine, for such period as may be appropriate, the terms and conditions of the employees of the employer who fall within the scope of the membership rule of that registered organisation.

(8) An employer who fails to show cause as required under subsection (3) or who does not recognise the registered organisation or comply with the order made by the Industrial Court under subsection (7), commits an offence and is liable, on conviction, to a fine not exceeding forty eight currency points or to imprisonment for a term not exceeding two years, and in the case of a continuing offence, to a fine of two and a half currency points for every day or part of a day on which the offence continues.

(9) Where an offence under subsection (7) is committed by a body corporate, every director or other officer of the body corporate is liable, on conviction, to a fine not exceeding forty eight currency points or to imprisonment for a term not exceeding two years or both.

**25. Liability in contract**

(1) A registered organisation is liable on any valid and enforceable contract made by the registered organisation or by an agent acting on its behalf.

(2) Notwithstanding subsection (1), the following agreements are not enforceable in a court of law and no proceedings shall be entertained to enforce or recover damages for their breach—

- (a) any agreement between members of a registered organisation, stipulating that any member of the registered organisation shall or shall not sell goods or engage in employment;
- (b) any agreement for the payment of a penalty by any member of a registered organisation to that registered organisation;
- (c) any agreement for the application of the funds of a registered organisation to provide benefits to members, other than a benefit under a contributory provident or benevolent fund or pension scheme.

(3) A bond to secure the performance of any of the agreements listed in subsection (2) shall be void and unenforceable in any court of law.

**26. Proceedings by and against a registered organisation**

(1) A registered organisation or an organisation seeking registration under this Act may sue or be sued under the name by which it has been operating or is generally known.

(2) Notwithstanding subsection (1) a registered organisation whose registration has been cancelled may sue under the name by which it was registered.

(3) An execution order for any money recoverable from any registered organisation in civil proceedings may issue against any property belonging to or held in trust for a registered organisation other than its provident or benevolent fund or other fund providing

for benefits to its members.

(4) A fine ordered to be paid by a registered organisation may be recovered by distress and sale of any property belonging to or held in trust for it in accordance with the Magistrates' Courts Act or the Civil Procedure Act.

## **27. Trustees of a registered organisation**

(1) The constitution or rules of every registered organisation shall provide for—

(a) the appointment or election of three or more trustees; and

(b) the filling of vacancies in the office of trustees so that there shall always be at least three trustees of a registered organisation.

(2) An officer of a registered organisation shall not be a trustee of the registered organisation.

(3) A person shall not be appointed or elected trustee of a registered organisation unless he or she is a member either of that organisation, or a bank approved by the Registrar.

## **28. Property vests in trustees**

(1) Any property belonging to a registered organisation shall vest in the trustees of the registered organisation for the use and benefit of the registered organisation and its members, and shall be under the control of the trustees.

(2) Upon the death or removal of any trustee, the property of that trustee shall automatically vest in the succeeding trustee.

(3) In all actions or suits before any court concerning the property of any registered organisation, that property shall be stated to be the property of the persons for the time being holding the office of trustees as trustees of the registered organisation, without any further description.

(4) Subject to this Act, the executive committee of any registered organisation may direct the trustees to acquire, dispose of, or otherwise deal in any property held by those trustees on behalf of the

registered organisation.

(5) The property of the registered organisation held by the trustees shall not be disposed of, acquired, or otherwise dealt with unless the trustees are satisfied that the executive committee has acted lawfully and in accordance with its constitution or rules.

### **29. Power of a registered organisation to hold land**

Notwithstanding the Trustees Incorporation Act, the trustees of a registered organisation may purchase or lease any land or real property and may sell, exchange, mortgage or lease any land or real property.

### **30. Membership of minors**

(1) Subject to the rules of a labour union, a minor—

(a) may be a member of a labour union; and

(b) shall enjoy all the rights of a member, except as otherwise provide in this Act.

(2) A minor shall have capacity to execute all instruments and do any other act or thing necessary under the constitution and rules of a labour union of which he or she is a member.

(3) A minor shall not be a member of the executive committee of a labour union or a trustee of a registered organisation.

### **31. Officers of a registered organisation**

(1) Subject to this section, all officers of a registered organisation other than the Secretary General and treasurer, shall be persons who have been and still are engaged or employed in an industry or occupation with which the registered organisation is directly concerned.

(2) An officer of a registered organisation shall not be required to relinquish his or her office only on account of his or her ceasing to be employed in the industry or occupation with which his or her

labour union is directly concerned.

(3) A person shall not hold office in a registered organisation on a full-time basis if he or she is employed in another institution where he or she is paid a salary.

(4) A person shall not hold office in a registered organisation if she or he has been convicted of an offence involving fraud or dishonesty.

### **32. Voting of members of a registered organisation**

(1) A person shall not be a voting member of a registered organisation unless—

- (a) he or she is a member of the registered organisation; and
- (b) he or she is employed or resident in Uganda.

(2) Subject to the constitution or rules of a registered organisation, no person shall be a voting member of a registered organisation where his or her monthly subscription is more than four months in arrears.

### **33. Annual general meetings**

(1) A registered organisation shall—

- (a) in addition to any other meeting, hold a general meeting which shall be its annual general meeting in each calendar year; and
- (b) specify the type of meeting in the notice calling the meeting.

(2) A registered organisation shall hold its annual general meeting within eighteen months after the date of the previous annual general meeting.

(3) Where a registered organisation was not in existence at the commencement of this Act, the period of eighteen months specified in subsection (2) shall be calculated from the date on which the

registered organisation was registered.

(4) Where a registered organisation fails to hold an annual general meeting, the Registrar may call or direct the calling of an annual general meeting of the registered organisation and give such ancillary or consequential directions modifying or supplementing the calling, holding and conducting of the meeting, subject to the operation of the constitution or rules of the registered organisation.

(5) The directions given by the Registrar under subsection (4) shall include a direction that a simple majority of voting members of the registered organisation present, shall be deemed to constitute the annual general meeting for the year, notwithstanding the terms of the constitution or rules of the registered organisation.

(6) A registered organisation may provide for the nomination and appointment of delegates to represent members at the annual general meeting or any other meeting of the registered organisation.

(7) Subsection (5) shall not apply where the meeting is not held in the year in which the default in holding the registered organisation's annual general meeting occurred.

(8) An annual general meeting held in accordance with subsections (4) and (5) shall not be adjourned for any reason without the permission of the Registrar or a designated officer of the registered organisation.

(9) Where default is made in holding an annual general meeting in accordance with subsection (1) or in complying with any directions of the Registrar under subsections (4) and (5), the Registrar shall proceed under section 23(1).

#### **34. Extraordinary general meetings**

(1) The executive committee of a registered organisation, notwithstanding anything in its constitution or rules shall, on the request of not less than one-tenth of its voting members, convene an extraordinary general meeting of the registered organisation.

(2) The request under subsection (1) shall—

(a) state the objects of the meeting; and

(b) be signed by the members making it.

(3) A copy of the request shall be deposited at the Registrar's office.

(4) Where the executive committee does not, within twenty-one days after the date of the receipt of the request referred to in subsection (1), convene a meeting to be held not later than forty days after the date of the deposit of the request, the members making the request shall report the matter to the Registrar who may direct the holding of the meeting or refer the matter to the Industrial Court.

(5) Where the matter has been referred to the Industrial Court, any officer of the registered organisation concerned may be dealt with in accordance with section 23(1).

### **35. Records of meetings**

(1) Every registered organisation shall keep minutes of all proceedings of general meetings and all proceedings of meetings of its executive committee shall be entered in the books kept for this purpose.

(2) The book containing the minutes referred to in subsection (1) shall be kept at the registered office of the registered organisation and shall, without charge, be open to the inspection of any member.

(3) A member of a registered organisation shall be entitled to be furnished with a copy of the minutes within seven days after he or she makes a request to the registered organisation, on the payment of a prescribed fee.

### **36. Amalgamation of registered labour unions**

Any two or more registered labour unions may amalgamate where the majority of the members of each of the labour unions or of the delegates representing a majority of each of the members of the labour unions considering amalgamation, have cast a vote in favour

of the amalgamation.

### **37. Registration of amalgamated labour unions**

(1) The Registrar shall be given a notice of the amalgamation of registered labour unions by the Secretary General of the amalgamated registered labour unions.

(2) The notice shall be in writing and shall contain the particulars of the amalgamated registered labour unions.

(3) The notice referred to in subsection (1) shall be signed jointly by the Secretary General of the unions concerned and by at least five members of each respective amalgamated labour union.

(4) Where the Registrar is satisfied that the provisions of this Act have been complied with, and that the labour union to be formed by amalgamation is entitled to be registered under this Act, he or she shall register the labour union.

(5) The amalgamation shall have effect from the date of registration.

(6) A registered labour union aggrieved by the decision of the Registrar under this section may appeal to the Industrial Court.

### **38. Effect of change of the name of a registered organisation**

(1) The name of a registered organisation shall not be altered or added to unless—

(a) notice in writing has first been given to the Registrar; and

(b) the Registrar has signified in writing, his or her approval of the proposed change.

(2) A change in the name of a registered organisation shall not affect any of the registered organisation's rights or obligations or render defective any legal proceedings by or against it and any legal proceedings which might have been continued or commenced by or against the registered organisation under its former name may be

continued or commenced by or against it under its new name.

### **39. Registered office and postal address**

(1) Every registered organisation shall have a registered office and a registered postal address within Uganda to which all communications and notices may be addressed.

(2) Notice of the situation of the registered office, registered postal address and of any relevant changes shall be given to the Registrar, who shall enter the particulars in the register.

(3) Where a registered organisation—

(a) operates without having a registered office and a registered postal address or without giving notice of the situation of its registered office as required by this section; or

(b) operates in an office other than the registered office without having given notice of the change of office to the Registrar,

the Registrar may, after giving notice of his or her intention to the registered organisation, by order, cancel the registration of the organisation.

(4) Any registered organisation aggrieved by an order of the Registrar under this section may, within one month after receiving the order of cancellation, appeal to the Industrial Court.

### **40. Constitution and rules of a registered organisation**

(1) The constitution or rules of a registered organisation shall provide for the matters specified in Schedule 2.

(2) An amendment to the constitution or rules of a registered organisation that is inconsistent with the matters specified in Schedule 2 shall be null and void.

(3) Subject to this Act and to the conditions provided for in the constitution or rules of a registered organisation, a registered organisation may amend its constitution or rules.

(4) A copy of every amendment made to the constitution or rules

of the registered organisation shall—

- (a) be signed by the executive committee of the organisation;
- (b) be sent to the Registrar within fourteen days after the making of the amendment; and
- (c) be registered by the Registrar if he or she is satisfied that the requirements of this Act concerning the amendment of the constitution or rules have been complied with.

(5) Every amendment of the constitution or rules of a registered organisation shall take effect from the date of registration under subsection (4), unless a later date is specified in the amendment.

(6) Where a registered organisation fails to comply with the provisions of this section, the Registrar may deal with the registered organisation in accordance with section 23(1).

#### **41. Copies of the constitution or rules**

(1) A copy of the constitution or rules of a registered organisation shall be made available, on demand and on payment of a reasonable fee to any person who has become a member of the registered organisation and to any person entitled to apply for membership.

(2) A copy of the constitution and rules of a registered organisation shall be kept at every registered office and shall be open to any member or prospective member of a registered organisation for inspection without fee, during normal office hours.

(3) A copy of the constitution and rules of a registered organisation shall be sent to any branch office of the registered organisation.

#### **42. Notification of officers, etc**

(1) A notice of any changes of officers or trustees and their titles shall be prominently displayed in the registered office of every registered organisation.

(2) A notice of any changes of officers or trustees shall, within fourteen days after the change, be sent to the Registrar by the Secretary

General of the registered organisation, together with the prescribed fee.

(3) Where notice of change under subsection (2) has been given to the Registrar, he or she shall, subject to subsection (4) and (5), register the changes.

(4) Before registering any change of officers or trustees or correcting the register, the Registrar may require the production of such evidence in relation to the change of officers or trustees or the correction asked for as he or she deems necessary to be satisfied as to the validity or propriety of the change.

(5) Where the Registrar is not satisfied as to the validity of any appointment or the appropriateness of the proposed correction to the register, he or she may refer the matter to the Industrial Court.

(6) The Registrar may—

- (a) require the registered organisation to show cause within fourteen days where there is a contravention of subsection (1) and (2), why the matter should not be referred to the Industrial Court; and
- (b) refer the matter to the Industrial Court, where the registered organisation fails to show cause under paragraph (a) and any officer of the registered organisation who is in default shall be dealt with in accordance with section 23(1).

### **43. Notification of dissolution**

(1) Where a registered organisation is dissolved under the terms of its constitution or rules, notice containing such particulars as may be prescribed, of the dissolution, signed by the Secretary General and seven members of the registered organisation shall, within fourteen days of the dissolution—

- (a) be sent to the Registrar who shall register the dissolution if he or she is satisfied that it has been effected in accordance with the constitution or rules of the registered organisation; and

(b) be published in a newspaper of national circulation.

(2) The dissolution of the registered organisation shall have effect from the date of its de-registration.

#### **44. Effect of dissolution**

(1) Subject to subsection (2), upon dissolution, a registered organisation shall cease to exist and shall lose all its rights, immunities and privileges set out in section 24.

(2) Notwithstanding subsection (1) all proceedings against or by a registered organisation shall not be affected by the dissolution, and shall continue in the names of the registered organisation.

(3) Upon notice being published in a newspaper of national circulation, of the intended dissolution of a registered organisation, claims may be lodged against the registered organisation and the claims shall be dealt with by the registered organisation in priority.

#### **45. Funds of a registered organisation**

(1) The funds of a registered federation of labour unions shall consist of—

- (a) subscriptions from affiliate member labour unions or organisations;
- (b) investments; and
- (c) donations.

(2) The funds under subsection (1) shall be kept by the treasurer of the registered federation of labour unions.

(3) The funds of a registered labour union shall consist of—

- (a) subscriptions from its members;
- (b) investments;
- (c) donations; and

(d) contributions made by an employee from his or her wages.

(4) The funds referred to under subsection (3) shall be kept by the treasurer of that labour union.

(5) The treasurer of every registered organisation shall cause estimates of income and expenditure of both revenue and capital for the coming period of twelve months to be submitted to the members of the registered organisation's for approval, at least once every year.

#### **46. Application of funds**

The funds of a registered organisation may, subject to its constitution or rules and this Act, be expended for the following objects—

(a) the payment of salaries, allowances and expenses to officers of the registered organisation;

(b) the payment of expenses for the administration of the registered organisation, including an audit of the accounts of the funds;

(c) the prosecution or defence of any legal proceedings to which the registered organisation's member or officer is a party, where such prosecution or defence is undertaken for the purpose of securing or protecting any rights of the registered organisation or any rights arising out of the relations of any member with his or her employer;

(d) the conduct of any labour dispute on behalf of the registered organisation or any of its members;

(e) the compensation of members of the registered organisation for loss arising out of a labour dispute;

(f) allowances to members or their dependants on account of death, old age, sickness, accident or unemployment of the members;

(g) the payment of subscriptions and fees to any federation or congress of labour unions to which the registered

organisation may be affiliated;

- (h) the payment of expenses for the education of the members;  
and
- (i) any other lawful object of the registered organisation.

(2) The funds of a registered organisation shall not be used to pay any fine or penalty imposed by a court of law on any individual or officer, except where the fine or penalty has been imposed on the registered organisation itself.

#### **47. Books of accounts, etc**

(1) Every registered organisation shall keep proper books of accounts as are necessary to give a true and fair view of the financial position and transactions of the registered organisation, with respect to—

- (a) all sums of money received and expended by the registered organisation and the matters in respect of which the receipt and expenditure takes place; and
- (b) the assets and liabilities of the registered organisation.

(2) The books of account shall be kept at the registered office of the respective registered organisation or at such other place in Uganda as the executive committee may think fit, and shall, at all reasonable times be open to inspection by the members of the executive committee.

#### **48. Circulation of accounts**

(1) The treasurer of a registered organisation shall, at least once in every calendar year, at intervals of not more than fifteen months, cause to be prepared and sent to the annual general meeting of the registered organisation, a balance sheet which shall give a true and fair view of the state of the financial affairs of the organisation at the end of the financial year.

(2) The balance sheet prepared under subsection (1) shall be audited by an auditor appointed by the registered organisation from a list of auditors approved by the Registrar for the purpose, and the auditor shall have access to the books and documents relating to the

accounts of the registered organisation.

(3) A person who obstructs or in any way hinders an auditor in the discharge of his or her functions under subsection (2) commits an offence.

#### **49. Resigning or vacation of office by treasurer**

(1) Notwithstanding section 48, a treasurer of a registered organisation and every officer who is responsible for the accounts of a registered organisation or for the collection, disbursement, custody or control of the funds or moneys of a registered organisation shall, upon resigning or vacating his or her office, or at any other time when required so to do by a resolution of the members of the registered organisation, or the Registrar, as the case may be, furnish a statement of a just and true account of all moneys received and paid by him or her from the date of his or her assuming office to the date of his or her vacating the office.

(2) The statement of accounts referred to in subsection (1) shall include the balance of any moneys remaining with the treasurer and of all bonds, securities or other property of the registered organisation entrusted to his or her custody or are under his or her control.

(3) Any account prepared by the treasurer of the registered organisation or any other officer who is responsible for the accounts of the registered organisation, on vacation of office, shall be audited by the auditor appointed under section 48.

(4) Where the accounts have been audited as provided for under subsection (3), the treasurer or the officer concerned, shall immediately hand over to the trustees of the registered organisation the balance if any, due from him or her and all bonds, securities, effects, books, papers and property in his or her custody or otherwise under his or her control.

#### **50. Annual returns**

(1) A registered organisation shall submit to the Registrar on or before the prescribed date, in each year, a copy of the balance sheet

prepared and audited in accordance with section 48, together with a copy of the auditor's report.

(2) Where a registered organisation fails to comply with subsection (1), the Registrar shall—

- (a) require the registered organisation to show cause why the Registrar should not refer the matter to the Industrial Court; and
- (b) where the registered organisation does not show cause referred to in paragraph (a) within fourteen days, refer the matter to the Industrial Court and any officer of a registered organisation shall be dealt with in accordance with section 23(1).

(3) A person who willfully makes or orders or causes or procures to be made a false entry in or omission from any document delivered to the Registrar under this section, commits an offence.

### **51. Inspection of accounts and documents**

The books of accounts of a registered organisation and a list of the members in the registered organisation shall be open to inspection by any officer or trustee or member of the registered organisation at such times as may be provided for in the rules of the registered organisation, or by the Registrar or any person authorised in that behalf in writing by the Registrar, at any reasonable time.

### **52. Obstructing inspection of the Registrar**

A person who opposes, obstructs or in any other manner hinders the Registrar or any person authorised by him or her in the carrying out of an inspection under section 51 commits an offence under this Act and the Registrar may refer the matter to the Industrial Court.

### **53. Power to call for detailed accounts**

(1) Where, in the tendering of accounts, the Registrar has reasonable cause to suspect an irregularity, he or she may at any time direct the treasurer, the executive committee or any other officer of a registered organisation to render details of accounts supported by

such evidence as the Registrar may require, of the funds of the registered organisation in respect of any particular period.

(2) Where an officer of a registered organisation fails to comply with a direction made by the Registrar under subsection (1), the Registrar may refer the matter to the Industrial Court and the officer shall be dealt with in accordance with section 23(1).

(3) For the purposes of this section, the officer referred to in subsection (2) shall include any person who has held any such office, whether or not that person is at the relevant time a member of the registered organisation.

(4) Where the Registrar is satisfied, either as a result of his or her own investigations or, as a result of representations received, that any officer or member of a registered organisation is intending to make use of the funds of the registered organisation in a way which contravenes this Act, he or she may, by order, prohibit the person concerned from holding or controlling the funds of the registered organisation for a period of time not exceeding four weeks and thereafter, shall refer the matter to the Industrial Court where the matter is not resolved.

(5) A person aggrieved by an order of the Registrar under subsection (4) may, within a period of seven days after the making of the order, appeal to the Industrial Court.

#### PART V—MISCELLANEOUS

### **54. Offences and penalties**

A person who commits an offence under this Act, or contravenes any provision of this Act for which no special penalty is provided, is liable, on conviction, to a fine not exceeding ninety six currency points or imprisonment for a term not exceeding four years, or both.

### **55. Nomination by minors**

(1) A minor who is a member of a registered organisation may, in writing, delivered at or sent to the registered office of the registered

organisation nominate a relative to whom any moneys payable on the death of the minor shall be paid to.

(2) A nomination made under subsection (1) may, from time to time, be revoked or varied in writing by the minor and similarly be delivered or sent.

(3) On receiving satisfactory proof of the death of a minor, a registered organisation shall pay to the nominee, any benefits under its constitution or rules due to the deceased member.

### **56. Service of legal process**

Subject to any other law, a document required to be served on a registered organisation in any civil or criminal proceedings shall be deemed to be duly served and delivered at the registered office of the registered organisation where it is posted to its registered postal address, or if it is served personally on any member of the executive committee of the registered organisation.

### **57. Facts to be notified in the *Gazette***

The Registrar shall notify in the *Gazette* where—

- (a) a labour union or a federation of labour unions has been registered or that registration has been refused;
- (b) the registration of any registered organisation has been cancelled;
- (c) a change of name or amalgamation affecting any registered organisation has been registered;
- (d) a registered organisation has been dissolved.

### **58. Regulations**

(1) The Minister may, by statutory instrument make regulations for the purposes of carrying out or giving effect to this Act.

- (2) Without prejudice to the general effect of subsection (1),

regulations may be made under that subsection for all or any of the following matters—

- (a) the particulars of a notice of dissolution of a registered organisation;
- (b) the fees for a revenue stamp; and
- (c) generally for better carrying out the purposes of this Act.

### **59. Minister's power to amend Schedules**

(1) The Minister may, by statutory instrument, with the approval of Cabinet, amend Schedule 1.

(2) The Minister may, by statutory instrument, amend Schedule 2.

### **60. Repeal of Cap. 223**

The Trade Unions Act is repealed.

### **61. Savings**

(1) Any statutory instrument made under the Trade Unions Act repealed by section 60, and which is in force at the commencement of this Act, shall continue in force so far as it is not inconsistent with this Act, until revoked or replaced by a statutory instrument made under this Act.

(2) Any proceedings pending under the repealed Trade Unions Act before the commencement of this Act may be continued and completed under this Act.

### **62. Transitional**

(1) Notwithstanding the repeal of the Trade Unions Act, the National Organisation of Trade Unions shall continue to be in existence and shall be deemed to be a registered federation of labour unions.

(2) An affiliate member of the National Organisation of Trade Unions shall have the option to remain or cease to be a member of the National Organisation of Trade Unions at any time after the commencement of this Act.

(3) The Central Organisation of Free Trade Unions (COFTU) existing at the commencement of this Act shall continue in existence

and shall be deemed to be a registered federation of labour unions under this Act.

(4) The provisions of subsection (2) shall apply to an affiliate of the Central Organisation of Free Trade Unions (COFTU).

(5) A labour union registered under the Trade Unions Act in existence at the commencement of this Act shall be deemed to have been duly registered under this Act.

### **63. Laws not applicable for registration**

For the avoidance of doubt, the Companies Act and the Co-operative Societies Act shall not apply to the National Organisation of Trade Unions and Federations of Labour Unions or any Labour Unions, and the registration of any labour union under either of those Acts shall be void.

SCHEDULE 1

Sections 2, 59(1)

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

**SCHEDULE 2**

SECTIONS 41, 59(2)

**MATTERS TO BE PROVIDED FOR IN THE CONSTITUTION  
OR RULES OF A LABOUR UNION.**

1. The name of the labour union and the place of meeting for the business of a labour union.

2. The whole of the objects for which the labour unions are to be established, the purposes for which the funds of the union shall be applied, the conditions under which any member of the union may become entitled to any benefits issued, and the fines and forfeitures to be imposed on any member of a union.

3. The manner of making, altering, amending and rescinding a constitution or rules.

4. The appointment or election and removal of an executive and of trustees, secretaries, treasurers and other officers of a labour union.

5. The custody and investment of the funds of a labour union, the designation of the officer or officers responsible for the union, and the annual or periodical audit of its accounts.

6. The inspection of the books and names of members of the labour union by any person having been interested in the funds of the labour union.

7. The manner of the dissolution of a labour union and the disposal of the funds of the union available at the time of dissolution.

8. The taking of all decisions in respect of the election of officers, the amendment of rules, the constitution, lockouts,

dissolution and any other matter affecting members of a labour union generally, by secret ballot if required by the members.

9. The right of any member to a reasonable opportunity to vote.

10. The amount of subscription and fees payable by a member and the disqualifications of a member from voting on any matter concerning a labour union and from receiving benefits if his or her subscription is in arrears.

11. If honorary members are to be permitted, the conditions under which a person may become an honorary member.

12. Provision for keeping in a separate fund, all monies received or paid by a labour union in respect of any contributory provident fund or pensions fund scheme.

**Cross references.**

1. Civil Procedure Act, Cap 71
2. Companies Act, Cap. 110
3. Co-operative Societies Act, Cap. 112
4. Employment Act, 2006
5. Labour Disputes (Arbitration and Settlement) Act, 2006
6. Magistrates' Courts Act, Cap.16
7. Public Trustee Act, Cap161
8. Trustees Incorporation Act, Cap 165

**ACTS SUPPLEMENT**

*to The Uganda Gazette No. 36 Volume XCVIX dated 8th June, 2006.*

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**Act 8** *Labour Disputes*  
*(Arbitration and Settlement) Act* **2006**

THE LABOUR DISPUTES (ARBITRATION AND SETTLEMENT)  
ACT, 2006

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**SCHEDULES****SCHEDULE 1 - CURRENCY POINT****SCHEDULE 2 - ESSENTIAL SERVICES**

**THE LABOUR DISPUTES (ARBITRATION AND  
SETTLEMENT) ACT, 2006**

**An Act to revise the law relating to industrial relations, to repeal and replace the Trade Disputes (Arbitration and Settlement) Act, Cap 224, and to provide for related matters.**

DATE OF ASSENT: 24th May, 2006.

*Date of Commencement:* See section 1.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

**1. Commencement**

This Act shall come into force on a date to be appointed by the Minister by statutory instrument; and different days may be appointed for the commencement of different provisions.

**2. Interpretation**

In this Act, unless the context otherwise requires—

“award” means an award made by the Industrial Court in the exercise of its arbitral jurisdiction under section 14;

“board of inquiry” means a board of inquiry appointed under section 25;

“breach” means, in relation to a worker’s contract of service, to commit any act or make any omission which amounts to a breach of the contract of service under which the worker is employed;

“collective agreement” means a written agreement relating to terms and conditions of employment concluded between one or more labour unions and one or more employers, or between one or more labour unions and one or more employers’ organisations;

“Commissioner” means the Commissioner for Labour;

“contract of service” means any contract, written or oral, where a person agrees to perform work for an employer in return for remuneration, and includes a contract of apprenticeship;

“contract of apprenticeship” means a contract of service where there is—

(a) an obligation on the employer to take all reasonable steps to ensure that an employee is taught, and acquires the knowledge and skills of an industry by means of practical training received in the course of the employee’s employment; and

(b) a provision for formal recognition of the fact that an employee has acquired the knowledge and skills intended to be acquired when the employee does so;

“currency point” means the value specified in relation to a currency point in Schedule 1;

“dispute” means a labour dispute;

“employee” means any person who enters into a contract of service or an apprenticeship contract, including without limitation, a person who is employed by or for the Government of Uganda, a local government or a parastatal organisation, but does not include a member of the Uganda Peoples’ Defence Forces;

“employer” means a person or group of persons, including a company, a corporation, a public, regional or local authority, a governing body of an unincorporated association, a partnership, parastatal organisation or any other institution or organisation and includes—

(a) the Government of Uganda and a local government, for whom or for which, an employee works or worked, or normally worked or sought to work, under a contract of service;

(b) an heir, successor, assignee and transferor of any person or group of persons for whom an employee works, worked, or normally works;

“employers’ organisation” means a group of employers, the principal object of which is, under its constitution, the regulation of relations between employers and employees, between employers and representatives of the employees or between employers and employers for the purpose of representing employers’ interests;

“essential service” means any of the services specified in Schedule 2;

“Industrial Court” means the court established by section 7;

“industrial action” means a strike or lockout;

“Judge” means a judge of the Industrial Court;

“Labour Advisory Board” means the Labour Advisory Board established by the Employment Act 2005;

“labour dispute” means any dispute or difference between an employer or employers and an employee or employees, or a dispute between employees; or between labour unions, connected with employment or non-employment, terms of employment, the conditions of labour of any person or of the economic and social interests of a worker or workers;

“Labour Officer” means the Commissioner for Labour, and a District Labour Officer, as the case may be and includes an Assistant Labour Officer;

“labour union” means an organisation created by employees, the principal objects of which are, under its constitution, the regulation of the relations between employees and employers or between employees and employees, for the purpose of representing the rights and interests of employees;

“lock-out” means the closing of a place of employment, the suspension of work, or the refusal by an employer to continue to employ or to re-engage any person employed by him or her in consequence of a dispute, done with a view to compelling that person, or to aid another employer in compelling any person employed by that other employer to accept certain terms or conditions of employment which affect the employment;

“Minister” means the Minister responsible for labour matters;

“national disaster” means an occurrence inflicting widespread destruction and distress on the life, personal safety or health, industry, property, livelihood or other human interest of the whole or part of the population;

“procedural agreement” means a collective agreement which sets out a dispute resolution procedure;

“recognition agreement” means an agreement by an employer to recognise a labour union for the purposes of collective bargaining or for any other purpose;

“Registrar of Labour Unions” means the Registrar of Labour Unions appointed under the Labour Unions Act, 2006;

“strike” means the cessation of work by a body of persons employed in any trade or industry, acting in combination or concerted refusal, or a refusal under a common understanding of any number of persons who are or have been employed, to continue to work or to accept employment and includes any interruption or slowing down of work by a number of persons employed in any trade or industry or undertaking, including any action commonly known as a “sit-down strike”, or a “go slow”.

## PART II—DISPUTE RESOLUTION AND SETTLEMENT

### **3. Labour disputes to be referred to Labour Officer**

(1) Subject to subsection (2), a labour dispute, whether existing or apprehended, may be reported, in writing, to a Labour Officer, by a party to the dispute in such form and containing such particulars as may be prescribed by regulations made under this Act.

(2) A labour dispute, whether existing or apprehended, may only be reported to the Commissioner if it is, or is likely to become a national disaster.

(3) The Commissioner may, on his or her own motion, take responsibility for any labour dispute reported to a Labour Officer where the Commissioner has reasonable grounds to believe that the labour dispute is, or is likely to become a national disaster.

(4) A person making a report of a labour dispute under subsection (1) shall send a copy of the report immediately to the other party to the dispute.

### **4. Labour Officer to react to report of labour dispute within two weeks**

A Labour Officer shall, within two weeks after receipt of the report made under section 3 (1), deal with the report in any one or more of the following ways—

- (a) meet with the parties and endeavour to conciliate and resolve the dispute;
- (b) appoint a conciliator to conciliate the parties in dispute and inform the parties, in writing, of the appointment;
- (c) refer the dispute back to the parties with comments and proposals to the parties of the terms upon which a settlement of the labour dispute may be negotiated;
- (d) reject the report and inform the parties accordingly, stating the reasons for rejecting the report, having regard to—
  - (i) the insufficiency of the particulars set out in the report, or the nature of the report;
  - (ii) the insufficiency of the endeavours made by the parties to achieve a settlement of the dispute; or
  - (iii) any other matter which the Labour Officer considers to be relevant in the circumstances;
- (e) inform the parties to the dispute that the report comprises matters which cannot be dealt with under this Act.

**5. When Labour Officer may refer dispute to Industrial Court**

(1) If, four weeks after receipt of a labour dispute—

- (a) the dispute has not been resolved in the manner set out in section 4 (a) or (c); or
- (b) a conciliator appointed under section 4(b) considers that there is no likelihood of reaching any agreement,

the Labour Officer shall, at the request of any party to the dispute, and subject to section 6, refer the dispute to the Industrial Court.

(2) Notwithstanding subsection (1), the period of conciliation may be extended by a period of two weeks, with the consent of the parties.

(3) Where a labour dispute reported to a Labour Officer is not referred to the Industrial Court within eight weeks from the time the report is made, any of the parties or both the parties to the dispute may refer the dispute to the Industrial Court.

## **6. Reference to conciliation and arbitration agreement**

Where there are any arrangements for settlement by conciliation or arbitration in a trade or industry, between a labour union and one or more employers or between one or more labour unions and one or more employers' organisations, the Labour Officer shall not refer the matter to the Industrial Court but shall ensure that the parties follow the procedures for settling the dispute laid out in the conciliation or arbitration agreement, which apply to the dispute.

## *Industrial Court*

## **7. Establishment of the Industrial Court**

(1) There is established an Industrial Court.

(2) The Industrial Court may circuit as frequently as circumstances may make it necessary.

## **8. Functions of the Industrial Court**

(1) The Industrial Court shall—

(a) arbitrate on labour disputes referred to it under this Act; and

(b) adjudicate upon questions of law and fact arising from references to the Industrial Court by any other law.

(2) The Industrial Court shall dispose of the labour disputes referred to it without undue delay.

**9. Arbitration and Conciliation Act, not to apply**

The Arbitration and Conciliation Act shall not apply to any proceedings of the Industrial Court under this Act, or to any award made by the Industrial Court.

**10. Composition, appointment and tenure of members of the Industrial Court**

(1) The Industrial Court shall consist of—

- (a) a Chief Judge;
- (b) a Judge;
- (c) an independent member;
- (d) a representative of employers; and
- (e) a representative of employees.

(2) The Chief Judge and the Judge shall be appointed by the President on the recommendation of the Judicial Service Commission, and shall have qualifications similar to those of a Judge of the High Court.

(3) The Chief Judge and the Judge shall hold office for a term of five years.

(4) The independent member shall be appointed by the Minister from a panel of five eminent Ugandans not representatives of employers or employees, and shall hold office for three years.

(5) The representative of employers shall be appointed by the Minister from a panel of five persons, nominated by the federation of employers, to represent employers in respect of any one particular dispute referred to the Industrial Court.

(6) The representative of employees shall be appointed by the Minister from a panel of five persons, nominated by the federations of labour unions, to represent employees, in respect of any one particular dispute referred to the Industrial Court.

**11. Minister may consider nominations by employees and employers**

In appointing a member of the industrial court under section 10(5) and (6), the Minister may take into consideration any nomination from a panel made to him or her by the employers or employees concerned with the dispute before the Industrial Court, as the case may be, but the Minister is not bound by the nomination.

**12. Registrar of the Industrial Court and support staff**

(1) The Industrial Court shall have a Registrar and support staff who shall be appointed by the Public Service Commission, as may be necessary.

(2) The Registrar shall be a public officer with relevant knowledge in industrial relations and shall be the administrative head of the Industrial Court, under the supervision of the Chief Judge.

*Decisions and Awards of Industrial Court*

**13. Decisions of the Industrial Court**

Where the Industrial Court is unable to reach a common decision, the matter shall be decided by the Chief Judge.

**14. Awards of the Industrial Court**

(1) An award or decision of the Industrial Court shall be announced by the Chief Judge in the presence of the parties to the dispute, or their representatives.

(2) An award of the Industrial Court shall take effect from such date as may be determined by the Court but in any case, not a date earlier than the date the dispute arose and where the Industrial Court does not fix a date, the effective date shall be the date on which the award is announced.

(3) The Industrial Court, shall, when making an award, have the power to determine the period during which the award shall remain in force and binding on the parties concerned.

**15. Awards to be submitted to Minister**

The Registrar of the Industrial Court shall submit to the Minister, a copy of every award of the Industrial Court.

**16. Enforcement of awards or decisions of the Industrial Court**

(1) An award or a decision of the Industrial Court shall be enforceable in the same way as a decision in a civil matter in the High Court.

(2) A party to an award or decision of the Industrial Court who fails or refuses to abide by the terms of the award or decision of the Industrial Court shall be in contempt of Court.

**17. Interpretation and review of awards**

(1) Where any question arises as to the interpretation of any award of the Industrial Court within twenty-one days from the effective date of the award or, where new and relevant facts concerning the dispute materialise, a party to the award may apply to the Industrial Court to review its decision on a question of interpretation or in the light of the new facts.

(2) The Industrial Court may decide the matter after hearing the parties, or without a hearing, if the consent of the parties is obtained.

(3) A decision of the Industrial Court shall be notified to the parties and shall be deemed to form part of the original award and shall have the same effect in all respects, as the original award.

**18. Industrial Court not to be bound by rules of evidence**

(1) For the purposes of determining any matter before it, the Industrial Court shall not be bound by the rules of evidence in any civil proceedings and may, on its own motion or on the application of any of the parties to the dispute, require any person—

- (a) to provide in writing, or in any other way, evidence in relation to any matter as the Court may require;

- (b) where necessary, to attend before the Court and give evidence;
- (c) to produce any document to enable the Court to obtain any information which, in the circumstances, may be considered necessary.

(2) Notwithstanding subsection (1), a witness may object to answering any question or to producing any document on the ground that it incriminates him or her.

(3) A witness who refuses to answer a question or to produce a document is not liable for refusing to do so.

### **19. Restriction on publication of evidence**

(1) Where an employers' organisation, a firm, a company or a business carried out by an individual makes a disclosure before the Industrial Court or a board of inquiry and requests that the disclosure should not be published on the grounds that it is confidential, the disclosure shall not form part of any award, finding, determination, report or other statement made by the Industrial Court or board of inquiry.

(2) A member of the Industrial Court, board of inquiry or person present at the proceedings shall not disclose any information requested by the employers' or employees' organisations or firm, company or individual business not to be disclosed without their consent.

### **20. Legal representation in the Industrial Court**

In any proceedings before the Industrial Court a party may appear by himself or herself or by an agent, including a labour union or an employer's organisation, or may be represented by an advocate.

### **21. Sittings of the Industrial Court may be public or in private**

(1) It is in the discretion of the Industrial Court to admit or exclude the public or the press from any of its sittings.

(2) Where the press is present at a sitting of the Industrial Court, the press may not publish any comment or report on the proceedings, where the comment or report is likely to prejudice the ability of a party to obtain a fair hearing.

(3) The Industrial Court may make any orders to ensure that the parties to a dispute obtain a fair hearing and may, where necessary, order that comments in respect of any proceedings or the evidence adduced in the Industrial Court are not to be published until an award has been announced.

(4) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding five currency points.

## **22. Appeals from the Industrial Court**

An appeal shall lie from a decision of the Industrial Court to the Court of Appeal only on a point of law, or to determine whether the Industrial Court had jurisdiction over the matter.

## **23. Party to a recognition or procedural agreement may initiate discussion**

(1) A party to a recognition agreement or a procedural agreement who is of the opinion that a matter likely to lead to a labour dispute has arisen, may give two weeks' notice to the other party, to negotiate under the agreement with a view to reaching a settlement on the matter.

(2) Where negotiations are not carried out under subsection (1), any of the parties may report the matter to a Labour Officer who shall investigate the matter with a view to finding out the cause of the delay in negotiating the matter, within two weeks of the receipt of the report.

(3) On the completion of the investigations under subsection (2), the Labour Officer may—

- (a) order the parties to start negotiations within two weeks from the time his or her investigations are concluded; or

- (b) appoint a conciliator, where the Labour Officer is of the opinion that negotiations are not likely to bring about a quick settlement of the matter in disagreement.

(4) Where an agreement is not reached under subsection (3), section 5 shall apply to the settlement of the dispute and, for the purposes of this Act, the dispute shall be treated as a labour dispute.

#### **24. Powers of a Labour Officer**

(1) A Labour Officer shall, in exercising his or her powers under this Act, endeavour to secure the settlement of trade disputes, actual or imminent, by the use of voluntary procedures, conciliation and mediation.

(2) A Labour Officer may act as conciliator or mediator in a labour dispute or may nominate any other person to act in that capacity.

#### *Boards of Inquiry*

#### **25. Appointment of and reference to board of inquiry**

(1) Subject to this Act, the Minister may, whenever he or she considers it expedient, appoint a board of inquiry to inquire into and report to him or her any matter—

- (a) affecting the relations between an employer and an employee, as he or she may direct;
- (b) affecting the working conditions of an employee or group of employees; or
- (c) relating to the terms of employment of an employee.

(2) A board of inquiry appointed under this section may comprise—

- (a) a single person; or
- (b) a number of persons, including a chairperson, as the Minister may appoint.

(3) Where the Minister appoints persons under subsection (2)(b), the persons appointed shall be equally representative of employers and employees and shall not in any way be employed or concerned with the particular trade or industry into which that board is to inquire.

(4) For the purposes of its functions, a board of inquiry, shall have all the powers relating to evidence as are conferred on the Industrial Court by section 18.

## **26. Report of board of inquiry**

(1) A board of inquiry shall at the end of its inquiry, submit to the Minister, a report of its findings and recommendations.

(2) Upon receipt of the report of a board of inquiry under subsection (1), the Minister shall—

- (a) cause to be published in such a manner as he or she may deem expedient, the whole or any part of the report; and
- (b) where the report relates to any existing labour dispute, make known to all or any of the parties concerned as he or she considers appropriate, the findings and recommendations contained in the report.

## **27. Parties' refusal to comply with recommendations of the report**

Where, after having made known to the parties concerned the findings and recommendations contained in the report of a board of inquiry, the parties or any of them refuse to settle the dispute as recommended by the board within the time specified by the board, the Minister may refer the dispute to the Industrial Court.

### *Industrial Action*

## **28. Unlawful industrial action**

(1) A Labour Officer may do any of the things in subsection (2), where it appears that—

- (a) there is a labour dispute (whether the dispute is reported to him or her or not) which is likely to lead to an unlawful strike, lock-out or other industrial action;
- (b) the matter to which the labour dispute relates is settled by a collective agreement;
- (c) a substantial proportion of the employers and employees in the trade or section of industry covered by the collective agreement, are directly or through their organisations, parties to that collective agreement; and
- (d) the collective agreement has not expired.

(2) The Labour Officer may—

- (a) request the parties to the dispute to comply with the collective agreement; or
- (b) order the parties to comply with the collective agreement.

(3) Where the parties do not comply with the request or order of a Labour Officer under subsection (2), the Minister or the Labour Officer shall refer the dispute to the Industrial Court.

(4) Where the Minister or the Labour Officer refers a dispute to the Industrial Court under this Act, the Minister or the Labour Officer may declare the counselling or procuring of any strike or other industrial action, or the introduction of a lock-out, in relation to a matter forming the dispute referred to the Industrial Court to be unlawful until the earlier of—

- (a) the date, not later than three weeks from the date on which the dispute was referred to the Industrial Court; or
- (b) the date on which the Industrial Court makes its decision or award.

(5) Where a Labour Officer seeks to settle a labour dispute by conciliation, he or she may declare the counselling or procuring of a strike or other industrial action or the introduction of a lock-out, in relation to matters forming the subject matter of the conciliation efforts to be unlawful until the earlier of the date when—

- (a) the matter is settled by conciliation or by a decision by the Industrial Court; or
- (b) a date, not later than three weeks from the date on which the dispute was referred to conciliation.

(6) A person who wilfully induces a strike or other industrial action, or who undertakes a lock-out in circumstances where that action has been declared unlawful by a Labour Officer under this section, commits an offence and is liable, on conviction, to a fine not exceeding twenty four currency points or imprisonment not exceeding one year, or both.

## **29. Unlawful organisation of industrial action**

(1) Where the Industrial Court makes an award and that award has come into force, it shall be an offence for any person, during the existence of the award, to counsel or procure a strike or other industrial action or to introduce a lock-out in circumstances where the objective or purpose of the strike, other industrial action or lock-out is to upset or vary that award.

(2) Where a Labour Officer declares any industrial action unlawful under this Act, it shall be an offence for any person, during the period in which the industrial action has been declared unlawful, to counsel or procure a strike or other industrial action or to introduce a lock-out.

(3) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding twenty four currency points or imprisonment not exceeding one year, or both.

**30. Employee's right to participate in industrial action**

(1) Subject only to any limitation provided in this Act or any other law, it shall be lawful for an employee—

- (a) to participate in an industrial action; or
- (b) to act in contemplation or furtherance of an industrial action in connection with a labour dispute.

(2) Civil action shall not be taken against an employee who participates or acts in contemplation or furtherance of an industrial action in connection with a labour dispute, under this section.

**31. Picketing**

For the purpose of peacefully persuading any person to work or to abstain from working or for the purpose of peacefully obtaining or communicating information, it shall be lawful, in contemplation or furtherance of a labour dispute for—

- (a) an employee to attend at or near his or her workplace or at or near the business premises of his or her employer or of any associated employer from which his or her work is administered; or
- (b) an official of a labour union representing that employee to attend at or near their workplaces or at or near the business premises of their employers or associated employers from which such employees' work is administered.

**32. Acts of intimidation or annoyance**

(1) It shall be an offence for any person to compel or to seek to compel another person to do or to refrain from doing any act which that other person has a legal right to do or to refrain from doing by—

- (a) the use of violence or intimidation against that other person or his or her family; or

(b) the use of violence or threats of violence against the property of that person or his or her family.

(2) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding twenty four currency points or imprisonment not exceeding one year, or both.

PART III—ESSENTIAL SERVICES

**33. Essential services**

(1) An employee in an essential service specified in Schedule 2 shall not wilfully breach or terminate his or her contract of service, other than in the circumstances specified in section 34, or do so where he or she knows or has reasonable cause to believe that the probable consequences of his or her actions, either alone or in combination with others, is to deprive the public or any section of the public of the essential service or substantially to diminish the enjoyment of that essential service by the public or by any section of the public.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding twenty four currency points or imprisonment not exceeding one year, or both.

(3) Subject to section 34, a person shall not cause or procure or counsel any employee to breach or terminate his or her contract of service and do so where he or she knows or has reasonable cause to believe that the probable consequences of his or her breach or termination, alone or with others, is to deprive the public or any section of the public of an essential service or substantially to diminish the enjoyment of an essential service by the public or by any section of the public.

(4) A person who contravenes subsection (3) commits an offence and is liable, on conviction, to a fine not exceeding twenty four currency points or imprisonment not exceeding one year, or both.

**34. Lawful industrial action in essential services**

(1) Nothing in this Act shall prohibit an individual employee from giving notice of termination of employment at any time under the Employment Act, 2006.

(2) Where a collective withdrawal of labour from an essential service is contemplated, notice in writing of the intended participation in the withdrawal shall be given to an employer, not earlier than fourteen days before the intended collective withdrawal of labour, and not later than twenty two days from the intended collective withdrawal of labour.

(3) Notice in subsection (2) may be given individually by the employees in the essential service or collectively where they are represented by a labour union of which the employees are members.

(4) Where notice of the intended participation in collective withdrawal given in subsection (2) is not subsequently withdrawn, an employee by whom or on whose behalf notice is given and who is represented by a labour union and a person who causes or procures or counsels that employee to breach his or her contract of service shall not be guilty of any offence where the employee breaches his or her contract of service after the expiry of fourteen days but before the expiry of twenty two days following the delivery of the notice.

(5) A notice of intended participation in a collective withdrawal of labour shall not be valid under this section where, before the expiry of the fourteen-day period specified in subsection (2), the Minister refers the dispute to the Industrial Court.

**35. Information about essential services**

(1) Every employer in an essential service shall—

- (a) cause to be posted, upon the principal premises used for the purpose of discharging that essential service, a printed copy of the provisions of sections 33 and 34 and Schedule 2 in a conspicuous place where the copy may conveniently be read by the employees; and

(b) as often as the copy becomes defaced, obliterated, destroyed or removed, cause it to be replaced as soon as possible.

(2) An employer who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding one hundred currency points and to a further fine not exceeding half a currency point for every day or part of a day during which the offence has continued.

(3) A person who wilfully, without reasonable cause or excuse, defaces, obliterates, destroys, removes or covers up any printed copy posted up in accordance with subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

### **36. Designation of essential services**

(1) The Minister may, in consultation with the Labour Advisory Board, in addition to the services prescribed in Schedule 2, by statutory instrument made under section 42, designate a service as an essential service if it is of such a nature that its interruption endangers the life, personal safety or health of the whole or part of the population.

(2) In the case of any doubt arising, the Industrial Court, on reference by any party to a labour dispute or on reference by the Minister, shall decide whether any service is within the classification of essential services specified in Schedule 2 and the decision shall be conclusive.

(3) Where a lock-out or strike occurs and the Minister is satisfied that the parties to the lock-out or strike acted in the reasonable belief that the affected service is not an essential service but the Industrial Court declares that service to be an essential service—

(a) the Minister shall cause a certificate to be served on the parties to the lock-out or strike, stating that the service is an essential service; and

- (b) the lock-out or strike shall be deemed to be a labour dispute to which sections 33 and 34 apply from the date on which the certificate is served on the parties.

### **37. Prosecutions**

A prosecution for any offence under this Act shall not be instituted except by, or with the written consent of the Director of Public Prosecutions.

## PART IV—COLLECTIVE AGREEMENTS

### **38. Collective agreement to be registered**

(1) A copy of every collective agreement and any amendment or variation made to the agreement shall be registered with a Labour Officer.

(2) Notwithstanding subsection (1), a collective agreement that is not registered remains enforceable between the parties to the agreement.

(3) A Labour Officer may advise the parties on the drawing of the agreement, but the parties shall not be bound by the advice.

(4) The terms of a collective agreement shall be in writing, and every collective agreement shall contain a reference to the manner and date when it may be reviewed.

(5) Where a collective agreement, in existence at the commencement of this Act, does not contain a reference to the date on which it is to be reviewed or where the date for its review has passed without revision being made or further agreement being reached, the agreement shall, unless it is brought into compliance with subsection (4), remain valid only for a period not exceeding two years after the commencement of this Act.

(6) It is the duty of every party to a collective agreement to ensure that a signed copy of the agreement is lodged with the Registrar of Labour Unions within twenty-eight days from the date the agreement is made.

**Act 8**  
(7) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding twenty four currency points or imprisonment not exceeding one year, or both.

**39. Terms of collective agreement to be part of contract of employment**

The terms of a collective agreement, registered in accordance with section 38, shall, so far as is appropriate, be incorporated in the contracts of employment of the employees who are subject to its provisions, and shall give rise to legally enforceable rights.

PART V—MISCELLANEOUS

**40. Rules of procedure for Industrial Court**

(1) The Minister may, in consultation with the Chief Justice, make rules prescribing the form and the manner in which labour disputes may be referred to the Industrial Court, the procedure for the hearing of labour disputes and generally for the conduct of the business of the Court.

(2) Where any question arises in the course of the hearing of a labour dispute in respect of which rules have not been made under this section, the Industrial Court shall regulate its own procedure.

**41. Remuneration, allowances and other expenses**

(1) The Minister shall, with the approval of the Minister responsible for finance, determine the remuneration, including allowances payable to the members and staff of the Industrial Court and any board of inquiry appointed under this Act.

(2) Any expenses incurred in carrying into effect the provisions of this Act shall be paid out of the consolidated fund.

**42. Regulations**

(1) The Minister may, in consultation with the Labour Advisory Board and with the approval of Parliament, by statutory instrument, make regulations for the better carrying out of the purposes of this Act.

(2) Regulations made under this section may prescribe, in respect of a contravention of the regulations, that the offender is liable, on conviction, to a fine not exceeding twenty four currency points, or to imprisonment for a term not exceeding one year, or both.

**43. Minister's power to amend Schedules**

(1) The Minister may, with the approval of Cabinet, by statutory instrument, amend Schedule 1.

(2) The Minister may, with the approval of the Labour Advisory Board, by statutory instrument, amend Schedule 2.

**44. Repeal of Cap 224 and savings**

(1) The Trade Disputes (Arbitration and Settlement) Act is repealed.

(2) A statutory instrument made under the Trade Disputes (Arbitration and Settlement) Act repealed by subsection (1), and which is in force immediately before the commencement of this Act, shall, unless a contrary intention appears, remain in force, so far as it is not inconsistent with this Act, until it is revoked by regulations made under this Act and until that revocation, shall be deemed to have been made under this Act.

(3) Without prejudice to the general effect of the Interpretation Act—

(a) any agreement, decision or award made under the repealed Act, and in force immediately before the commencement of this Act shall continue to have effect as if made under this Act;

(b) any directions, appointments and other acts lawfully done under the repealed Act and in force immediately before the commencement of this Act shall, continue to have effect as if made under this Act;

(c) any proceedings pending or commenced before the Industrial Court immediately before the commencement of this Act shall not be affected by the commencement of this Act.

**Act 8**

*Labour Disputes  
(Arbitration and Settlement) Act*

**2006**

SCHEDULE 1

Sections 2, 43(1)

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

ESSENTIAL SERVICES

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2. Electricity services
3. Health services
4. Sanitary services
5. Hospital services
6. Fire services
7. Prisons services
8. Air traffic control services
9. Civil aviation services
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11. Ambulance services
12. Transport services necessary for the operation of any of the services specified in this Schedule.
13. Central and local government Police services

**Act 8** *Labour Disputes*  
*(Arbitration and Settlement) Act*

**2006**

**Cross references**

Arbitration and Conciliation Act, Cap. 4

Employment Act, 2006

Interpretation Act, Cap. 3

Labour Unions Act, 2006

Trade Disputes (Arbitration and Settlement) Act, Cap. 224

ACTS  
SUPPLEMENT No. 5

8th June, 2006.

ACTS SUPPLEMENT

*to The Uganda Gazette No. 36 Volume XXVII dated 8th June, 2006.*

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**Act 9**                      *Occupational Safety and Health Act*                      **2006**

THE OCCUPATIONAL SAFETY AND HEALTH ACT, 2006

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**THE OCCUPATIONAL SAFETY AND HEALTH ACT, 2006.**

**An Act to consolidate, harmonize and update the law relating to occupational safety and health; to repeal the Factories Act, Cap 220 and to provide for connected matters.**

DATE OF ASSENT: 24th May, 2006.

*Date of Commencement:* See section 1.

BE IT ENACTED by Parliament as follows:

**PART I—PRELIMINARY****1. Commencement**

This Act shall come into force on a date to be appointed by the Minister by statutory instrument and different dates may be appointed for the commencement of different provisions.

**2. Interpretation**

In this Act, unless the context otherwise requires—

“air receiver” means any vessel (other than a pipe or coil, or an accessory, fitting or part of a compressor) for containing compressed air, connected with an air compressing plant or any fixed vessel for containing compressed air or compressed exhaust gases, used for the purpose of starting an internal combustion engine;

“area under the influence of” includes any area where the fall of the contaminant released directly or indirectly from an undertaking may come to rest or be present and cause its deleterious effect whether in its original form or in a chemically modified form through natural processes having been carried there by prevailing wind, rain water run-off or by any other natural agent, and any area where dangerous levels of the contaminant may be present and cause its effects, having been taken there through the effluent or other waste disposal methods used at the undertaking;

“article” means solid, liquid or gas or any of their combination or any plant designed for use or operation (whether exclusively or not) by persons at work or any article designed for use as a component in any plant or work process;

“authorised person” means in relation to the performance of any function or duty under this Act, a person who is authorised in writing by the Commissioner for Occupational Safety and Health, to perform that function or duty;

“bodily injury” includes injury to health;

“building operation” means the construction, structural alteration, repair or maintenance of a building (including re-painting, re-decoration and external cleaning of the structure), the demolition of a building, but does not include any operation which is a work of engineering construction within the meaning of this Act;

“chemical substance” means any natural or artificial substance intended for use in any physical state whether gaseous, liquid or solid and in particular includes; pesticides, fungicides, fumigants, herbicides, wood preservatives, fertilizers, growth control chemicals, industrial chemicals, laboratory chemicals, solvents, pharmaceuticals and food preservatives and food additives;

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“class or description” in relation to a workplace, includes a group of workplaces described by reference to locality;

“Commissioner” means the Commissioner for Occupational Safety and Health and includes any other inspector authorised to act on his or her behalf, by the appointing authority;

“competent authority” means a government department, or other public authority with the power to issue regulations, orders or other instructions having the force of law;

“competent person” means a person with suitable training and sufficient knowledge, experience and skill for the performance of specific work;

“confined space” includes any chamber, vat, pit, pipe, flue, tank, drain, sewer, still, tower or any other confined space (other than a steam boiler) where there may be a concentration of dangerous fumes, toxic materials or substances, harmful liquids or lack of oxygen, that cause danger to the health of an employed person;

“currency point” has the meaning assigned to it in Schedule 1;

“dangerous occurrence” means a readily identifiable event, with potential to cause an injury, or disease to persons at work or the public;

“driving-belt” includes any driving strap or rope;

“fatal occupational injury” means occupational injury leading to death;

“fume” includes gas or vapour;

“gas” means any combustible gas produced for the purpose of heating or lighting;

“gas plant” means any plant, apparatus or machine for generating gas (including any container holding compressed, dissolved or liquified gas under pressure) connected to a system of appliances or points and includes all pipes and appliances for storing the gas, or for conveying or regulating the flow of the gas to the places where it is to be used, but excludes any plant, apparatus, machine, pipes or appliances used solely in connection with a single private dwelling-house;

“General Register” means the register kept in accordance with the requirements of section 112;

“health” in relation to work means not merely the absence of diseases or infirmity, it includes the physical and mental elements affecting health which are indirectly or directly related to safety and hygiene at work;

“incident” means an unsafe occurrence arising out of or in the course of work where no personal injury is caused, or where personal injury needs only first-aid treatment;

“inspector” means an inspector appointed under this Act and includes the Commissioner;

“lifting appliance” means a pulley block, gin wheel, chain block, or set of chain blocks;

“lifting gear” means chains, ropes, chain slings, rings, hooks, shackles, swivels, eyebolts, lifting beams and scale beams;

“lifting machine” means a crane, crab, winch, teagle, runway, transport or forklift trucks used for raising or lowering persons or objects;

“machinery” includes any driving belt;

“maintained” means maintained in an efficient state, in efficient working order, and in good repair;

“Minister” means the Minister responsible for occupational safety and health;

“noise” means all sound which may result in hearing impairment or which may be harmful to health or which is dangerous, disagreeable or undesired;

“non-fatal occupational injury” means occupational injury which does not lead to death;

“occupational accident” means an occurrence arising out of or in the course of work which results in fatal occupational injury or non-fatal occupational injury;

“occupational disease” means a disease contracted as a result of an exposure to risk factors arising from a work activity;

“occupational injury” means any personal injury resulting from an occupational accident;

“occupier” means a person, using or occupying premises as a workplace or who is employing workers;

“owner” means a person for the time being, receiving the rents or profits of premises, on his or her own account or as an agent or trustee for any other person, or who would receive the rent if the premises were leased;

“plant” includes any machinery, equipment and appliance;

“premises” includes any place and, in particular includes any vehicle, vessel, air craft, installation or land, any off-shore installation or any other installation (whether floating or resting on a lake or river bed or the subsoil of the river bed or resting on land covered with water or the subsoil of the land), and any tent or movable structure;

- “prescribed institution” means any department, organisation, institute or other body of an expert character prescribed by the Minister by statutory instrument;
- “prime mover” means an engine motor or other appliance which provides mechanical energy derived from steam, water, wind, electricity, the combustion of fuel or other source;
- “process” includes the use of any locomotive;
- “radiation” means all frequencies of electro-magnetic wave spectrum including in particular microwaves, infra-red, visible and ultra-violet, X-rays, and also includes ionizing radiation such as ( $\alpha$ ) particles, ( $\beta$ ) particles and ( $\gamma$ ) rays which result from emission from radioactive isotopes;
- “railway” means any railway used for the purpose of public traffic whether passengers, goods, or other traffic, and includes any works used in connection with and for the purposes of the railway;
- “regulations” means regulations made under section 119;
- “safe working load” means a load specified in a certificate of test obtained from a manufacturer or issued by an authorised person;
- “safe working pressure” means in the case of a new steam receiver, that pressure that is specified in the manufacturer’s certificate or a certificate issued by an authorised person;
- “sanitary conveniences” include urinals, water-closets, earth-closets, privies, ashpits and any similar conveniences;
- “steam boiler” means any closed vessel in which for any purpose, steam is generated under pressure greater than atmospheric pressure, and includes any economiser used to heat water being fed to any vessel, and any super-heater used for heating steam;

“steam container” means any vessel (other than a steam pipe or coil) constructed with a permanent outlet into the atmospheric pressure, and through which steam is passed at atmospheric pressure or at approximately that pressure for the purpose of heating, boiling, drying, evaporating or other similar purpose;

“steam receiver” means any vessel or apparatus (other than a steam boiler, steam container, a steam pipe or coil, or part of a prime mover) used for containing steam under pressure greater than atmospheric pressure;

“transmission machinery” means every shaft, wheel, drum, pulley, coupling, clutch, driving-belt, or other device by which the motion of a prime mover is transmitted to or received by any machine or appliance;

“work of engineering construction” means the construction of any railway line or siding, and the construction, structural alteration or repair (including re-pointing and re-painting) or the demolition of any dock, harbour, inland navigation, tunnel, bridge, viaduct, waterworks, reservoir, pipe-line, aqueduct, sewage, sewage works, or gas-holder, and includes any other works as may be specified by the Minister, by a statutory instrument;

“worker” means a person who performs work, regularly or temporarily for an employer and includes a public officer;

“working environment” means all places of work and all sites and areas where work is carried out including not only the permanent, indoor, stationary places of work, such as factories, offices and shops but also temporary places of work such as civil engineering sites, open-air places such as fields, forests, roads, oil refineries and mobile places of work such as cabs of trucks, seats of tractors and excavators, ships, galleys, freight decks of aircraft, and

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without exception; places where workers are found as a consequence of their work (including canteens and living quarters onboard ships);

“workplace” has the same meaning as “working environment”;

“vibration” means any vibration which is transmitted to the human body through solid structures and is harmful to health or is dangerous.

**PART II—ADMINISTRATION AND ENFORCEMENT OF THE ACT**

**3. Appointment of inspectors**

(1) Subject to any written law relating to the appointment of a person to the public service, there shall be appointed a Commissioner and any other inspectors as are necessary for the purposes of this Act.

(2) Notice of the appointment of an inspector shall be published in the *Gazette*.

(3) Every inspector shall be provided with a certificate of appointment, and shall while visiting a workplace to which this Act applies if required, produce the certificate to an occupier or to a person holding a responsible position of management at the workplace.

**4. Administration of the Act**

The Commissioner shall be responsible for the administration of this Act.

**5. Duty of confidentiality by inspectors**

(1) An inspector shall treat as confidential the source of any complaint of a contravention of this Act, brought to his or her notice and shall not disclose to an occupier or his or her representative, that the visit is made in consequence of the complaint.

(2) An inspector who contravenes subsection (1) commits an offence.

**6. Powers of inspectors**

An inspector shall, for the purpose of the execution of this Act, have power—

- (a) to enter, inspect, and examine, during the day or at night any workplace and every part of it, where he or she has reasonable cause to believe that any person is employed in it;
- (b) to enter, inspect and examine during the day, any place which the inspector has reasonable cause to believe to be a workplace and any building of which a workplace forms part and in which he or she has reasonable cause to believe that explosives or highly inflammable materials are stored or used and to exercise such powers as may be necessary to inspect any machinery, plant, appliance, fitting or chemical in the workplace;
- (c) to be accompanied by a police officer to a workplace to be inspected and examined, where he or she has reasonable cause to encounter any serious obstruction in the execution of his or her duty;
- (d) to require the production of registers, certificates, notices and documents kept under this Act and to inspect, examine and make copies of any of them;
- (e) to make any examination or inquiry as may be necessary to ascertain whether this Act, is complied with, in respect of the workplace and any persons employed in it;
- (f) to require any person who he or she finds in a workplace to give any information which is in that person's power to give, regarding the occupier of the workplace;
- (g) to examine, either alone or in the presence of any other person, as he or she thinks fit, any person, with respect to any matters under this Act and to require that person to be examined; but that person shall not be required to answer any question or to give any evidence which tends to incriminate him or her;

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- (h) in case of an inspector who is an occupational physician, to carry out any medical examinations as may be necessary for the purposes of his or her duties under this Act;
- (i) to take such measurements and photographs and make such recordings as he or she considers necessary for the purpose of any examination or investigation under paragraph (d);
- (j) to take samples of any article or substance found in any premises which the inspector has power to enter, and of the atmosphere in the premises or in the vicinity of the premises;
- (k) in the case of any article or chemical substance found in any premises which this Act applies, which appears to have caused or which is likely to cause danger to safety or health, to cause it to be dismantled or subjected to any process or test;
- (l) to take possession of any article or substance discovered and detain it for so long as is necessary for all or any of the following purposes—
  - (i) to examine it and do it anything he or she has power to do under this paragraph;
  - (ii) to ensure that it is not tampered with before his or her examination of it is completed; and
  - (iii) to ensure that it is available for use as evidence in any proceedings for an offence under any of the relevant statutory provisions or any proceedings relating to the breach of this Act.

**7. Occupier to accord facilities to inspectors**

An occupier of a workplace or his or her agents, shall furnish the means required by an inspector, necessary for an entry, inspection, examination, inquiry, the taking of samples or any alterations, for the exercise of his or her powers, in relation to that workplace.

**8. Causing delay to, or obstruction of inspectors**

(1) A person shall be deemed to obstruct an inspector in the execution of his or her duties where that person—

- (a) wilfully delays an inspector in the exercise of his or her duties or fails to comply with a request of an inspector;
- (b) fails to produce any register, certificate, notice or document which is required under this Act;
- (c) wilfully withholds any information regarding the occupier of a workplace;
- (d) conceals or prevents or attempts to conceal or prevent a person from appearing before or being examined by an inspector.

(2) Where an inspector is obstructed in any workplace, the occupier of the premises commits an offence.

(3) A person who obstructs an inspector commits an offence and is liable, on conviction to a fine not exceeding forty eight currency points, or a term of imprisonment not exceeding one year or both.

**9. Powers of inspector to prosecute**

(1) An inspector may prosecute or conduct, as the case may be before a magistrate's court any charge, information, complaint or other proceeding arising under this Act, or in the discharge of his or her duty.

(2) Where prosecution is brought at the instance of an inspector or where prosecution is conducted by an inspector, an objection to the competency of the inspector to give evidence as a witness in the prosecution shall not be sustained.

**10. Establishment of the Occupational Safety and Health Board**

(1) There is established the Occupational Safety and Health Board.

(2) The Minister shall, by statutory instrument, prescribe the membership of the Occupational Safety and Health Board.

(3) The Board shall give expert advice to the Minister on matters concerning occupational safety and health, welfare and the working environment.

(4) A person appointed to the Occupational Safety and Health Board shall hold office for a period to be specified by the Minister in the instrument of appointment.

(5) The salaries and emoluments of the members of the Occupational Health and Safety Board shall be determined by the Minister, with the approval of the Minister responsible for finance.

#### **11. Advisory panels**

The Minister may appoint an advisory panel as he or she may from time to time think necessary, to give advice or assistance on any workplace process, chemical, hazard, injury or disease.

#### **12. Terms of service of members of advisory panels**

(1) A person appointed to an advisory panel, shall hold office for a period to be specified by the Minister in the instrument of appointment.

(2) The salaries and emoluments of the members of an advisory panel shall be determined by the Minister with the approval of the Minister responsible for finance.

### **PART III—GENERAL DUTIES, OBLIGATIONS AND RESPONSIBILITIES OF EMPLOYERS**

#### **13. Duty of employers to protect workers**

(1) It is the responsibility of an employer—

- (a) to take, as far as is reasonably practicable, all measures for the protection of his or her workers and the general public from the dangerous aspects of the employer's undertaking at his or her own cost;

(b) to ensure, as far as is reasonably practicable, that the working environment is kept free from any hazard due to pollution by—

- (i) employing technical measures, applied to new plant or processes in design or installation, or added to existing plant or processes; or
- (ii) employing supplementary organisational measures.

(2) Without prejudice to the generality of an employer's duty in subsection (1), the matters to which the duty extends shall include in particular—

- (a) the provision and maintenance of plant and systems of work that give, as far as is reasonably practicable, a safe working environment including its vicinity;
- (b) arrangements for ensuring, as far as is reasonably practicable, safety and absence of risks to health, in connection with the use, handling, storage and transport of articles and substances;
- (c) the provision of adequate and appropriate information, instructions, training and supervision necessary to ensure, as far as is reasonably practicable, the safety and health of the employees, and the application and use of occupational safety and health measures, taking into account the functions and capabilities of the different categories of workers in an undertaking;
- (d) as far as is reasonably practicable, regarding any workplace under an employer's control, the maintenance of the workplace in a condition that is safe and without risks to health, and the provision and maintenance of means of access to and exit from the workplace, that are safe and without such risks;

- (e) the provision and maintenance of a working environment for the workers, that is, as far as is reasonably practicable, safe, without risks to health and which is adequate, regarding facilities and arrangements for the welfare of workers at work;
- (f) the provision of correct information of the real and potential dangers of substances used in an undertaking including any toxicity tests and environmental impact assessment involved in the use of the substances, to all concerned;
- (g) the provision, where necessary, of adequate personal protective equipment to prevent, as far as is reasonably practicable, the risks of accidents or of adverse effects on health.

**14. Safety and health measures of employers**

(1) An employer who has at least twenty workers at a workplace shall—

- (a) prepare, and as often as may be appropriate, revise a written statement of policy with respect to the safety and health of employees while at work;
- (b) make arrangements for carrying out the statement of policy;
- (c) bring the statement of policy and any revision of it to the notice of all the employees.

(2) The guidelines for writing and checking the statement of policy are specified in Schedule 2.

**15. Safety representatives**

(1) The Minister shall make regulations to provide for the appointment, in prescribed cases, of safety representatives.

(2) It shall be the duty of every employer to consult a safety representative in the making and sustenance of arrangements, which enable the employer and the workers to co-operate effectively in promoting the development of measures to ensure the safety and health of employees.

**16. Safety committees**

(1) It shall be the duty of every employer, if requested to do so by safety representatives, to establish in accordance with regulations, a safety committee for a workplace with at least twenty workers.

(2) The safety representatives shall represent employees on a safety committee.

(3) A safety committee shall keep under review the measures taken to ensure the safety and health of employees and any other functions as may be prescribed.

**17. Employer to consult with workers' organisations**

(1) To give effect to this Act, an employer shall act in consultation with a workers' organisation and this consultation shall include—

(a) consultation on the role of the workers' organisation in the practical implementation of measures prescribed under this Act;

(b) as far as possible, providing close collaboration at all levels, between the employer and the workers in the application of the measures prescribed under this Act.

(2) A representative of the employers and a representative of the workers shall accompany an inspector or any other authorised person supervising the application of any measures prescribed under this Act, except where the inspector or authorised person is of the view that the accompaniment shall prejudice the performance of his or her duties.

**18. Employer to monitor and control the release of dangerous substances into the environment**

(1) Where there is major handling of chemicals or any dangerous substance which is liable to be airborne or to be released into rivers, lakes or soil and which are a danger to the animal and plant life, it shall be the duty of the concerned employer to arrange for equipment and apparatus to monitor the air, soil, and water pollution and to arrange for the actual monitoring of these mediums, with a view of rendering them safe from the dangerous undertaking.

(2) Records of monitoring in subsection (1) shall be kept and made available to an inspector.

**19. Employer to provide protective gear**

(1) Without prejudice to the duty in subsection (2), where the level of air pollution and chemical substances in a working environment exceed the exposure limits specified by an occupational hygienist, an employer shall provide adequate and suitable protective clothing and protective equipment to the workers of his or her undertaking.

(2) It shall be the duty of an employer to ensure that personal protective equipment provided under subsection (1) is used whenever it is required.

**20. Employer to provide alternative suitable employment**

Where an assignment involves continuous exposure to dangerous emissions or to substances and agents which are harmful to health, and it is certified to be medically inadvisable to continue the exposure, it shall be the duty of the employer to provide the worker concerned with suitable alternative employment.

**21. Employer to supervise health of workers**

(1) Subject to any conditions determined by the Commissioner, every employer shall provide for the supervision of the health of the workers exposed to or liable to be exposed to occupational hazards due to pollution and other harmful agents in a working environment and this duty shall include—

- (a) a pre-assignment medical examination of workers, before assignment to specific tasks which may involve danger to their health or of that of others;
- (b) periodic medical examinations of workers during employment which involves exposure to a particular hazard to health;

(c) biological monitoring or investigations which may be necessary to control the degree of exposure and to supervise the state of health of the worker concerned;

(d) regular medical examinations for biological or other tests or investigations after termination of assignments which may cause or contribute to future health impairment.

(2) In any case as may be prescribed by the Commissioner, an employer shall make adequate arrangements to provide occupational health service in an undertaking, to secure adequate health for the workers and for any other persons in the area under the influence of the undertaking.

(3) It shall be the duty of every employer to inform a worker concerned of any health hazards involved in his or her work.

**22. Medical records of workers to be kept**

(1) It shall be the duty of an employer to keep and maintain records of the medical examination information obtained under section 21, in a format and for a period to be prescribed by the Minister, and to avail these records for epidemiological and other research.

(2) To the extent determined by the Commissioner, records kept under this section shall include information on occupational exposure to air pollution and other harmful agents.

PART IV—GENERAL DUTIES OF EMPLOYERS AND  
THE SELF-EMPLOYED

**23. Employers' duty to persons other than employees**

(1) It is the duty of an employer to conduct his or her undertaking in a way that ensures, as far as is reasonably practicable, that any person who is not in his or her employment but who may be affected by the undertaking, is not exposed to risks to his or her health and safety.

(2) Where two or more employers undertake activities simultaneously at one workplace, they shall have a duty to collaborate, in order to comply with the prescribed measures, without prejudice to the responsibility of each of the employers, for his or her workers.

**24. Self-employed's duty to himself or herself and third parties**

A self-employed person shall conduct his or her undertaking in a way that ensures, as far as is reasonably practicable, that he or she and any other person who may be affected by the undertaking is not exposed to risks to his or her health or safety.

**25. Employer to display guide safety precautions**

Every employer, including a self-employed person shall—

- (a) display or provide guide safety precautions to any persons who may be affected by the manner in which the employer conducts his or her undertaking, whether or not that person is his or her worker;
- (b) display all information in his or her possession or control concerning the way in which he or she conducts the undertaking, which may affect any person's health or safety.

**26. Duty to provide safe premises**

(1) It shall be the duty of a person, who has to any extent, control of premises to which this Act applies, to provide the means of access to and exit from the premises or any plan or substances in the premises and to take any measures that are reasonable for a person in his or her position to ensure, as far as is reasonably practicable, that the premises remain safe and without risk to health.

(2) For the purposes of subsection (1), a person shall be treated as the person who has control of the premises to which an obligation extends, where that person has, by virtue of any contract or tenancy, an obligation to—

- (a) maintain or repair the premises or any means of access to or exit from the premises; or
- (b) the safety of or the absence of risk to health arising from a plant or substances in the premises.

**27. Duty of controller of premises to keep air free of pollutants**

It is the duty of a person with control of premises to which section 26 applies, to use the best practicable means to prevent the emissions into the atmosphere from the premises, of toxic or offensive substances and to render harmless and inoffensive any substances that may be emitted.

PART V—GENERAL DUTIES OF MANUFACTURERS,  
SUPPLIERS AND TRANSPORTERS

**28. General duties of manufactures, suppliers and transporters**

(1) It is the duty of a person who designs, manufactures, imports or supplies any article, chemical substance or mixture of chemical substances, for use at work—

- (a) to ensure, as far as is reasonably practicable, that the article or chemical substance or mixture of chemical substances is designed or constructed or formulated to be safe and without risk to health when used properly and for the purpose for which it is meant;
- (b) to carry out or arrange for the carrying out of any testing and examination that may be necessary for the performance of the duty imposed on him or her by section 27, properly and for the purpose for which it is meant;
- (c) to take any steps that are necessary to ensure that there is available in connection with the use of the article, chemical substance or mixture of chemicals at work, adequate and clear information about the use for which the article, chemical substance or mixture of chemicals is designed and that it is tested, and that any conditions necessary to ensure that, when put to use, it will be safe and without risks to health.

(2) A duty imposed on any person by this Act shall extend only to things done in the course of a trade, business, or other undertaking carried on by him or her whether for profit or not and to matters within his or her control.

### **29. Joint and several liability of suppliers and receivers**

(1) Where a person, in this section referred to as "the supplier", designs, manufactures, imports or supplies any article, a chemical substance or mixture of chemical substances, to another person, in this section referred to as "the receiver", the receiver and the supplier shall be jointly and severally liable to ensure the safety of the article, chemical substance or mixture of chemical substances.

(2) Notwithstanding subsection (1), a receiver is not liable for any loss or injury arising from any inherent defect of any article, chemical substance or mixture of chemical substances.

### **30. Duty of effective supplier**

(1) Where a person, in this section referred to as the "the ostensible supplier", supplies any article or chemical substance for use at work, to another person, in this section referred to as "the customer", under a hire-purchase agreement or conditional sale agreement or credit-sale agreement, financed by a third person, in this section referred to as the "effective supplier", the effective supplier and not the ostensible supplier shall be treated, for the purpose of the transaction as supplying the article or substance to the customer.

(2) Any duty imposed by this Part on a supplier shall accordingly fall on the effective supplier and not on the ostensible supplier, except in cases of inherent defects in the article or substance supplied.

### **31. Duty of designer or manufacturer to pre-test articles**

It is the duty of any person who designs or manufactures any article for use at work, to carry out or to arrange to carry out any research necessary for the discovery and, as far as is reasonably practicable, to eliminate or minimize any risk to health or safety, which the design or article may give rise to.

**32. Approved tests, examinations or research not to be repeated**

Nothing in this Act shall be taken to require a person to repeat any testing, examination or research which has been carried out by any person, where it is reasonable for him or her to rely on results of a previous examination or research.

**33. Importers to get relevant information**

In circumstances to be prescribed by the Government occupational hygienist, it shall be the duty of a person who imports any article or chemical substance for use at work, to obtain adequate research information of its toxicity and harmful effects to the health of any worker exposed to it and to avail this information to any person concerned, in order to eliminate or minimize any risks to health or safety which the article or chemical substance may give rise to.

**34. Pre-authorisation in cases of highly toxic chemical substances**

The manufacture, supply, transport, use or disposal of chemical substances in a working environment, which the Government chemist or any other authority mandated by law considers highly toxic, or dangerous or capable of causing grave harm to health, the environment, or an undertaking shall be subject to specific authorisation by the Government chemist or other authorities, after measures are taken to ensure adequate protection.

**PART VI—DUTIES, RIGHTS AND RESPONSIBILITIES OF WORKERS****35. Duty of workers to take care**

(1) It is the duty of every worker while at work—

- (a) to take reasonable care for the health and safety of himself or herself and of any other person who may be affected by his or her acts or omissions at work; and
- (b) as regards any duty or requirement imposed on an employer or any other person, by or under a statutory provision, to cooperate with the employer, as far as is necessary, to enable the duty or requirement to be performed or complied with.

(2) It is the duty of the representatives of the workers in an undertaking to cooperate with an employer in all measures to eliminate or minimize risks to health and safety at work provided in this Act and any other law.

**36. Duty to report dangerous situation to immediate supervisor**

(1) It is the duty of a worker to report immediately to a supervisor any situation which the worker has reasonable grounds to believe presents an imminent or serious danger to his or her life or health or to the life or health of any other persons in the premises.

(2) Where a worker makes a report under subsection (1), until the employer takes remedial action, where necessary, the employer shall not require the worker to return to a work situation where there is continuing imminent or serious danger to life or health.

**37. Workers' right to move away from dangerous situation**

A worker who removes himself or herself from a work situation which he or she has reasonable justification to believe presents an imminent and serious danger to his or her life or health shall not be punished or subjected to undue consequences, provided the danger is confirmed by the Commissioner.

**38. Workers not to be penalized for complying with Act**

An employer shall not levy or permit to be levied on any worker any penalty in respect of anything done or provided under this Act.

**39. Reckless or intentional interference with safety measures**

A person who intentionally or recklessly interferes with or misuses anything provided in the interest of health, safety or welfare under this Act, commits an offence.

PART VII—REGISTRATION OF WORKPLACES

**40. Commissioner to keep register**

(1) The Commissioner shall keep a register of all workplaces, in the prescribed format.

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(2) A person shall, not less than one month before he or she begins to occupy or use any premises as a workplace, serve on the Commissioner, a notice with the particulars prescribed in Schedule 3.

(3) Notwithstanding the requirement of subsection (2), a person may begin to occupy or use any premises as a workplace, less than one month after the notice required by this subsection has been served where—

- (a) the Commissioner issues in his or her name a certificate of registration under section 41; or
- (b) before serving the notice, the person takes over the premises from another person without changing the nature of the work and the notice is served as soon as practicable and in any case within one month of taking over the premises.

**41. Certificate of registration**

(1) Upon receipt of a notice in accordance with section 40, the Commissioner shall cause, after the appropriate fee is paid, a workplace to be registered and shall issue to an occupier a certificate of registration, in his or her name, in the form prescribed in Schedule 4.

(2) A person shall, within six months from the time of occupying a registered workplace, be served with a notice by the Commissioner, requiring the occupier to set up a safety committee, where applicable.

(3) A certificate of registration shall bear an embossed stamp of the Occupational Safety and Health Department and shall be renewable every three years.

(4) On the commencement of this Act, an occupier of a workplace which is already registered, shall return the certificates of registration, to the Commissioner who shall issue a new certificate bearing the embossed stamp referred to in subsection (3), on the payment of the prescribed fee.

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(5) A person who occupies or uses any premises as a workplace contrary to section 40 and this section commits an offence and is liable, on conviction, to a fine not exceeding forty eight currency points or to imprisonment for a term not exceeding one year or both and to a further fine not exceeding two currency points or to a term of imprisonment not exceeding one month or both for every day during which the contravention continues after conviction.

**42. Construction on workplaces to be approved by Commissioner**  
A plan and any architectural drawings of a new workplace and of any alterations of an existing workplace shall be submitted to the Commissioner for approval, before the construction of buildings or alterations of existing buildings of workplaces begins.

**43. Commissioner may vary register**  
The Commissioner may vary or delete an entry in the register of workplaces, in respect of any premises, where he or she is satisfied that the variation or deletion has become necessary, to maintain the accuracy of records, and may, in the same instance, vary the certificate of registration issued in respect of the premises.

**44. Commissioner to be notified on use of mechanical power**  
An occupier shall notify the Commissioner in writing, of the full particulars of any mechanical power used at a workplace, not less than one month before the date upon which the mechanical power is first used in the workplace.

PART VIII—HEALTH AND WELFARE

**45. Buildings at workplace to be of sound construction, etc**  
(1) Where a worker has to work in, or in the course of his or her work to pass through, any part of a building, that part of the building shall be of sound construction and shall be kept in a good state of repair.

- (2) Every building used as a workplace shall—
  - (a) be designed to protect workers from the weather;

- (b) have a water-tight roof; and
- (c) be free from any significant amount of dampness that is liable to affect the safety of the building or the health of the workers.

(3) Where any process carried out in a workplace renders the floor of a building of the workplace liable to be wet to an extent that necessitates the wetness to be removed by drainage, a drainage system shall be provided and maintained in the building.

#### **46. Workplaces to be kept clean**

(1) Every workplace shall be kept in a clean state and free from effluvia arising from any drain, sanitary convenience or other nuisance.

(2) Without prejudice to the generality of subsection (1)—

- (a) any accumulation of dirt and refuse shall be removed daily by a suitable method from the floor and benches of workrooms, and from the staircases and passages;
- (b) the floor of every workroom shall be cleaned at least once in every week by an effective and suitable method;
- (c) inside walls and partitions, ceilings or tops of rooms, walls, sides, tops of passages and staircases, shall—
  - (i) where they have a smooth impervious surface, be washed with hot water and soap or cleaned by some other suitable method, at least once every fourteen months;
  - (ii) where they are kept painted with oil paint or varnished, be re-painted or re-varnished at least once every seven years, and at least once every fourteen months be washed with hot water and soap or cleaned by some other suitable method; and
  - (iii) in any other case, be kept whitewashed or colour-washed and the whitewashing or colour-washing be repeated at least once every fourteen months.

**47. Healthy and safe working environment**

(1) A suitable room temperature shall be secured for workers in buildings, having regard in any workplace, to the numbers of workers, the ventilation and air movement, the air humidity and temperature of the surroundings.

(2) A workplace shall not, while work is being carried on, be so over-crowded, so as to cause risk of injury to the health of the workers.

(3) Every workroom shall not be less than three metres in height, measured from the floor to the lowest point of the ceiling or where there is no ceiling, to the lowest point of the roofing material.

(4) There shall be made an effective and suitable system for securing and maintaining the circulation of fresh air, in each workroom.

(5) Where mechanical means of ventilation are used, they shall not be regarded as satisfactory unless they provide a supply of air that adequately removes odours and contamination of the atmosphere that arises from human occupation of the room.

**48. Workplaces to have suitable lighting**

(1) Suitable lighting, whether natural or artificial, shall be secured and maintained in every part of a workplace in which any person works or passes.

(2) All glazed windows and skylights used for lighting workrooms shall, so far as is practicable, be kept clean on both the inner and outer surfaces and free from obstruction, except in cases of whitewashing or shading of windows and skylights, for the purpose of mitigating heat or glare.

(3) All apparatus provided for producing artificial lighting shall be properly maintained.

**49. Provision of adequate sanitary conveniences**

In any building where work is carried out—

- (a) sufficient and suitable sanitary conveniences for the workers shall be provided, maintained and kept clean;
- (b) effective provisions shall be made for lighting the conveniences;
- (c) where persons of both sexes are or are intended to be employed, except in the case of buildings where the workers are all members of the same family, the conveniences shall have-
  - (i) proper, separate accommodation for persons of each sex;
  - (ii) separate approaches for each sex; and
- (d) the conveniences for each sex shall be indicated by a suitable notice.

**50. Provision of adequate wholesome drinking water**

An adequate supply of wholesome drinking water shall be provided and maintained at suitable points in a workplace, conveniently accessible to all workers.

**51. Provision of adequate washing facilities**

(1) An employer shall provide and maintain for the use of workers, adequate and suitable facilities for washing, which shall be conveniently accessible and kept in a clean condition.

(2) Where any premises become a workplace after the coming into force of this Act, the washing facilities shall be provided adjacent to the sanitary conveniences.

**52. Cloakrooms**

A suitable cloakroom shall be provided and maintained for the use of workers.

**53. Facilities for sitting down**

(1) Where workers have reasonable opportunity to sit during the period of their work, sufficient and suitable seats shall be provided and maintained by the employer, to enable the workers take advantage of the opportunity to sit.

(2) Where a substantial proportion of any work can be properly done while sitting, an employer shall provide and maintain, for each employee doing the work, a seat of a design, construction and dimension suitable for that work.

**54. Facilities for meals**

(1) Every employer shall provide and maintain adequate facilities for taking meals, due regard being made to the number of workers who remain on the premises during meal times.

(2) The facilities for taking meals shall be situated away from the habitual work positions and shall include tables and chairs or benches with backrests.

**55. First aid at the workplace**

(1) An employer shall provide a first-aid room or a room capable of being used for the purpose of administering first-aid.

(2) Where the provision of a first-aid room is not reasonably practicable, an employer shall provide and maintain a readily accessible first-aid box or cupboard of a proscribed standard.

(3) Where there are more than one hundred and fifty persons employed, an employer shall provide an additional box or cupboard for every additional fifty persons.

(4) For the purposes of this section—

(a) the number of workers in a workplace shall be taken to be the largest number of persons employed in it at any one time;

(b) a fraction of one hundred and fifty workers shall be taken as one hundred and fifty workers;

- (c) where the workers work in shifts, the calculation of the number of persons employed shall be according to the largest number of persons at work at any one time.

(5) A first-aid room, box or cupboard shall contain requisites of a nature and to a scale to be prescribed by the Minister; but in all cases the first-aid room, box or cupboard shall not contain articles other than those which are necessary for administering first-aid.

(6) A first-aid room, box or cupboard shall be under the charge of a responsible person and where more than a specified number of persons are employed, the person in charge shall be trained in first aid treatment.

(7) The person in charge of a first-aid room, box or cupboard shall be readily available during working hours.

(8) A notice stating the name of the person in charge of a first-aid room, box or cupboard shall be posted in a conspicuous place in the workplace.

#### PART IX—GENERAL SAFETY REQUIREMENTS

##### 56. General safety requirements

(1) There shall, as far as is reasonably practicable, be provided and maintained safe means of access to every place at which any person has to work at any time.

(2) All floors, steps, passages, walkways and gangways, including any supports or supporting structure, shall—

- (a) be soundly constructed and properly maintained;
- (b) as far as is reasonably practicable, be kept free of obstructions which may cause a worker to fall or suffer any other injury;
- (c) be kept free of any substance likely to cause an employed person to slip.

(3) The staircases on the premises inside and outside a building shall have hand-rails and guard-rails which shall be properly maintained at all times.

(4) A staircase shall have—

(a) at least one hand-rail throughout the length of the staircase;

(b) a hand-rail on the open sided section and a lower rail in the gap between the hand-rail at the open-sided section and the tread-level, unless that gap is filled in a way that prevents persons from falling through.

(5) Where a staircase or any part of it is specifically liable to cause an accident because of its construction, or for any other reason, there shall be a handrail on each side of the staircase.

(6) All openings in floors shall be securely fenced except where the nature of the work renders such fencing impracticable.

(7) Ladders, trestles and similar immovable equipment, which enable employed persons to ascend and descend shall be of good construction, sound material and shall be properly maintained.

(8) There shall be maintained sufficient, clear and unobstructed space at every machine while it is in motion to enable work to be carried on without unnecessary risk.

(9) Where any person is to work at a place from which he or she is liable to fall a distance of more than one metre, unless the place affords secure foothold, and where necessary secure handhold, means shall be provided, as far as is reasonably practicable, by fencing or any other means for ensuring his or her safety.

(10) Every teagle opening or similar doorway used for hoisting or lowering goods or materials, by mechanical power or any other means, shall be securely fenced and provided with a secure handhold on each side of the opening or doorway and the fencing shall be properly maintained, except when hoisting or lowering of goods or material is being carried on at the opening or doorway, be kept in position.

(11) An excavation in the ground more than two metres deep shall, except when work is actually being carried on, be covered or fenced to prevent any person from accidentally falling in.

(12) Every tank, reservoir structure, pump, pit or hole of which the edge is less than one metre above the adjoining ground or platform and which contains liquid to a depth of one metre and thirty centimetres or more, and into which a person may fall with risk of drowning, shall be covered or fenced to prevent any person from accidentally falling in it.

(13) Where there is storage, stacking and destacking of goods or materials, including the creation and breaking of heaps, it shall be done in such a way and in such a position to prevent risk of injury to any person resulting from the collapse or fall of the goods or materials or their supporting structure.

(14) Where, a risk of collapsing or falling may arise, due to the quantity or nature of goods or materials, through addition or removal of the goods or materials, these operations shall be carried out by or under the supervision of a responsible person.

(15) Measures which are reasonable by way of control, enclosure or any other way shall be taken to ensure the security or safety of stored goods or materials which present a high risk of injury to any person through their inflammability, explosivity or toxicity.

#### **PART X—FIRE PREPAREDNESS**

##### **57. Means of escape in case of fire**

(1) All premises to which this Act applies shall have means of escape from fire, for workers, as may be reasonably required in the circumstances, and in determining what is required by way of escape, regard shall be paid to the number of persons expected to be working in the premises at any one time and to the number of persons other than employed persons expected to be in the premises at that time.

(2) All means of escape from fire shall be properly maintained and kept free from obstruction.

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(3) The contents of any room in which a person is employed shall be arranged or disposed to provide a free passage way for the persons employed in the room, as a means of escape in case of fire.

(4) A door of a building of a workplace and of any room in it, which afford a means of exit for a person employed in the workplace shall not be locked or fastened in such a manner that it cannot be easily and immediately opened from inside.

(5) In the case of any workplace constructed or converted for use as a workplace after the commencement of this Act, all doors which afford means of exit from any building of the workplace for the persons employed in it, shall, except in the case of sliding doors, be constructed to open outwards.

(6) Every window, door, or other exit which afford means of escape in case of fire or giving access to it, other than the means of exit in ordinary use, shall be distinctively and conspicuously marked by a notice printed in red letters of an adequate size.

(7) In every workplace to which this Act applies, effective steps shall be taken to ensure that all the persons employed are familiar with the means of escape in case of fire, and with the routine to be followed in case of fire.

**58. Fire extinguishing gadgets**

In all workplaces subject to this Act, there shall be provided and maintained, to be readily accessible, means of extinguishing fire, which shall be adequate and suitable having regard to the circumstances of each case.

**59. Safe keeping of inflammable substances**

(1) All stocks of highly inflammable substances shall be kept in a fire-resistant store or in a safe place outside any occupied buildings.

(2) The store shall not be situated in a way that endangers the means of escape from the workplace or from any part of the workplace by persons employed in it, in the event of fire occurring in any part of the workplace.

**60. Occupier's duty to ensure adequate fire response**

It is the responsibility of an occupier to ensure adequate preparedness and response to any fire incidents in his or her premises.

## PART XI—MACHINERY, PLANT AND EQUIPMENT

**61. Fencing of dangerous machinery, plant, and equipment**

(1) Every flywheel directly connected to any prime mover and every moving part of any prime mover, shall be securely fenced, whether the flywheel or prime mover is situated in an engine-house or not.

(2) The head and tail race of every water wheel and of every water turbine shall be securely fenced.

(3) Every part of an electric generator, motor or rotary converter and every flywheel directly connected to it, shall be securely fenced unless it is in such a position or of such construction that is safe to every person employed or working on the premises as it would be if it were securely fenced.

(4) Every part of the transmission machinery shall be securely fenced unless it is in such a position or of such construction that is safe to every person employed or working on the premises, as it would be if it were securely fenced.

(5) Every dangerous part of any machinery, other than a prime mover and transmission machinery shall be securely fenced unless it is in a position or of construction that is safe to every person employed or working on the premises, as it would be if it were securely fenced.

(6) The prime requirement for secure fencing shall be for an effective guard which may be fixed or interlocked but where this is not possible, the requirement shall be deemed to be satisfied where a device is provided which—

- (a) automatically prevents any employed person or his or her clothing from coming into contact with the dangerous parts; or

- (b) stops the machine immediately in case of approach by an employed person to a dangerous part.

(7) Any part of a stock-bar which projects beyond the headstock of a lathe shall be securely fenced unless it is in a position that is safe to every employee on the premises as it would be if it were securely fenced.

(8) All fencing or other safeguards provided under this Part of the Act shall be of substantial construction and shall be constantly maintained and kept in position while the parts required to be fenced or safeguarded are in motion or in use.

#### **62. Certificate of exemption**

The Commissioner may, by certificate, subject to any conditions specified in the certificate, exempt an occupier from compliance with any of the requirements of section 61, where the Commissioner is satisfied that compliance with the requirements is unnecessary or impracticable.

#### **63. Efficient control of power**

(1) Efficient devices or appliances shall be provided and maintained in every room or place where work is carried on, by which power can promptly be cut off from the transmission machinery in that room or place, where there is eminent danger.

(2) Every machine intended to be driven by mechanical power shall be provided with an efficient starting and stopping appliance and the control of the starting and stopping appliance of which shall be in such a position as to be readily and conveniently operated by the person operating the machine.

(3) A driving belt shall, when it is not in use, be allowed to rest or ride upon a revolving shaft, which forms part of the transmission machinery.

**64. Safe use of driving belts**

Suitable striking gear or other efficient mechanical appliances shall be provided, maintained and used to move driving-belts to and from fast and loose pulleys which form part of the transmission machinery, and the gear or appliances shall be constructed, placed and maintained in a way that prevents the driving-belt from creeping back on the fast pulley.

**65. Unfenced machinery**

In determining, for the purposes of this Part, whether any part of a piece of machinery is in a position or of construction that is safe to every employee on the premises, as it would be if it were securely fenced—

- (a) no account shall be taken of any person carrying out, while a part of the machinery is in motion, an examination of the machinery or any lubrication or adjustment shown by the examination to be immediately necessary to be carried out while the part of machinery is in motion; and
- (b) in the case of any part of transmission machinery used in any process in a workplace in respect to which the Commissioner, by certificate is satisfied that, owing to the continuous nature of the process, the stopping of that part would seriously interfere with the carrying on of the process in the workplace, no account shall be taken of any person carrying out the work in the workplace by the methods and in such circumstances and subject to any conditions as may be specified in the certificate.

**66. Where section 65 not to apply**

Section 65 shall not apply where—

- (a) the examination, lubrication or any other operation is carried out by a person who—
  - (i) is sufficiently trained for the work and who is acquainted with the dangers of moving the machinery, arising in connection with the examination, lubrication or other operation;

- (ii) is instructed on the steps to be taken in case of an emergency and who is immediately available within sight, or hearing of the person carrying out the examination, lubrication or other operation; and
- (b) a ladder to use for the carrying out the examination, lubrication or other operation is securely fixed or lashed, or is firmly held by a person stationed at the foot of the ladder.

**67. Machine driven by mechanical power to be encased**

(1) Where any machine is intended to be driven by mechanical power—

- (a) every set-screw, bolt or key on any revolving shaft, spindle, wheel or pinion shall be sunk, encased or effectively guarded in any way, to prevent danger; and
- (b) all spur and other toothed or friction gearing, which does not require frequent adjustment while in motion, shall be completely encased unless it is situated to be safe as it would be if it were completely encased.

(2) Any person who sells or lets on hire, or as agent of the seller or hirer causes or procures to be sold or let on hire for use in a workplace, any machine to be driven by mechanical power which does not comply with the requirements of this section commits an offence and is liable, on conviction, to a fine not exceeding forty eight currency points or a term of imprisonment not exceeding one year or both.

**68. Self-acting machines**

(1) No traversing part of any self-acting machine and no material carried by it shall, if the space over which it runs is a space which any person is liable to pass in the course of his or her employment or at any other time, be allowed on its outward or inward traverse to run within a distance of five centimetres from any fixed structure which is not part of the machine.

(2) All practicable steps shall be taken by instructions to the person in charge of the machine to ensure that a person employed is not in the space between any traversing part of a self-acting spinning mule and any fixed part of the machine towards which the traversing part moves on the inward run, except when the machine is stopped, with the traversing part on the outward run.

#### **69. Hoists and lifts**

(1) Where a hoist or lift is newly taken into use in any premises (other than premises forming part of a workplace), the occupier shall, within one month after the date upon which the hoist or lift is first used, send to the Commissioner a written notice in the format specified in Schedule 5.

(2) Every hoist or lift shall be of good mechanical construction, sound material and of adequate strength, and shall be properly maintained.

(3) Every hoist or lift shall be thoroughly examined at least once every six months, or such longer period as the Commissioner may, by notice in the Gazette direct, by an authorised person, and a report of the result of every examination in the prescribed form and containing the prescribed particulars, shall be signed by the person who makes the examination and shall, within fourteen days, be entered in or attached to the General Register.

(4) Every hoist-way or lift-way shall be efficiently protected by a substantial enclosure fitted with gates, and the enclosure shall be of a nature that prevents any person from falling down the hoist-way or lift-way or coming into contact with any moving part of the hoist or lift, when the gates are shut.

(5) A gate in subsection (4) shall be fitted with efficient interlocking or other devices to ensure that it cannot be opened except when the cage of the platform is at the landing and that the cage of the platform cannot be moved away from the landing until the gate is closed.

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(6) Every hoist or lift and every enclosure shall be constructed in a way that prevents any part of any person or any goods carried in the hoist or lift from being trapped between any part of the hoist or lift and any fixed structure or between the counter-balance weight and any other moving part of the hoist or lift.

(7) There shall be marked conspicuously on every hoist or lift the maximum working load which it can safely carry, and no load greater than the prescribed load shall be carried on any hoist or lift.

(8) The following additional requirements shall apply to a hoist and a lift used for carrying persons, with or without goods—

(a) efficient automatic devices shall be provided and maintained to prevent the cage or platform from over-running;

(b) every cage shall, on each side from which access is provided to a landing, be fitted with a gate, and for every gate efficient devices shall be provided to ensure that, when persons or goods are in the cage, the cage cannot be raised or lowered unless all the gates are closed, and shall come to rest only when a gate is opened;

(c) in the case of a hoist or lift constructed or reconstructed after the coming into force of this Act, a platform or cage suspended by a rope or a chain, shall have at least two ropes or chains separately connected with the platform or cage, with each rope or chain and its attachments capable of carrying the whole weight of the platform or cage and its maximum working load, and efficient devices to support the platform or cage with its maximum working load, in the event of a breakage of the ropes or chains or any of their attachments, shall be provided and maintained.

(9) Every hoist-way or lift-way which passes through two or more floors, shall, subject to this subsection, be completely enclosed with fire-resisting materials, and all means of access to the hoist or lift

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shall be fitted with doors of fire resisting materials; except that the hoist-way or lift-way shall be enclosed at the top only by material which is easily broken by fire or shall be provided with a vent at the top.

(10) For the purposes of this section, a lifting machine or appliance shall not be deemed to be a hoist or lift unless it has a platform or cage whose direction of movement is restricted by a guide.

(11) Where it is shown, to the satisfaction of the Commissioner, that it would be unreasonable in the special circumstances of a case, to enforce any requirement of this section, in respect of any class or description of hoist, lift, hoist-way, or lift-way, the Commissioner may, by statutory order, direct that the requirement shall not apply to that class or description.

**70. Hoist or lift not connected with mechanical power**

(1) Except for section 69 (4) and (7), this section does not apply to hoists and lifts which are not connected with mechanical power.

(2) The gates of the lifts and hoists to which this section applies, shall be kept closed and fastened except when the cage or platform is at rest at the landing.

**71. Lifting gear**

(1) Lifting gear of whatever material, shall not be used unless it is of good construction, sound and suitable material, adequate strength, free from patent defect and properly maintained.

(2) Lifting gear used to lift loads exceeding fifty kilograms shall not be used unless it is tested and examined by or on behalf of the manufacturer or by an authorised person and a certificate of the test and examination, specifying the safe working load, signed by or on behalf of the manufacturer or by the authorised person, is obtained and kept available for inspection.

(3) Every lifting gear, except a rope or a rope sling, shall, unless it is of a class or description exempted by the Commissioner by notice in the gazette, be annealed at least once every fourteen months or, in the case of chains used in connection with molten slag, once every six months, but any lifting gear which is not in regular use is to be annealed only when necessary.

(4) Subsection (3) does not apply to fiber ropes or fiber rope slings.

(5) Lifting gear shall not be loaded beyond its safe working load except by an authorised person or an inspector, for the purpose of testing the gear.

(6) An inspector may, at any time, test any lifting gear and may prohibit further use, if not satisfied that it is safe for the use to which it is put.

**72. When lifting appliances and machines may be used**

(1) A lifting appliance or lifting machine shall not be used unless—

(a) the appliance or lifting gear and every part of it including all the working gear and all plant or gear used for anchoring or fixing the appliance or machine is of good mechanical construction, sound material, adequate strength and substance, and free from patent defects;

(b) it is properly maintained; and

(c) it is tested and thoroughly examined by or on behalf of the manufacturer or by an authorised person and a certificate of the test and examination specifying the safe working load, signed by or on behalf of the manufacturer or by the authorised person is obtained and kept available for inspection.

(2) Subsection (1) does not apply to any lifting appliance used only to lift weights of one hundred kilograms or less.

(3) Every crane, crab and fork lift shall be provided with a readily accessible and efficient brake or other safety device, to prevent the fall of a load when suspended and to ensure that the load is effectively controlled while being lowered.

(4) Every hand winch shall be fitted with an efficient pawl capable of sustaining a safe working load.

(5) Every lifting appliance and lifting machine shall be plainly marked with its safe working load or loads and distinctive numbers or other means of identification, except that in the case of a *jib crane* which is constructed that the safe working load may be varied by raising or lowering of the jib, there shall be attached to the *jib case*, so as to be clearly visible to the driver, an accurate indicator showing the radius of the jib at any time and safe working load corresponding to that radius.

(6) A lifting appliance including a forklift, or lifting machine shall not be loaded beyond its safe working load except by an authorised person or an inspector for the purpose of testing the appliance or machine.

(7) A lifting appliance with a safe working load of more than one hundred and fifty kilograms or a lifting machine shall not be used unless the appliance or machine, as the case may be, and every part of it (including all working gear and all plant gear used for anchoring or fixing the appliance or machine) has been thoroughly examined by an authorised person, within a prescribed period, determined by its construction and conditions of service; provided that the period shall not exceed fourteen months or any longer period as the Commissioner may, by notice in the gazette, appoint and particulars of the examination are entered in the register kept in accordance with section 75.

(8) A lifting appliance and a lifting machine, including a gondola, shall be adequately and securely supported.

(9) A rope, chain or wire and every part of a stage, framework or other structure and a mast, beam, pole or other article of plant supporting any part of a lifting appliance or lifting machine, shall be

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of good construction, sound material and adequate strength, having regard to the nature of lifting appliance, its lifting and reaching capacity and the circumstances of its use.

(10) All rails on which a travelling crane moves and every track on which the carriage of a transporter or runway moves shall be of proper size and adequate strength, and have an even running surface and the rails or track shall be properly laid, adequately supported, and properly maintained.

(11) Where a person is employed or working on or near the wheel tracks of an overhead travelling crane in any place where he or she is liable to be struck by the crane, effective measures shall be taken to ensure that the crane does not approach within six metres of the place.

(12) Without prejudice to this section, where any person is employed or working in any place above floor level where he or she would be liable to be struck by an overhead travelling crane, effective measures shall be taken to warn him or her of the approach of the crane, unless his or her work is connected with or dependent on the movements of the crane to make the warning unnecessary.

(13) A lifting machine shall be operated by a person trained and competent to operate that machine, except that it may be operated by any other person who is under the direct supervision of a qualified person for the purpose of training.

(14) A person under eighteen years of age shall not be employed to operate any lifting machine driven by mechanical power or to give signals to the operator of such a machine.

(15) Every part of a load shall be adequately secured into the lifting machine when it is being lifted, to prevent danger arising to any person from slipping or displacement of the load.

**73. Training of crane drivers, e.t.c.**

The Minister may make regulations for the training of crane drivers, slingers, persons who give signals to crane drivers and works transport drivers.

**74. Non-liability of inspectors, e.t.c.**

An inspector or an authorised person, is not liable for any damage to a lifting appliance or lifting machine, caused in the course of a test.

**75. Register of lifting gear**

A register containing the particulars specified in Schedule 6 shall be kept in the workplace, with respect to lifting gear, lifting appliances and lifting machines, to which this Part applies.

**76. Steam boilers**

(1) A steam boiler and all its fittings and attachments shall be of good construction, sound material, adequate strength and free from patent defect, and shall be properly maintained.

(2) Every steam boiler, whether separate or one of a range, shall have attached to it—

- (a) a suitable safety valve separate from and incapable of being isolated by any stop-valve, which shall be adjusted to prevent the boiler from being worked at a pressure greater than the maximum permissible working pressure and which shall be fixed directly to, or as close as practicable to the boiler;
- (b) a suitable stop-valve connecting the boiler to the steam pipe;
- (c) a correct steam pressure gauge, connected to the steam space and easily visible by the boiler attendant, which shall indicate the pressure of steam in the boiler in kilograms per square centimetre and have marked upon it in a distinctive colour, the maximum permissible working pressure;
- (d) at least one water gauge of a transparent material or other type approved by the Commissioner, to show the water level in the boiler and where the gauge is of the glass tubular type and the working pressure in the boiler normally exceeds seven kilograms per square centimetre, the gauge shall be provided with an efficient guard but which shall not obstruct the reading of the gauge;

(c) where it is one of two or more boilers, a plate bearing a distinctive number which is easily visible, and means for attaching a test pressure gauge and a suitable fusible plug or an efficient low-water alarm device.

(3) Notwithstanding the generality of subsection (2), subsection (2) (a) shall not apply with respect to economizers, and subsection (2) (b), (c), (d) and (e) shall not apply with respect to economizers or superheaters.

(4) For the purposes of subsection (3), a lever-valve shall not be deemed as a suitable safety valve unless the weight is secured on the lever to prevent the boiler from being worked at a pressure greater than the maximum permissible working pressure.

(5) A person attending a steam boiler shall be properly instructed on his or her duties.

(6) A person shall not shall be allowed to attend to a boiler as a boiler attendant, unless he or she possesses a certificate of competence for boiler attendants issued by the Commissioner, which shall be displayed in the boiler house so as to be readily available for inspection by an inspector or an authorised person, whenever the boiler attendant is on duty.

(7) The Commissioner shall cancel any certificate due to negligence or incompetence of a boiler attendant, which results into a boiler accident.

(8) A person shall not enter or be in any steam boiler, which is one of a range of two or more steam boilers, unless—

(a) all inlets through which steam or hot water may enter the boiler from any other part of the range are disconnected from that part; or

(b) all valves or taps controlling the entry are closed and securely locked, and where the boiler has a blow-off pipe in common with one or more boilers or delivers into a

common blow-off vessel or sump and the blow-off valve or tap on each boiler is constructed in a way that it can only be opened by a key, which cannot be removed until the valve or tap is closed and it is the only key in use for that set of blow-off valves or taps.

(9) Work shall not be permitted in any boiler-furnace or boiler-flue until it has been sufficiently cooled by ventilation or any other means, to make work safe for the person employed.

(10) The Minister shall make regulations for the efficient training of boiler operators.

#### **77. Examination of steam boilers**

(1) A steam boiler and all its fittings and attachments shall be thoroughly examined by an authorised person at least once every fourteen months, or a longer period as the Commissioner may, by notice in the gazette direct, and after any extensive repairs.

(2) Notwithstanding subsection (1), the person making the examination may specify in writing, a period exceeding fourteen months but not exceeding twenty four months within which the next examination is to be made.

(3) The following provisions shall apply to an examination under subsection (1)—

- (a) a boiler shall be examined when it is cold and when the interior and the exterior have been prepared in the prescribed manner; except that the person making the examination may, in addition to examination when the boiler is cold, require it to be examined by an authorised person when it is under normal steam pressure;
- (b) whether or not an examination by an authorised person when the boiler is under normal steam pressure is required in accordance with paragraph (a), on the first occasion when steam is raised after an examination has been carried out when the boiler is cold, a competent person shall inspect the fittings and attachments that require to be inspected by

the authorised person at the time of carrying out the examination when the boiler is cold and shall satisfy himself or herself, as far as is reasonably practicable, that they are in good working order and condition and that the safety valve is adjusted to prevent the boiler from being worked at a pressure greater than the maximum permissible working pressure; and

- (c) a certificate in the prescribed form, stating the fittings and attachments required to be inspected in accordance with paragraph (b), and that they were inspected and that the safety valve was adjusted to prevent the boiler from being worked at a pressure greater than the maximum permissible working pressure, shall be signed and dated by the competent person and entered into or attached to the General Register before the boiler is taken into use again.

(4) A report of the result of every examination, in the prescribed form and containing the prescribed particulars (including particulars of the maximum permissible working pressure and any other conditions as may be necessary for the safe working pressure and for the safe working of the boiler), shall, as soon as is practicable and in any case within twenty-eight days of the completion of the report, be signed by the person who makes the examination.

(5) For the purposes of this section relating to reports of examinations, the examination of a boiler when it is cold and its examination when it is under steam pressure shall be treated as separate examinations.

(6) A steam boiler which has previously been used shall not be used in any workplace for the first time, until it is examined and reported on in accordance with this section.

(7) A new steam boiler shall not be used unless there is obtained from an authorised person, a certificate specifying the maximum permissible working pressure of the boiler and stating the nature of the tests to which the boiler and fittings have been submitted.

(8) The certificate shall be kept available for inspection, and the boiler shall be marked to enable it to be identified as the boiler to which the certificate relates.

(9) Where the report of any examination under this section specifies conditions for securing the safe working of a steam boiler, the boiler shall not be used except in accordance with those conditions.

(10) In this Part "maximum permissible working pressure" means—

(a) in the case of a new steam boiler, the pressure specified in the certificate referred to in subsection (7); and

(b) in case of a steam boiler which is examined in accordance with this section, the pressure specified in the report of the last examination of that boiler.

#### 78. Steam receivers

(1) Every steam receiver and all its fittings shall be of good construction, sound materials, adequate strength, and free from patent defect and shall be properly maintained.

(2) Every steam receiver which is not constructed and maintained to withstand with safety, the maximum permissible working pressure of the boiler or the maximum pressure which can be obtained in the pipe connecting the receiver with any source of supply, shall be fitted with—

(a) a suitable reducing valve or other suitable automatic appliance to prevent the safe working pressure of the receiver from being exceeded;

(b) a suitable safety valve or other valve, adjusted to permit the steam to escape as soon as the safe working pressure is exceeded, or a suitable appliance for cutting off automatically the supply of steam as the safe working pressure is exceeded;

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(c) a steam pressure gauge, which shall correctly indicate the pressure of steam in the receiver in kilograms per square centimetre;

(d) a suitable stop-valve;

(e) a plate bearing a distinctive number, which shall be easily visible, except where only one steam receiver is in use.

(3) The safety valve and pressure gauge shall be fitted on the steam receiver or on the supply pipe between the receiver and the reducing valve or other appliance to prevent the safe working pressure from being exceeded.

(4) For the purposes of subsection (2), except for subsection (2)(e), any set of receivers supplied with steam through a single pipe forming part of a single machine may be treated as one receiver, and except for subsection (2)(d) and (e), any other set of receivers supplied with steam through a single pipe may be treated as one receiver.

(5) Subsection (4) does not apply to a set of receivers unless the reducing valve or other appliance to prevent the safe working pressure from being exceeded, is fitted on the single pipe.

**79. Examination of steam receivers**

(1) Every steam receiver and all its fittings shall be thoroughly examined by an authorised person, as far as the construction of the receiver permits, at least once every twenty-six months or a longer period as the Commissioner may, by statutory order, direct.

(2) A report of the result of an examination in the prescribed form and containing the prescribed particulars (including particulars of the safe working pressure), shall be entered in or attached to the General Register, and the report shall be signed by the person who makes the examination.

(3) A steam receiver which has previously been used shall not be taken into use in a working place for the first time until it has been examined and reported on in accordance with subsections (1) and (2).

(4) A new steam receiver shall not be taken into use unless there is obtained from an authorised person, a certificate specifying the safe working pressure of the receiver and stating the nature of the tests to which the receiver and fitting have been submitted.

(5) The certificate shall be kept available for inspection, and the receiver shall be marked to enable it to be identified as the receiver to which the certificate relates.

(6) Every steam container shall be maintained in a way that ensures that the outlet is at all times kept open and free from obstruction.

#### 80. Air receivers

(1) Every air receiver shall—

- (a) have marked upon it in a plainly visible form, the safe working pressure;
- (b) in the case of a receiver connected with an air compressing plant, be constructed to withstand with safety, the maximum pressure which may be obtained in the compressor, or be fitted with a suitable reducing valve or other suitable appliance to prevent the safe working pressure of the receiver from being exceeded;
- (c) be fitted with an accurate pressure gauge indicating the pressure in the receiver in kilograms per square centimetre;
- (d) be fitted with a suitable safety valve, adjusted to permit air to escape where the safe working pressure is exceeded;
- (e) be fitted with a suitable appliance for draining the receiver;
- (f) be provided with a suitable manhole, handhole, or other means which allows the interior to be thoroughly cleaned;
- (g) bear a distinguishing mark which shall be easily visible.

- (2) For the purposes of subsection (1) relating to safety valves and pressure gauges, any set of air receivers supplied with air through a single pipe may be treated as one receiver except that, where a suitable reducing valve or other suitable appliance to prevent the safe working pressure from being exceeded is required to be fitted, this subsection shall not apply unless the valve or appliance is fitted on the single pipe.
- (3) Every air receiver and its fittings shall be of sound construction and properly maintained.
- (4) Every air receiver shall be thoroughly cleaned and examined at least once every twenty-six months or such longer period as the Commissioner may, by statutory order, direct.
- (5) Where a receiver of solid drawn construction is examined, the person making the examination may specify in writing a period exceeding twenty-six months but not exceeding four years within which the next examination is to be made.
- (6) Where a receiver of solid drawn construction is constructed in a way that the internal surface cannot be thoroughly examined, a suitable hydraulic test of the receiver shall be carried out in lieu of the internal examination.
- (7) Every examination and test of an air receiver shall be carried out by an authorised person, and a report of the result of every examination and test, in the prescribed form and containing the prescribed particulars (including particulars of the safe working pressure) shall be entered in or attached to the General Register, and the report shall be signed by the person who makes the examination or test.
- (8) An air receiver which was previously used shall not be taken into use in any workplace for the first time, until it is examined and reported on in accordance with this Act.
- (9) A new air receiver shall not be taken into use unless there is obtained from an authorised person, a certificate specifying the safe working pressure of the receiver and stating the nature of the tests to which the receiver and fittings have been subjected.

(10) A certificate issued under subsection (8) shall be kept available for inspection and the receiver shall be marked to enable it to be identified as the receiver to which the certificate refers.

### **81. Commissioner's power to make exemption**

The Commissioner may, by notice in the *Gazette* exempt from, sections 77, 78, 79 or 80, any class or type of steam boiler, steam receiver, steam container or air receiver, of which he or she is satisfied that the section from which it is exempt cannot be reasonably applied, and the exception may be unqualified or may be subject to any conditions as may be contained in the notice.

### **82. Gas plants**

(1) All gas plants shall be of sound construction and properly maintained.

(2) The Minister may, in accordance with the procedure for making special rules set out in Schedule 7, make special rules—

- (a) specifying the nature of gas plants that may be used;
- (b) specifying the types of fittings and pipes that may be used in gas plants;
- (c) providing for the inspection of gas plants;
- (d) providing for the prohibition of the use of gas plants where they do not comply with or where they contravene any of the rules.

(3) For the purposes of this section "gas" means any combustible gas produced for the purpose of heating or lighting and "gas plant" means any plant, apparatus or machine for generating gas (including any container holding compressed, dissolved or liquefied gas under pressure) connected to a system of pipes intended to distribute the gas to two or more appliances or points and includes all pipes and appliances for storing the gas or for conveying or regulating the flow of the gas to the places where it is to be used, but does not include any plant, apparatus, machine, pipes or appliances used solely in connection with a single private dwelling house.

**83. Handling of hazardous materials**

(1) Where there may be escape of dust of a character and to an extent liable to explode on ignition, as a result of grinding, sieving or any other process which gives rise to dust, all practicable steps shall be taken to prevent the explosion—

- (a) by enclosure of the plant used in the process;
- (b) by removal or prevention of accumulation of any dust that may escape in spite of the enclosure;
- (c) by exclusion or effective enclosure of possible sources of ignition.

(2) Where there is dust of a character and an extent liable to explode on ignition, in a plant used in a process in subsection (1), unless the plant is constructed to withstand the pressure likely to be produced by an explosion, all practicable steps shall be taken to restrict the spread and effects of the explosion by the provision of chokes, baffles and vents, or other equally effective appliances, to the plant.

(3) Any plant, tank or vessel which contains or has contained any explosive or inflammable substance shall not be subjected to any welding, brazing or soldering operation or to any cutting operation which involves the application of heat, until all practicable steps are taken—

- (a) to remove the substance and any fumes arising from it; and
- (b) to render them non-explosive or non-inflammable.

(4) Where any plant, tank or vessel is subjected to an operation in subsection (3), no explosive or inflammable substance shall be allowed to enter the plant, tank or vessel until the metal has cooled sufficiently to prevent any risk of igniting the substance.

(5) The Commissioner may, by certificate in writing, grant exemption from subsections (3) and (4), subject to any conditions, in any case where he or she is satisfied that compliance with the requirement is unnecessary or impracticable.

**84. Electrical apparatus, etc to be fit for work meant**

All electrical apparatus, fittings and conductors shall be sufficient in size and power for the work they are meant for and shall be constructed, installed, protected, worked and maintained to prevent danger, as far as is reasonably practicable.

**85. Toxic materials to be used as last resort**

(1) Toxic materials or substances shall only be used where the use of a non-toxic material or substance is not reasonably practicable.

(2) Without prejudice to subsection (1), where toxic materials or substances are present or used, the number of employed persons exposed to risk shall be kept to a minimum and where there is a recognised antidote, supplies of the antidote shall be kept readily available.

(3) In any premises where there are operations to which this Act applies, nothing shall be done to or in connection with toxic materials except under an efficient exhaust draught system.

(4) An exhaust draught system shall be constructed, placed and maintained, to prevent the escape into the air of toxic materials of a character and to an extent liable to be a danger to the health of employed persons.

(5) Where there is a risk that a toxic material or substance may be ingested, an employed person shall not eat, drink or smoke in any workroom or other place where the material or substance is handled.

(6) Without prejudice to any other requirement for washing facilities, where there is a risk to health from contamination of the surface of the body, washing facilities shall be provided and maintained and conveniently situated near the place where the toxic material or substance is used.

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(7) In case where toxic materials or substances are manufactured, handled, used or stored, the Commissioner may serve upon an occupier or employer, a notice requiring him or her to—

- (a) provide additional bathing facilities including showers, where practicable;
- (b) arrange for periodical medical examination; and
- (c) provide additional protective clothing.

**86. Drenching facilities for emergency cases**

Where dangerous or corrosive liquids are used, there shall be provided and maintained, for use in case of an emergency—

- (a) adequate and readily accessible means of drenching with water, for any employee who is splashed with these liquids; and
- (b) sufficient and suitable means of flushing or irrigating the eyes, conveniently situated and clearly indicated by a distinctive sign which is visible at all times.

**87. Work in confined places**

(1) Where work has to be done inside a confined space—

- (a) the confined space shall be provided with adequate means of exit; and
- (b) a person shall not enter the confined space for any purpose, unless—
  - (i) all practicable steps are taken to remove any fumes and, unless it is ascertained by a suitable test that the space is free from dangerous fumes and the person wears a belt to which there is securely attached a rope of which the free end is held by a person outside; or
  - (ii) the person entering wears a suitable breathing apparatus.

(2) There shall be provided and maintained in every confined work place a sufficient number of workers, trained in the practice and use of breathing and reviving apparatus, belts and ropes and in the methods of restoring respiration, and who shall be readily accessible.

(3) Without prejudice to subsection (1), an employee shall not enter or remain in any chamber, tank, vat, pit, pipe, flue or similar confined space for any purposes unless he or she is—

- (a) assured of a supply of air, adequate for respiration and to render harmless any fumes; or
- (b) wearing a suitable breathing apparatus.

(4) A confined space shall, unless there is other adequate means of access, be provided with a manhole, which may be rectangular, oval or circular in shape and which shall not be less than forty five centimetres long and forty centimetres wide or, if circular, not less than forty five centimetres in diameter or, in the case of tank wagons and other mobile plant, not less than forty centimetres long and thirty five centimetres wide or, if circular, not less than forty centimetres in diameter.

#### **88. Protection of workers from exposure to asphyxiants or irritants**

(1) Where ammonia, chlorine, carbon dioxide or other asphyxiant or irritant gas or vapour is present or liable to be present in a workplace, all practicable measures shall be taken to ensure that the gas or vapour does not present a danger to the health of an employee by locating the plant in another place or by ventilation or by any other means.

(2) Breathing apparatus or other equipment of a type approved by the Commissioner shall be provided and maintained and kept readily available to be used to effect a rescue or to make premises or operations safe.

#### **89. Lifting of heavy loads**

An employee shall not be required to lift, carry or move a load which is heavy and likely to cause him or her injury.

**90. Workers not to be exposed to ionising radiation, etc**

(1) Effective measures shall be taken, as far as is practicable, to restrict the extent to which workers may be exposed to ionising radiation in the course of their employment.

(2) An employee shall not be exposed to ionizing radiation, lasers, ultra-violet, infrared light and other electromagnetic radiations, for more than is reasonably necessary, for the purposes of his or her work, and in any case, everything practicable shall be done to minimise the exposure.

(3) Subsection (2) shall apply to cases where an employed person is subject to vibrations, including ultrasonic vibrations.

**91. Provision of personal protective gear**

(1) Where any process carried out at a workplace is likely to cause bodily injury which cannot be prevented by other means, every worker involved in that process, who is liable to bodily injury, shall be provided with suitable and appropriate personal protective equipment and clothing to protect him or her from risk or injury.

(2) An employer shall supply and maintain personal protective equipment, free of charge to the employees, and provide instructions for their use.

**92. Protection of eyes in certain processes**

(1) In the case of any of the processes specified in Schedule 8, suitable goggles or effective screens shall be provided, to protect the eyes of the persons employed in the process.

(2) In any workplace where, electric welding is carried on in a manner that involves risk of persons employed, other than the persons employed in the welding process, being exposed to the electric-arc flash, effective provision shall be made for screening or to prevent the exposure.

**93. Medical examination or supervision in certain processes**

The Minister may require a medical supervision or a medical examination of a person, or any class of persons employed, where in any workplace—

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- (a) a case of illness, of which there is reason to believe that it may be due to the nature of a process or other conditions of work, occurs; or
- (b) there may be risk of injury to the health of the workers in the workplace as a result of any process or from any substance or material used or handled.

**94. Prohibition order**

(1) Where an inspector believes that the use of a workplace or any part of it or of any machinery, plant, appliance or fitting is likely to threaten the health and safety of any person, the inspector may serve on the employer or worker an order, in writing, prohibiting the use of the machinery, plant, appliance or fitting, until the danger is removed to the satisfaction of the inspector.

(2) Any person aggrieved by an order of an inspector made under subsection (1) may, by complaint to a magistrate's court, apply for the order to be set aside or varied, and at the hearing, the inspector is entitled to be heard and the order shall continue to have effect unless and until it is set aside or varied by the court.

PART XIII—CHEMICAL SAFETY AND SPECIAL PROVISIONS

**95. General precautions in handling chemicals**

(1) An employer shall take general preventive measures including administrative and technical measures to prevent or reduce the contamination of a work environment to the lowest possible level, or where appropriate, at least to the levels specified by the exposure limits prescribed by the Commissioner, which the Commissioner may, from time to time, issue by notice in the *Gazette*.

(2) Whenever possible, hazardous substances shall be replaced by harmless or less harmful substances.

(3) Operations likely to result in contamination of the work environment by hazardous substances shall be isolated from the remainder of the premises to reduce the number of people exposed.

(4) Processes which involve a significant risk of exposure to very hazardous substances shall, as far as is reasonably practicable, be performed within an enclosed system, to prevent any contact between the hazardous substance and any person.

(5) Direct contact with hazardous substances shall, as far as is reasonably practicable, be avoided by the use of automatic processes or by remote control systems.

(6) Only duly authorised and adequately trained workers shall participate in dangerous operations and their training shall be upgraded at suitable intervals.

(7) When circumstances make it necessary for a worker to enter an atmosphere contaminated by a harmful concentration of a hazardous substance, the worker shall be made fully aware of the hazards and shall be provided with and wear appropriate protective equipment.

**96. Provision of chemical data sheets**

(1) For hazardous chemicals, chemical safety data sheets containing detailed essential information, regarding the identity, supplier and classification of the chemical, and the hazards, safety precautions and emergency procedures required for the chemicals shall be provided to an employer, by a manufacturer or importer of the chemical.

(2) A copy of the chemical safety data sheet for each product shall be forwarded by the employer to the Commissioner.

**97. Labelling of hazardous chemicals**

(1) An employer shall ensure that the packages of a hazardous chemical delivered to the workplace, are labelled and that the appropriate chemical safety data sheet for the chemical is delivered to the workplace.

(2) A list or register of the chemical safety data sheets shall be kept at the workplace.

(3) A copy of chemical safety data sheets and of the list of the safety data sheets shall be given to the workers concerned and shall be availed to their representatives for consultation, at any time.

**98. Duty of suppliers, manufacturers, etc**

(1) Suppliers, manufacturers and importers of equipment shall ensure that machines, process plants, instruments and vehicles are designed and supplied to users in a suitable condition and with the relevant information and that their operation and use contribute as little as possible, to the contamination of a work environment, and that they do not present, as far as is reasonably practicable, any health hazard to workers during production operations, maintenance work and other activities.

(2) Suppliers, manufacturers, importers or distributors of hazardous substances shall ensure that—

(a) all chemicals are classified based on their characteristics including toxic, chemical or physical, corrosive and irritant properties; and allergenic and sensitising, carcinogenic, teratogenic and mutagenic effects as well as their effects on the reproductive system;

(b) the containers of all hazardous substances are marked to indicate their identity, to enable persons handling or using them to recognise and distinguish between them when receiving them and when using them, so that they are used safely;

(c) the containers of all hazardous substances are labelled in a uniform manner with legible, durable labels which are easily understood by workers and other persons.

(3) For the purpose of this section, labelling in accordance with the United Nations labelling system shall be adequate.

**PART XIV—OFFENCES, PENALTIES AND LEGAL PROCEEDINGS**

**99. Misuse of appliances provided**

A person commits an offence who—

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- (a) willfully interferes with, or misuses any means, appliance, convenience or other thing provided under this Act, for securing the health, safety or welfare of persons employed in a workplace;
- (b) refuses to use the means or appliance provided for securing the health or safety of workers.

**100. Worker not to endanger premises or working environment**

A worker who wilfully or recklessly does anything which he or she knows or ought to have known to be likely to endanger the safety of the premises of the workplace, or operations or the safety or health of himself or herself or the other employed persons in the premises or who are involved in the operation, commits an offence.

**101. Forgery of certificates, false entries and false declarations**

A person who does any of the following acts commits an offence—

- (a) forging or counterfeiting any certificate required by, under, or for the purpose of this Act;
- (b) signing any certificate authorised under this Act, knowing it to be false in any material particular;
- (c) knowingly uttering or making use of, as applying to any person, any certificate when it does not apply;
- (d) knowingly uttering or making use of any forged, counterfeited or false certificate;
- (e) impersonating any person named in any certificate issued under this Act;
- (f) falsely pretending to be an inspector;
- (g) wilfully conniving in any forgery or counterfeiting of any certificate;
- (h) signing, uttering or making use by, impersonation or pretence, in any process prescribed under this Act;

- (i) wilfully making a false entry in any register, notice, certificate, or document required by, under or for the purpose of this Act;
- (j) wilfully making or signing a false declaration required by, under or for the purposes of this Act; or
- (k) knowingly making use of any such false entry of a declaration made under this Act.

**102. Penalties in cases of fatal and non-fatal injuries**

(1) Where a person dies, or suffers bodily injury, as a result of a contravention of this Act by an occupier or an owner of a workplace, the occupier or owner commits an offence, and is liable, on conviction, to a fine not exceeding one hundred currency points or to imprisonment for a term not exceeding fifty months, or both.

(2) The whole or any part of a fine imposed under subsection (1), may be applied for the benefit of the injured person or his or her family or for any other purpose as the court may determine.

(3) Where an injury, caused by a contravention of this Act, by an occupier or an owner of a workplace, results into permanent total incapacity, the occupier or owner of the workplace commits an offence and is liable, on conviction, to a fine not exceeding one hundred currency points or to imprisonment for a term not exceeding fifty months, or both.

(4) The whole or any part of a fine imposed under subsection (3), may be applied for the benefit of the injured person or his or her family or for any other purpose as the court may determine.

(5) Where an injury, caused by a contravention of this Act, by an occupier or an owner of a workplace, results into permanent partial incapacity or temporary incapacity, the occupier or owner of the workplace commits an offence and is liable, on conviction to a fine not exceeding one hundred currency points or to imprisonment for a term not exceeding fifty months, or both.

(6) The whole or any part of a fine imposed under subsection (5), may be applied for the benefit of the injured person or his or her family or for any other purpose as the court may determine.

**103. General offences**

(1) In the event of any contravention of a provision of this Act in relation to a workplace, an occupier, or where the contravention is one in respect of which an owner is under this Act made responsible, the owner or occupier of the workplace as the case may be, commits the offence.

(2) Where the occupier of a workplace avails himself or herself of any special exception under this Act, and fails to comply with any of the conditions attached to the exception, he or she shall be deemed to have contravened this Act.

(3) Where a person is employed in a workplace contrary to this Act, there shall be deemed to be a separate contravention and a separate offence in respect of each person so employed.

(4) Where an offence under this Act is committed by a company, cooperative society or other body of persons and it is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of a chairperson, director, manager, secretary or other officer of the company, cooperative society or other body of persons, that person as well as the company, cooperative society or other body of persons shall be deemed to have committed the offence.

**104. General penalty**

(1) Subject to this Act, a person who commits an offence for which no express penalty is provided by this Act, is liable, on conviction to a fine not exceeding twenty four currency points or, to imprisonment for a term not exceeding twelve months, or both.

(2) Where a contravention of this Act is continued after conviction, the person convicted commits another offence and is liable, on further conviction, to a fine not exceeding one currency point for each day or part of a day on which the contravention is continued.

**105. Application for an alternative remedy**

(1) Where an occupier or owner of a workplace is convicted of an offence under this Act, the court may, in addition to or instead of imposing any penalty, order him or her, within the time specified in the order, to take such steps as may be specified, to remedy the matters in respect of which the contravention occurred, and may, on application extend the time so specified.

(2) Where an order is made under subsection (1), an occupier or owner is not liable under this Act, in respect of the continuation of the contravention during the time allowed by the court, but where after the expiration of that time originally specified or extended by subsequent order, the order is not complied with, the occupier or owner, as the case may be, commits an offence and is liable, on conviction, to fine not exceeding one currency point for each day or part of a day on which the non-compliance continues.

**106. Trade secrets**

(1) An authorised person or any person employed in the administration of this Act, shall treat as secret and confidential, any manufacturing or commercial secret which may come to his or her knowledge in the course of his or her duty.

(2) A person who discloses to any person any matter, in contravention of subsection (1), while still in an official duty under this Act or while employed in the administration of this Act or after the official duty or employment, unless the disclosure was made in the performance of his or her duty, commits an offence and is liable, on conviction to a fine not exceeding one hundred currency points or to imprisonment not exceeding twenty six months or both.

**107. Third party liability**

Where an act or default for which an occupier or owner of a workplace is liable under this Act, is the act or default of an agent, servant, worker or other person, the agent, servant, worker or other person commits an offence and is liable, on conviction, to the same penalty as if he or she were the occupier or owner, as the case may be.

**108. Owner of machine, etc to be deemed occupier**

Where any person other than an occupier of a workplace or a person employed, uses in a workplace, for the purposes of construction, repair, installation or other work, any machine, appliance, equipment or plant which is owned or hired by him or her, that person shall, in respect of any contravention of this Act in relation to the machine, appliance, equipment or plant, be deemed to be the occupier.

**109. Proceedings against third parties**

Where a person is substituted for the occupier or owner of a workplace with respect to this Act, any order, summons, notice or proceedings, which, is under this Act required or authorised to be served on the occupier or owner, shall be served on that person.

**110. Prosecution of offences**

(1) All offences under this Act shall be prosecuted, and all fines under this Act shall be recovered in a magistrate's court presided over by a Chief Magistrate or a Magistrate Grade I.

(2) In any proceedings under this Act, it shall be sufficient in a charge sheet to allege that the workplace is a workplace within the meaning of this Act and to state the name of the ostensible occupier of the workplace or, where the occupier is a firm, the title of the firm, and the burden of proving that the premises are not a workplace or that the occupier specified in a charge sheet is not the occupier of the workplace, shall lie upon the person alleging that fact.

(3) Where an offence is committed under this Act, by reason of a failure to make an examination, enter a report, or do any other thing, at or within a time specified by this Act, the offence shall be deemed to continue until the examination is made, the report entered or the other thing done, as the case may be.

**111. Examination where authorised person is not available**

(1) Where any periodical examination required by this Act to be carried out by an authorised person is not done within the period specified by reason of an occupier or an owner not having been able to arrange for an authorised person to carry out that examination, the occupier or owner shall immediately notify the Commissioner by the quickest means available, of the circumstances and shall give particulars of the machinery or plant concerned and of the date when the last examination was carried out as required by this Act.

(2) Where an occupier or owner is not able to arrange for an authorised person to carry out any examination required to be done under this Act in respect of a new steam boiler, steam receiver or air receiver, he or she shall notify the Commissioner of the circumstances and send with the notification, a certificate furnished by the manufacturer of the steam boiler, steam receiver or air receiver, as the case may be.

(3) On receipt of the notification in subsection (2) and the manufacture's certificate, if any, and after any further inquiry as he or she may direct, the Commissioner may, by notice in writing in the prescribed form, permit the use of the steam boiler, steam receiver or air receiver, subject to such conditions as he or she may specify in the notice.

(4) A notice issued in subsection (3) shall be entered into or attached to the General Register.

**112. General Register**

(1) There shall be kept available for inspection in every workplace, in the prescribed form, a General Register.

(2) The General Register shall have entered in or attached to it—

(a) the certificate of registration of the workplace;

(b) every other certificate issued in respect of the workplace by the Commissioner under this Act;

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(c) the prescribed particulars as to every accident and case of occupational disease which occurs in the workplace for which notice is required to be sent under this Act and any regulations made under this Act.

(3) An occupier of a workplace shall send to an inspector extracts from the General Register as the inspector may require for the purpose of the execution of his or her duties under this Act.

(4) Notwithstanding this section, in the case of a temporary workplace, where it appears to the Minister that it is inappropriate or unnecessary to require compliance with any of the provisions of subsection (1), the Minister may, by statutory instrument, direct that any of the provisions are not apply to a temporary workplace of a specified class or description.

**113. Entries in General Register or other records**

(1) Where any entry is required by this Act to be made in the General Register or in any other register or record, the entry made by an occupier of the workplace or on his or her behalf, shall be admissible against the occupier, as evidence of the facts stated in it, and the fact that any entry required with respect to the observance of this Act is not made, shall be evidence that the Act has not been observed.

(2) Any article or any specimen or sample of any article submitted for examination or analysis to a prescribed institution and any document purporting to be a report of the examination or analysis made on behalf of the institution, may be used as evidence of any injury in any trial or other proceedings under this Act and the court may presume that the signature to the document is genuine and that the person signing the document acted on behalf of the prescribed institution for which he or she professes to act at the time when he or she signed it.

(3) Any certificate, document, stamp or mark which purports to describe the accuracy, verification or true calibration on any instrument and which purports to be a certificate, document, stamp or mark issued by or on behalf of the National Bureau of Standards or

any other internationally recognised institution or the manufacturer of the instrument, shall be admissible as evidence of the facts stated in it, and the court may presume that the certificate, document, stamp or mark is genuine.

#### **114. Preservation of registers and record**

The General Register and any other register or record kept under this Act, shall be preserved and kept available for inspection by an inspector for at least five years or such other period as may be prescribed for any class or description of register or record, after the date of the last entry in the register or record.

#### **115. Serving and sending of documents**

(1) Any document, including any summons or order, required or authorised to be served under this Act may be served—

- (a) on any person, by delivering the document to him or her, or by leaving the document at, or sending it by registered post to his or her residence;
- (b) on any firm, by delivering it to any partner of the firm, or by leaving it at, or sending it by registered post to, an office of the firm; and
- (c) on the occupier or owner of a workplace including any owner or occupier which is a company or a cooperative society, by sending it by registered post or by delivering it, or a copy of it to the manager, foreman, or other responsible person, at the workplace.

(2) Any document mentioned in subsection (1) may be addressed, for the purpose of service on an occupier of a workplace to, "The Occupier", followed by a description of the workplace, sufficient to identify it without further name or description.

#### **116. Power to modify agreements**

Where, by reason of an agreement between an owner and an occupier of premises, the whole or any part of which is let as a workplace, the owner or the occupier is prevented from carrying out any structural or

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other alterations in the premises, which are necessary to enable him or her to comply with this Act or to conform with any standard or requirement imposed by or under this Act—

- (a) the occupier may apply to court by summons for the terms of the agreement to be set aside or modified; and
- (b) court may, after hearing the parties and their witnesses make an order setting aside or modifying the terms of the agreement, as the court may consider just and equitable under the circumstances.

**117. Power to apportion expenses**

Where in any premises, the whole or any part of which is let as a workplace, any structural or other alterations are required in order to comply with this Act, and an owner or an occupier, as the case may be, alleges that the whole or part of the expenses of the alterations ought to be borne by only one of the parties or both of the parties—

- (a) the occupier may apply to court by summons, for apportionment of the expenses of the alterations between the parties; and
- (b) the court, after hearing the parties and their witness may—
  - (i) make an order concerning the apportionment of expenses, as it considers just and equitable in the circumstances of the case, considering the terms of any contract between the parties; or
  - (ii) at the request of the owner or occupier, determine the case.

**118. Relation of Act to other laws**

Except where otherwise provided, this Act shall be in addition to and not in substitution for or diminution of any other law.

**119. Regulations**

(1) The Minister may, with the approval of Parliament, make regulations for the implementation of this Act.

(2) Without prejudice to the general effect of subsection (1), regulations made under this Act, may prescribe a penalty for contravention of the regulations, of a fine not exceeding fifty currency points or imprisonment not exceeding fourteen months, or both.

**120. Minister's power to amend Schedules**

(1) The Minister may, with the approval of Cabinet, by statutory instrument, amend Schedule 1.

(2) The Minister, may, with the approval of the Occupational Safety and Health Board, amend Schedules 2, 3, 4, 5, 6, 7, and 8.

**121. Repeal of Cap. 220 and savings**

(1) The Factories Act, Cap 220 is repealed.

(2) Without prejudice to the general effect of the Interpretation Act—

(a) any statutory instrument made under the repealed Act and in force immediately before the commencement of this Act, shall, with the necessary modifications, continue in existence as if made under this Act until revoked under this Act;

(b) any proceedings pending under the repealed Act before the commencement of this Act may be continued and completed under this Act.

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**SCHEDULES**

**Act 9**

*Occupational Safety and Health Act*  
SCHEDULE 1

**2006**

Sections 2, 120 (1)

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

SCHEDULE 2

Sections 14 (2), 120 (2)

GUIDELINES FOR WRITING AND CHECKING STATEMENT OF POLICY

1. Structure of written statement:

Every written statement of policy shall cover both the essential areas referred to in section 13 of this Act.

General policy--

.....

Organisation and arrangements for carrying out general policy—

.....

2. Details of levels of responsibility—

.....

3. Safety Representatives and Joint Safety Committees -

.....

4. Employer's policy on training and supervision-

.....

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5.    Details of the hazards -

.....  
.....  
.....

6.    Revision of the Policy -

.....  
.....  
.....

Signed.....  
*Director/General Manager/Managing Director*

Sections 40(2), 120 (2)

PARTICULARS TO BE SUBMITTED WHEN APPLYING FOR THE  
REGISTRATION OF A WORKPLACE OR A CHANGE IN THE  
REGISTERED OCCUPIER

1. The name of the occupier or intending occupier of a workplace (in case of a firm which is not a limited company, the full name should be given together with the registered trading name, if any).....  
.....
2. Postal address and telephone and fax number (if any) of the occupier or intending occupier: -  
.....  
.....  
.....
3. The precise location of the workplace (if in a city etc) the street and plot number should be given. If outside a township, sufficient information to enable the workplace to be found readily should be given.....  
.....  
.....
4. Nature of work carried on or proposed to be carried on in the workplace.....  
.....  
.....
5. Whether mechanical power is used or intended to be used, if so, its nature (e.g. steam, electric motors, oil engine etc)  
.....  
.....  
.....
6. Whether steam boilers are used or intended to be used, if so the following particulars in respect of each boiler -

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- (a) type, description and distinctive number  
.....  
.....
- (b) country and year of manufacture (where possible)  
.....  
.....
- (c) date of the last thorough examination and name of authorised person by whom the examination was made  
.....  
.....
- (d) the maximum permissible working pressure  
.....  
.....

**7. Whether you use or intend to use any of the following:—**

- (i) Lifts
- (ii) Cranes, winches, fork lifts etc.
- (iii) Block and tackle, chain blocks
- (iv) Air receivers
- (v) Gas plant.

**8. Whether you use or intend to use hazardous chemicals: -**

- (a) (i) Toxicity.....
- (ii) Chemical properties.....
- (iii) Physical properties .....
- (iv) Irritant properties.....
- (v) Corrosive properties .....
- (vi) Allergic and sensitising effects .....
- (vii) Carcinogenic effects .....
- (viii) Tetratogenic effects .....
- (ix) Mutagenic effects .....

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- (b) Their effects on the reproductive system.  
.....  
.....
- (c) Whether hazardous substances are distinctively labeled and an appropriate chemical safety data sheets available.  
.....  
.....
- 9. (a) Whether you use or intend to use an industrial waste treatment plant—  
.....  
.....
- (b) Method of handling effluents—  
.....  
.....
- 10. Whether you have made provisions for-
  - (a) Sanitary installations .....
  - (b) Washing facilities .....
  - (c) Facilities for changing and storing clothes .....
  - (d) Supply of drinking water .....
  - (e) First aid treatment .....
  - (f) Emergency plans .....
- 11. The date on which you expect to begin to operate the workplace or to change the occupier  
.....  
.....  
.....
- 12. (a) Total number of persons of each sex employed, or intended to be employed in the workplace.  
.....males.....females
- (b) Where persons are employed in shifts, the maximum number employed, at any one time.  
.....males.....females

Date .....

*Signature of occupier or intending occupier*



Sections 69, 120 (2)

PARTICULARS TO BE SUBMITTED BY OCCUPIERS OF  
PREMISES (OTHER THAN WORKPLACES) IN WHICH A  
HOIST OR LIFT IS USED.

The name, postal address, telephone and fax number, if any, of the occupier.

.....  
.....

1. A precise description of the location of the premises.....

.....  
.....

2. The type of premises (offices, shops, etc). .....

.....

3. Description of the hoist or lift.

(a) Whether goods only; passengers only; or goods and  
passengers.....

(b) The maker. ....

(c) The maker's number. ....

(d) The date of installation. ....

(e) How operated (mechanical power, hydraulic power or manually )  
.....

(f) The number of floors served.....

(g) The maximum working load which it can safely carry. ....  
.....

REGISTER OF LIFTING GEAR, LIFTING APPLIANCES  
AND LIFTING MACHINES

*Separate page to be used for each lifting gear, lifting appliance or lifting machine:*

TO BE ENTERED ON THE COVER OF THE GENERAL REGISTER

The number of the certificate(s) of the workplace .....

Signature of the occupier or his representative .....

TO BE ENTERED ON EACH PAGE

1. Description of gear, appliance or machine.....
2. Distinctive number of other means of identification.....  
.....
3. Date when first taken into use in the workplace.....
4. Date and number of the certificate of test and examination and the name and address of person who issued the certificate.....  
.....  
.....
5. Date of each examination, the name of the authorised person who carried it out, particulars of any defect found and the steps taken to remedy the defect .....
6. Date of each annealing or other heat treatment and by whom it was carried out .....

## SCHEDULE 7

*Sections 82, 120 (2)*

## PROCEDURE FOR MAKING SPECIAL RULES

1. When it is proposed to make any special rules, the Minister shall publish in the *Gazette* notice of the proposal to make rules and of the time (which shall not be less than sixty days) within which any objection made with respect to the draft rules by or on behalf of the person affected is to be sent to the Permanent Secretary of the Ministry responsible for occupational safety and health issues. The Minister shall also, at the same time cause to be published the draft rules in a special supplement to the *Gazette*.
2. Every objection is to be in writing and shall state—
  - (a) the specific grounds for objection; and
  - (b) in general terms the omissions, additions, or modifications asked for.
3. The Permanent Secretary shall consider any objection made by or on behalf of any person, which is sent to the Permanent Secretary within the required time, and shall cause discussions, to be held with the persons making the objections, as he or she thinks fit, with a view to seeking clarifications, modifications or withdraw of the objection. When the discussions are concluded the Permanent Secretary shall submit to the Minister, a list of the objections received by him or her and a report of the results of the discussions which he or she shall have caused to be held with the persons making the objections.
4. The Minister shall consider the matter and may amend the draft rules as he or she thinks fit. The Minister may either make the special rules in accordance with the original or the amended draft or cause the amended draft to be treated as an original draft for the purpose of this Schedule.
5. Where the draft rules are amended by the Minister and the Minister proposes to deal with the amended rules as an original draft and to subject the rules to the procedure in this Schedule, it shall be necessary for the Minister to cause to be published, only the draft rules that are amended.
6. The period during which an objection may be made to amended draft rules may be reduced to not less than thirty days.

*Sections 92, 120 (2)*

PROCESSES REQUIRING PROVISION OF SUITABLE GOGGLES OR  
EFFECTIVE SCREEN

1. Dry grinding of metals or articles or metal, by a revolving wheel or disc driven by mechanical power at which a person is regularly employed.
2. Turning (external or internal) of non-ferrous metals or of cast iron, or of articles of those metals or iron, where the work is done dry, other than precision turning where the use of goggles or a screen would seriously interfere with the work, or turning by means of hand tools.
3. Welding or cutting of metals by means of an electrical, oxy-acetylene or similar process.
4. The following processes when carried on by means of hand tools or other portable tools—
  - (a) fettling of metal castings involving the removal of metal;
  - (b) cutting out or cutting off (not including drilling or punching back) of cold rivets or bolts from steam boilers or other plant or from shifts;
  - (c) chipping or scaling of boilers or ship's plates;
  - (d) breaking or dressing of stone, concrete or slag.

**Act 9**

*Occupational Safety and Health Act*

**2006**

**Cross References**

Factories Act, Cap. 220  
Interpretation Act, Cap. 3

**ACTS SUPPLEMENT**

*to The Uganda Gazette No. 36 Volume XCVIX dated 8th June, 2006.*

Printed by UPPC, Entebbe, by Order of the Government.

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**Act 10**

*Uganda Tea Authority  
(Repeal) Act*

**2006**

**THE UGANDA TEA AUTHORITY (REPEAL) ACT, 2006.**

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**ARRANGEMENT OF SECTIONS.**

*Section*

1. Short title.
2. Interpretation.
3. Appointment of liquidator.
4. Duties of liquidator.
5. Repeal of Cap. 36.

**THE UGANDA TEA AUTHORITY (REPEAL) ACT, 2006.**

**An Act to repeal the Uganda Tea Authority Act, Cap. 36; to provide for the appointment of a liquidator for the purpose of dissolving the Uganda Tea Authority, and for related or incidental matters.**

DATE OF ASSENT: 24th May, 2006.

*Date of Commencement:* 8th June, 2006.

BE IT ENACTED by Parliament as follows:

**1. Short title**

This Act may be cited as the Uganda Tea Authority (Repeal) Act, 2006.

**2. Interpretation**

In this Act, unless the context otherwise requires—

“Authority” means the Uganda Tea Authority established under the Uganda Tea Authority Act;

“Minister” means the Minister responsible for agriculture.

**3. Appointment of liquidator**

(1) The Minister shall, on the coming into force of this Act, appoint a liquidator to dissolve the Authority.

(2) The liquidator appointed under subsection (1), shall be appointed on such terms and conditions as the Minister may determine in the instrument of appointment.

**4. Duties of liquidator**

The duties of the liquidator shall be to—

- (a) receive all the assets of the Authority;
- (b) receive and settle any claim relating to any obligation of the Authority;
- (c) determine and settle the terminal benefits payable to the former employees of the Authority;
- (d) dispose of the assets of the Authority;
- (e) recover any debts owed to the Authority;
- (f) carry out any other duty which is incidental or related to the foregoing duties.

**5. Repeal of Cap. 36**

The Uganda Tea Authority Act Cap. 36 is repealed.

**ACTS SUPPLEMENT**

*to The Uganda Gazette No. 36 Volume XCVIX dated 8th June, 2006.*

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**Act 11** *Uganda Tea Growers  
Corporation (Repeal) Act* **2006**

**THE UGANDA TEA GROWERS CORPORATION (REPEAL)  
ACT, 2006.**

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**ARRANGEMENT OF SECTIONS.**

*Section.*

1. Short title.
2. Interpretation.
3. Appointment of liquidator.
4. Duties of liquidator.
5. Repeal of Cap. 37.

**THE UGANDA TEA GROWERS CORPORATION (REPEAL)  
ACT, 2006.**

**An Act to repeal the Uganda Tea Growers Corporation Act, Cap. 37; to provide for the appointment of a liquidator for the purpose of dissolving the Uganda Tea Growers Corporation, and for related or incidental matters.**

DATE OF ASSENT: 24th May, 2006.

*Date of Commencement:* 8th June, 2006.

BE IT ENACTED by Parliament as follows:

**1. Short title**

This Act may be cited as the Uganda Tea Growers Corporation (Repeal) Act, 2006.

**2. Interpretation**

In this Act, unless the context otherwise requires—

“Corporation” means the Uganda Tea Growers Corporation established under the Uganda Tea Growers Corporation Act, Cap. 37;

“Minister” means the Minister responsible for agriculture.

**Act 11**

**3. Appointment of liquidator**

(1) The Minister shall on the coming into force of this Act, appoint a liquidator to dissolve the Corporation.

(2) The liquidator appointed under subsection (1), shall be appointed on such terms and conditions as the Minister may determine in the instrument of appointment.

**4. Duties of liquidator**

The duties of the liquidator shall be to—

- (a) receive all the assets of the Corporation;
- (b) receive and settle any claim relating to any obligation of the Corporation;
- (c) determine and settle the terminal benefits payable to the former employees of the Corporation;
- (d) dispose of the assets of the Corporation;
- (e) recover any debts owed to the Corporation;
- (f) carry out any other duty which is incidental or related to the foregoing duties.

**5. Repeal of Cap. 37**

The Uganda Tea Growers Corporation Act, Cap. 37 is repealed.

**ACTS SUPPLEMENT**

*to The Uganda Gazette No. 36 Volume XCVIX dated 8th June, 2006.*

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*Local Governments (Rating) (Amendment)*  
**Act 12** *Act* **2006**

**THE LOCAL GOVERNMENTS (RATING) (AMENDMENT)  
ACT, 2006**

**An Act to amend the Local Governments (Rating) Act, 2005; to provide that no rate shall be levied in respect of a residential building in an urban area where the owner resides in that residential building; and to provide for the Minister’s approval of the draft valuation list before certification of the list by the chairperson of the valuation court.**

DATE OF ASSENT: 24th May, 2006.

*Date of Commencement:* 8th June, 2006.

BE IT ENACTED by Parliament as follows:

**1. Amendment of section 3 of the principal Act**

Section 3 of the Local Governments (Rating) Act, 2005 in this Act referred to as “the principal Act” is amended by inserting immediately after subsection (5) the following—

“(5a) No rate shall be levied in respect of a residential building in an urban area where the owner resides in that residential building”.

**2. Amendment of section 20 of the principal Act**

Section 20 of the principal Act is amended by substituting for subsection (1) the following subsection—

“(1) When the valuation court has completed the hearing of all the objections to the draft valuation list and has made such alterations in the draft valuation list as may be necessary to give effect to its findings, the Chairperson shall, with the approval of the Minister, certify and sign the draft valuation list in the form set out in Form D in the Third Schedule to this Act”.

**BILLS SUPPLEMENT**

*to the Uganda Gazette No. 18 Volume XCVIX dated 24th March, 2006.*

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*Local Governments (Rating) (Amendment)*  
**Bill No. 4** *Bill* **2006**

**THE LOCAL GOVERNMENTS (RATING) (AMENDMENT)  
BILL, 2006.**

**MEMORANDUM.**

The object of the Bill is to amend the Local Governments (Rating) Act, 2005 (Act No. 8 of 2005) to provide that no rate shall be levied in respect of a residential building in an urban area where the owner resides in that residential building; and to provide for the Minister's approval of the draft valuation list before certification of the list by the chairperson of the valuation court.

**PROF. TARSIS BAZANA KABWEGYERE,**  
*Minister of Local Government.*

**ACTS SUPPLEMENT**

*to The Uganda Gazette No. 36 Volume XCIV dated 8th June, 2006.*

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**Act 13**

*Local Council Courts Act*

**2006**

**THE LOCAL COUNCIL COURTS ACT, 2006.**

**ARRANGEMENT OF SECTIONS.**

*Section.*

**PART I—PRELIMINARY**

1. Short title
2. Interpretation

**PART II—ESTABLISHMENT AND COMPOSITION OF  
LOCAL COUNCIL COURTS**

3. Establishment of local council courts
4. Composition of local council courts
5. Qualification of members of a local council court
6. Chairperson and Secretary to the town, division and sub-county local council court.
7. Vacation of office by a member of town, division and sub-county local council court

**PART III—OPERATION OF LOCAL COUNCIL COURTS**

8. Sitting area of court etc.
9. Territorial jurisdiction of local council courts
10. Legal jurisdiction
11. Where to institute suits
12. Objection to jurisdiction by defendant
13. Powers of court

**PART IV—INSTITUTION OF CIVIL PROCEEDINGS**

14. Institution of civil proceedings
15. Notice of claim to be served on parties

*Section.*

- 16. Representation by nominee
- 17. Appearance by a corporation

PART V—INSTITUTION OF PROCEEDINGS IN RESPECT OF  
BREACH OF BYE-LAW

- 18. Institution of proceedings for breach of bye-laws
- 19. Charge sheet

PART VI—SUMMONS OF WITNESSES

- 20. Witness summons

PART VII—RECORDS OF PROCEEDINGS

- 21. Language of court
- 22. Records of proceedings

PART VIII—RULES OF PROCEDURE AND  
PRINCIPLES OF NATURAL JUSTICE

- 23. Technical rules of evidence or procedure
- 24. Principles of natural justice

PART IX—REMEDIES

- 25. Compensation
- 26. Restitution
- 27. Attachment and sale, warrant *etc*
- 28. Restrictions on attachment and sales
- 29. Applications of proceeds of sale
- 30. Where the debtor has no property
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PART X—APPEALS.

- 32. Right of appeal
- 33. Lodging of appeal
- 34. Witnesses in appellate court
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36. Court to be open
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**THE LOCAL COUNCIL COURTS ACT, 2006.**

**An Act to establish local council courts for the administration of justice at the local level, to define the jurisdiction, powers and procedure of the established courts and to provide for other related matters.**

DATE OF ASSENT: 24th May, 2006.

*Date of Commencement:* 8th June, 2006.

BE IT ENACTED by Parliament as follows:

**PART I—PRELIMINARY.****1. Short title**

This Act may be cited as the Local Council Courts Act, 2006.

**2. Interpretation**

In this Act unless the context otherwise requires—

“advocate” has the meaning given to it by the Advocates Act;

“appellate court” means a court to which an appeal is made under this Act;

“Chairperson” means a Chairperson of a local council court and a Vice Chairperson shall be construed accordingly;

“Chief Magistrate” has the meaning given to it by the Magistrates’ Courts Act;

“council” includes all councils referred to in sections 3 and 45 of the Local Governments Act;

“currency point” has the meaning given to it in the First Schedule to this Act;

“customary law” means the rules of conduct established by custom and long usage having the force of law and not forming part of the common law nor formally enacted in any legislation;

“local council court” means the local council court established under section 3;

“Minister” means the Minister responsible for local government;

“sign and “counter-sign” include affixing a thumb print or mark; and

“village”, “parish”, “town”, “division” and “sub-county” have the meanings given to them in the Local Governments Act.

## PART II—ESTABLISHMENT AND COMPOSITION OF LOCAL COUNCIL COURTS

### **3. Establishment of local council courts**

There is established a local council court at every village, parish, town, division and sub-county level.

### **4. Composition of local council courts**

(1) The local council court of a village or parish shall consist of all members of the executive committee of the village or parish.

(2) The local council court of a town, division or sub-county shall consist of five members appointed by the town council, division council or sub-county council on the recommendation of the respective executive committee.

(3) At least two members of the town, division or sub-county local council court shall be women.

**5. Qualifications of members of a local council court**

For any person to be appointed a member of a town, division, or sub-county local council court, that person shall—

- (a) be a resident of the area of jurisdiction of the council for which the court is appointed;
- (b) be a person of high moral character and proven integrity;
- (c) be knowledgeable in the common local language of the community in question and in english;
- (d) not be a member of a local council, a member of Parliament or a member of a statutory body;
- (e) not be a member of another local council court.

**6. Chairperson and Secretary to the town, division and sub-county local council court**

(1) A town, division, sub-county, local council court shall elect a Chairperson and a Vice-Chairperson from among themselves.

(2) The Vice-Chairperson shall be a woman if the Chairperson is a man and vice versa if the Chairperson is a woman.

(3) Whenever the Chairperson is for any reason, unable to perform the functions of the Chairperson, the Vice-Chairperson shall perform those functions until the Chairperson is able to perform those functions.

(4) If the Chairperson dies, resigns or is removed from office under this Act, the Vice-Chairperson shall assume the office of the Chairperson until a new Chairperson is elected by the council and the new Chairperson assumes office.

(5) The Secretary to the Local Council court at the Town Council, Division Council or Subcounty Council shall be the Town Clerk or subcounty chief or an officer designated to be Secretary by the Town Clerk or Subcounty Chief.

(6) The Secretary shall not take part in the decision making of the court.

**7. Vacation of office by a member of the town, division or sub-county local council court**

(1) A member of a town, division or sub-county local council court may on the recommendation of the relevant executive committee be removed from office by a resolution of the council supported by not less than two thirds of the council members present on any of the following grounds—

(a) abuse of office;

(b) corruption;

(c) if the member is continuously and persistently unable to discharge the functions of the court;

(d) if the member is convicted by a court of competent jurisdiction for a criminal offence specified in the Penal Code or any other written law if punishable by not less than six months imprisonment with or without an option of a fine;

(e) misconduct or misbehaviour;

(f) if a member has such physical or mental incapacity that renders the member incapable of performing the functions of the court as determined by the Medical Board as specified in section 14 of the Local Governments Act.

(2) The office of member of the town, division or sub-county local council court shall fall, vacant if—

- (a) the member resigns office by writing signed by him or her addressed to the Chairperson of the court and in the case of the Chairperson of the court addressed to the Chairperson of the respective council;
- (b) the member is disqualified from membership under section 5;
- (c) a member dies;
- (d) if a member has been absent for three consecutive court sittings unless such a member has grounds acceptable to the court.

(3) Where a vacancy occurs the Chairperson of the court, or if the vacancy is in the office of Chairperson, the Chairperson of the respective council, shall notify the executive committee of the council and the executive committee shall recommend another person in place of that member to be appointed by the council.

(4) Members of a local council court shall hold office for the term of the council and shall be eligible for re-appointment.

(5) Section 47 of the Local Governments Act, shall apply to the vacation of office of a member of the village or parish local council court.

### PART III—OPERATION OF LOCAL COUNCIL COURTS.

#### **8. Sitting area of court etc**

(1) A local council court may be held at a designated place within the limits of its jurisdiction for the convenient and speedy discharge of its business.

(2) The Chairperson of the court shall preside at the sittings of the court and in the absence of the Chairperson, the Vice-Chairperson shall preside.

(3) A local council court shall sit as often as the business of the court requires for the speedy discharge of cases.

(4) The quorum of the court at any sitting shall be—

(a) in the case of a village or parish, five members including the person presiding, two of whom shall be women; and

(b) in the case of a town, division or sub-county, three members including the person presiding, one of whom shall be a woman;

(5) The quorum shall be maintained throughout the court sitting.

(6) If the quorum is lost for any reason, the court shall adjourn to another time.

(7) Every question arising before a local council court shall be determined by consensus; and in the absence of a consensus shall be determined by a majority of votes of the members sitting by show of hands.

(8) Where the votes are equal, the Chairperson shall have a casting vote.

(9) Subject to the provisions of this section the judgment of the court shall be made by the Chairperson and the members of the court who were present throughout the hearing of the evidence relating to that case.

## **9. Territorial jurisdiction of local council courts**

Subject to the provisions of this Act and any other written law, the jurisdiction of a local council court shall extend only to causes and matters arising within the territorial area of the council for which the court is established and to causes and matters arising elsewhere if the defendant or accused is ordinarily resident within that area.

**10. Legal jurisdiction**

(1) Subject to the provisions of this Act and of any other written law, every local council court shall have jurisdiction for the trial and determination of—

- (a) causes and matters of a civil nature specified in the Second Schedule to this Act;
- (b) causes and matters of a civil nature governed only by customary law specified in the Third Schedule;
- (c) causes and matters arising out of infringement of bye-laws and Ordinances duly made under the Local Governments Act;
- (d) matters specified under the Children Act;
- (e) matters relating to land.

(2) In any suit relating to causes and matters specified in the Second and Third Schedules—

- (a) the jurisdiction of the local council court shall, in respect of causes and matters specified in the Second Schedule be restricted to causes and matters where the value of the subject matter in dispute does not exceed one hundred currency points;
- (b) the jurisdiction of the court in respect of causes and matters specified in the Third Schedule shall not be restricted by the monetary value of the subject matter in dispute.

(3) In any suit relating to causes and matters specified in the Second Schedule and in the Third Schedule, where the court awards compensation exceeding twenty five currency points, the court shall refer the case to the Chief Magistrate of the area for the purposes of execution of the order and the Chief Magistrate may, if he or she finds that the judgment award is grossly excessive, reduce the amount of the award taking into account awards in similar cases.

**11. Where to institute suits**

(1) Every suit shall be instituted in the first instance in a village local council court, if that court has jurisdiction in the matter, within the area of whose jurisdiction—

- (a) the defendant actually resides at the time of the commencement of the suit; or
- (b) where the cause of action in whole or in part arises; or
- (c) in the case of a dispute over immovable property, where the property is situated.

(2) Subject to this Act, every suit shall be received by the Chairperson and in the absence of the Chairperson, by the Vice-Chairperson.

**12. Objection to jurisdiction by defendant**

Where a defendant objects to the jurisdiction of the local council court, the case shall, if the objection is upheld, be referred to a court having jurisdiction to hear and determine the case; and if the objection is rejected the local council court shall record the objection and its reasons for rejecting it, and proceed with the trial of the case.

**13. Powers of court**

Without prejudice to any other powers, a local council court may make an order for any one or more of the following reliefs -

- (a) reconciliation;
- (b) declaration;
- (c) compensation;
- (d) restitution;
- (e) costs;
- (f) apology; or
- (g) attachment and sale; and

- (h) in the case of infringement of a bye-law or Ordinance, impose a fine, community service or any other penalty authorised by that bye-law or Ordinance.

PART IV—INSTITUTION OF CIVIL PROCEEDINGS

**14. Institution of civil proceedings**

(1) Every civil suit shall be instituted by stating to the Chairperson the nature of the claim against the defendant and the relief sought by the claimant.

(2) Every claim shall be signed by the claimant, but if made orally, shall be reduced into writing by the Chairperson, Secretary or a person appointed by the local council court for the purpose, and when reduced into writing shall be read to the claimant and shall be signed by the claimant and counter signed by the Chairperson.

(3) The statement of claim shall be filed and a date for the hearing of the case fixed and the court shall, be convened by the Chairperson for the purpose.

(4) For the avoidance of doubt, in this section in the case of a person who is unable to sign his or her name “sign” includes affixing of a thumb print.

**15. Notice of claim to be served on parties**

(1) On filing the statement under section 14, the Chairperson or other person shall cause a notice of the claim to be served upon the defendant.

(2) The Chairperson shall cause summons to be served on the claimant and the defendant requiring them to attend the court at the time and place specified in the summons for the hearing of the case, and the summons shall be substantially as set out in Form A in the Fourth Schedule to this Act.

(3) The Chairperson may cause the claimant or defendant to be summoned orally by informing him or her that he or she is summoned, but the person who orally informs the claimant or defendant shall be accompanied by a witness for that purpose.

(4) Where it is not practicable to effect personal service of the summons or notice in the manner provided under this section, service of the summons or notice may be made on the claimant or defendant, with leave of court—

(a) by leaving the duplicate for him or her with an adult member of his or her family or with any other adult person ordinarily residing with him or her; or

(b) by affixing the duplicate to some conspicuous part of the house or homestead in which the person summoned ordinarily resides, and thereupon the summons or notice shall be deemed to have been duly served.

### **16. Representation by nominee**

(1) Where the party is unable to appear in court due to mental or physical incapacity, the local council court may, on being satisfied that a person has been nominated by that person or is in charge of that person or his or her property, allow that person to represent him or her in court.

(2) For the avoidance of doubt, no party to proceedings before a local council court may be represented by an advocate except in proceedings dealing with the infringement of bye-laws.

### **17. Appearance by a Corporation**

Appearance before a local council court by a Corporation shall be by an authorized officer of the Corporation or any other person appointed in writing by the Corporation for the purpose.

PART V—INSTITUTION OF PROCEEDINGS IN RESPECT OF  
BREACH OF BYE-LAW.**18. Institution of proceedings for breach of bye-laws**

(1) Any person who has reasonable and probable cause to believe that an offence has been committed by any person through a breach of bye-laws, may make a complaint to the local council court; and that complaint may be made orally or in writing, signed by the complainant; but if made orally, shall be reduced into writing by the Chairperson or the Secretary of the court or a person appointed by the Chairperson and then signed by the complainant.

(2) The validity of any proceedings instituted under subsection (1) shall not be affected by any defect in the charge or complaint.

**19. Charge sheet**

(1) The Chairperson or Secretary of a local council court, upon receiving the complaint and on being satisfied that a *prima facie* case has been established, shall draw up or cause to be drawn up a charge sheet containing particulars of the person accused and the date, place and nature of the alleged offence; and the charge sheet shall be read to the complainant and dated and signed by the complainant and countersigned by the Chairperson or Secretary as the case may be.

(2) Where a charge sheet has been drawn, the Chairperson shall issue summons to compel the attendance of the accused person before the local council court on a date specified in the summons and shall convene the court for the purpose of hearing.

## PART VI—SUMMONS OF WITNESSES

**20. Witness summons**

(1) Prior to the date fixed for the hearing of a case, summons shall be served on any person requiring attendance of that person as a witness at the time and place specified in the summons as may be required.

(2) Every witness summons shall, if practicable, be served personally on the person summoned by delivering or tendering to him or to her a duplicate of the summons at the same time producing, if so required, the original.

(3) The witness summons shall be substantially as set out in Form B in the Fourth Schedule to this Act.

(4) The Chairperson may cause a witness to be summoned orally in the manner provided in subsection (3) of section 15 for summoning a claimant or defendant.

(5) Every person upon whom a witness summons is served shall sign or put his or her mark, in the recognition of the receipt of the summons upon the back of the original copy; and if he or she refuses to do so the person who has effected service of the summons shall record the refusal in writing.

(6) Where, without sufficient excuse, a witness does not appear in obedience to the summons the local council court, on proof of the proper service of the summons in reasonable time before the hearing date, may issue a warrant ordering the Police force to bring him or her before the court at a time and place specified in the summons in order to give evidence and after that the witness shall, be discharged.

(7) Any witness who having been summoned to give evidence or to produce any document before a local council court—

(a) without lawful excuse, refuses to give evidence before the local council court or refuses or willfully fails to produce any document in his or her possession when requested to do so by the local council court;

(b) gives before a local council court evidence which he or she knows to be false in a material particular,

commits an offence and is liable on conviction, to a fine not exceeding one currency point or imprisonment not exceeding ten days or both.

## PART VII—RECORDS OF PROCEEDINGS

**21. Language of court**

(1) Subject to subsections (2) and (3) of this section, the proceedings of the local council court and the records of those proceedings shall be in the language of the court, which shall be the language widely spoken in the area of jurisdiction.

(2) Where any of the parties does not understand the language of the local council court, the court shall provide an interpreter.

(3) Notwithstanding subsection (1), the record of proceedings in a town, division or sub-county local council court shall be in English.

**22. Records of proceedings**

(1) A parish, town, division, sub-county local council court shall keep records of its proceedings in writing.

(2) A village local council court shall keep records of all court proceedings and where necessary may co-opt a person for the purpose of recording the proceedings.

(3) The records kept under this section shall include the following particulars and documents—

- (a) the serial number of the case;
- (b) the statement of claim;
- (c) the date of witness summons;
- (d) the date of hearing of the case;
- (e) the names and addresses of the claimant and his or her witnesses;
- (f) the names and addresses of the defendant and his or her witnesses;
- (g) a brief description of the case;
- (h) the documentary exhibits, if any;

(i) the judgment or final orders of the court and the date of the judgment or final orders;

(j) the date of payment of the judgment debt;

(k) the particulars of execution of the judgment, if any.

(4) A person co-opted under sub-section (2) shall have no voting powers.

(5) At the hearing of a case in a town, division or sub-county local council court whether sitting as an original or appellate court, a summary of the evidence given by each person shall be recorded separately.

#### PART VIII—RULES OF PROCEDURE AND PRINCIPLES OF NATURAL JUSTICE.

### **23. Technical rules of evidence or procedure**

Subject to the provisions of this Act a local council court shall hear every case before it, expeditiously and without undue regard to technical rules of evidence or procedure.

### **24. Principles of natural justice**

In exercising its jurisdiction, the local council court shall be guided by the principle of impartiality without fear or favour and shall adhere to the rules of natural justice, and in particular shall ensure—

(a) that each party is given an opportunity to be heard;

(b) that each party is given notice of the proceedings and of the case against him or her;

(c) that each party is accorded ample opportunity to call witnesses and to adduce such evidence as he or she requires to support his or her case; and

(d) that any member of the local council court who directly or indirectly has an interest of whatever nature, in the issue in dispute is disqualified from hearing the case.

## PART IX—REMEDIES

**25. Compensation**

Subject to the provisions of this Act, where the local council court decides to award compensation it shall order the defendant to give such property or cash as the court may consider to be the equivalent of the complainant's property or right which was damaged, lost or injured.

**26. Restitution**

Where the local council court makes an order for restitution, the defendant shall return the property in question to the person entitled to it.

**27. Attachment and sale, warrant, etc**

(1) Where the local council court orders execution of a judgment by attachment and sale of any property, the court shall order the attachment and sale of only the property belonging to the judgment debtor and shall give the judgement debtor notice of the order.

(2) A sale of property under this section shall, subject to the sub-section (3) be by public auction, conducted by a person appointed by the local council court.

(3) The following persons shall not be eligible to bid for any property under sale effected under this section—

(a) a person conducting the sale;

(b) a member of the relevant executive committee or the local council court whether or not he or she was a member of the court which heard the case or ordered the sale; and

(c) a member of the household or a business partner of the person conducting the sale or of a member of the executive committee or the local council court.

(4) A warrant of attachment and sale issued under this Act shall be substantially as set out in Form C in the Fourth Schedule to this Act

**28. Restrictions on attachments and sales**

(1) The local council court shall not order the attachment and sale of a judgment debtor's property without first giving the judgment debtor an opportunity to give reasons for failure to pay.

(2) The local council court shall not order the attachment and sale of the property of an incorporated company unless the company is itself the judgment debtor.

(3) The local council court shall not order the attachment and sale of the property of a partnership without due notice being given to all the partners.

(4) The local council court shall not order the attachment and sale of a matrimonial home or a kibanja.

**29. Application of proceeds of sale**

Where a sale has been effected under section 27 the proceeds of sale shall be applied to satisfy the costs of the sale, if any, and the judgment debt; and the balance, if any, shall be given to the former owner of the property sold.

**30. Where debtor has no property**

Where the judgment debtor has no property for attachment and sale for satisfaction of the judgment debt and the local council court is of the opinion that the judgment debtor is otherwise able to pay but has deliberately refused or neglected to pay the judgment debt, the court shall refer the judgment debtor to the Chief Magistrate of the area with recommendations that the judgment debtor be committed to civil custody.

**31. Stay of execution**

(1) No order shall be made for execution of a judgment or order of the local council court until the period allowed for lodging an appeal under this Act has expired without an appeal being lodged.

(2) Where an appeal is lodged, the appeal shall operate as a stay of execution until final disposal of the appeal.

(3) The local council court with which the appeal was lodged may, on application of the judgment creditor, order the execution to proceed if in the opinion of the court a further stay of execution would defeat the ends of justice.

PART X—APPEALS

**32. Right of appeal**

(1) A party dissatisfied with the judgment or order of a local council court may, subject to the provisions of this section or any written law, appeal against the judgment or order; but no appeal shall lie from a judgment or order passed or made as a result of the consent of the parties.

(2) An appeal shall lie—

(a) from the judgment and orders of a village local council court to a parish local council court;

(b) from the judgment and orders of a parish local council court, to a town, division or sub-county council court;

(c) from the judgment and orders of a town, division or sub-county local council court to a court presided over by a Chief Magistrate;

(d) from decrees and orders made on appeal by a Chief Magistrate, with the leave of the Chief Magistrate or of the High Court, to the High Court.

(3) Leave to appeal under paragraph (d) of sub-section (2) of this section shall not be granted except where the intending appellant satisfies the Chief Magistrate or the High Court that the decision against which an appeal is intended involves a substantial question of law or is a decision appearing to have caused a substantial miscarriage of justice.

(4) For the purposes of sub-section (3), an application for leave to appeal shall, in the first instance, be made to the Chief Magistrate within thirty days from the date of the decision sought to be appealed from and an application to the High court for leave shall be made within the twenty-one days from the date on which the Chief Magistrate refuses the application.

**33. Lodging of appeal**

(1) An appeal from a village, parish, town, division or sub-county local council court shall be lodged within fourteen days from the date of the judgment or order appealed against; and an appeal from the Chief Magistrate's Court shall be lodged within fourteen days from the date leave to appeal is granted.

(2) Every appeal shall be presented in a memorandum signed by the appellant, setting forth the grounds of appeal, and the memorandum shall be substantially as set out in Form D in the Fourth Schedule to this Act.

(3) The appellate court shall cause a notice of the memorandum of appeal to be served on the respondent, and the notice shall be substantially as set out in Form E of the Fourth Schedule to this Act.

**34. Witnesses in appellate court**

On the application of either party to an appeal, or on its own motion, an appellate court may, if in its opinion it would be in the interests of justice to do so, call witnesses and receive additional evidence as it may in its discretion determine, or may hear the case afresh.

**35. Powers of appellate court**

(1) Upon hearing an appeal, the appellate court may dismiss the appeal on the ground that the decision appealed from did not occasion any miscarriage of justice or may allow the appeal.

(2) Where the appellate court allows an appeal, it may—

(a) reverse or vary the decision appealed from;

(b) subject to any limit prescribed by this Act or any other written law, increase or reduce an amount of compensation awarded or fine imposed by the lower court; or

(c) substitute any order or a combination of the orders set out in section 13 of this Act for an order or orders made by the lower court.

**36. Court to be open**

(1) A local council court shall sit for the hearing of cases during the hours of daylight.

(2) A local council court may, if it considers it necessary at any stage of the trial of a case including domestic relations, order that the public generally or any particular person shall not have access to or be or remain in the room, building or place used by the court.

**37. Parties to be informed of their right of appeal**

After delivering its decision, the court shall inform the parties of their right to appeal.

**38. Prohibition of case already determined in former case (Res judicata)**

No local council court shall try any suit or issue in which the matter directly and in a substantial manner, has been heard and finally determined in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, by a court competent to try that suit or issue.

**39. Local council court not to deal with cases where suit or matter is already pending before another court**

No local council court shall proceed with the trial of any suit or proceeding in which the matter in issue is also directly and substantially in issue in a previously instituted suit or proceeding where the other court before which the suit or proceeding is pending has original or appellate jurisdiction in Uganda to grant the relief claimed.

**40. Chief Magistrate's supervisory powers; Cap 13**

The general powers of supervision over Magistrates' Courts conferred upon the High Court by the Judicature Act may be exercised by the Chief Magistrate over local council courts on behalf of the High Court.

**41. Fees and remuneration of members of court**

(1) The plaintiff to a case in a local council court shall pay to the Local Council Court fees in accordance with regulations made by the Minister but the Minister shall take into account indigent persons when making the regulations.

(2) Allowances for members of the local council court shall be determined by the regulations made by the Minister.

**42. Utilisation of fees and fines**

(1) A local council court shall keep proper books of accounts and other records in respect of receipts and expenditure of funds paid as fees and fines to the court.

(2) Monies received from fees and fines of court shall be utilised by the local council court—

(a) to buy stationery and other operational requirements of the court;

(b) to pay for witness transportation where necessary; and

(c) to pay allowances of the members of the court.

(3) For the purposes of this section—

(a) in case of a town, division or subcounty the Secretary to the local council court shall be accountable for the funds; and

(b) in the case a village or parish local council court the Chairperson shall be accountable for the funds.

**43. Protection of members and officers of court**

(1) No member of a local council court shall be liable to be sued in any court for any act done by him or her in the discharge of his or her judicial functions whether or not within the limits of his or her jurisdiction, if he or she at the time, in good faith, believed himself or herself to have jurisdiction to do the act complained of.

(2) No officer of the local council court or other person bound to execute its lawful orders or warrants shall be liable to be sued in any court in respect of any lawful act done in the execution of any such order or warrant.

**44. Suit where case is pending before local council court or other court under this Act**

No court shall proceed with the trial of any suit or proceeding in which the matter in issue is also directly and substantially an issue in a previously instituted suit or proceeding between the same parties, or between parties under whom they or any of them claim, litigating under the same title, where the suit or proceeding is pending in any local council court or other court under this Act having original or appellate jurisdiction to grant the relief claimed.

**45. Regulations**

(1) The Minister may, by statutory instrument, make regulations generally for the better carrying into effect the provisions of this Act.

(2) Without prejudice to the general effect of subsection (1), regulations may be made under that subsection in consultation with the Minister responsible for justice, prescribing—

- (a) costs to be awarded by courts under this Act;
- (b) fees required to be paid under this Act;
- (c) the oath to be subscribed by members of local council courts and the oath to be taken by witnesses; and
- (d) except as expressly provided by this Act, the procedure to be followed by local council courts at the hearing of cases; and regulations made for that purpose may, where appropriate, apply to the local council courts with or without modifications, the provisions of any enactment relating to the operation of Magistrates' Courts.

**46. Amendment of Schedules**

The Minister may, by statutory order, amend any Schedule to this Act; except that an amendment to the First Schedule shall be after consultation with the Minister responsible for finance and with the approval of the Cabinet.

**47. Consequential amendment of Magistrates' Courts Act Cap. 16**

Notwithstanding the provisions of section 207 of the Magistrates' Courts Act, the jurisdiction of a Chief Magistrate for the trial and determination of the causes and matters specified in the Third Schedule to this Act shall be unlimited.

**48. Adaptations**

In any enactment in force at the commencement of this Act, any references to Executive Committee Courts shall be construed as references to local council courts.

**49. Consequential amendment of Children Act Cap.59**

The Children Act is amended by substituting for section 92 the following section—

**“Role of local council courts.**

92.(1) Subject to the provisions of this Act, all causes and matters of a civil nature concerning children shall be dealt with by the village local council court where the child resides or where the cause of action arises.

(2) A village local council court shall, in addition to any jurisdiction conferred on it by the Local Council Courts Act, 2006, have criminal jurisdiction to try a child for any of the following offences—

- (a) affray, under section 79 of the Penal Code Act;
- (b) an offence against section 167 with the exception of paragraph (b) of the Penal Code Act;
- (c) common assault, under section 235 of the Penal Code Act;

(d) actual bodily harm under section 236 of the Penal Code Act;

(e) theft, under section 254 of the Penal Code Act;

(f) criminal trespass, under section 302 of the Penal Code Act;

(g) malicious damage to property, under section 335 of the Penal Code Act.

(3) The village local council court shall be the court of first instance in respect of the criminal offences specified in subsection (2) involving children.

(4) A village local council court may, notwithstanding any penalty prescribed by the Penal Code Act in respect of the offences stated in subsection (2) of this section, make an order for any of the following reliefs in respect of a child against whom the offence is proved—

(i) reconciliation;

(ii) compensation;

(iii) restitution;

(iv) community service;

(v) apology; or

(vi) caution.

(5) In addition to the reliefs under subsection (4) of this section, the court may make a guidance order under which the child shall be required to submit himself or herself to the guidance, supervision, advice and assistance of a person designated by the court.

(6) A guidance order shall be for a maximum period of six months.

(7) A local council court shall not make an order remanding a child in custody in respect of any child appearing before the court.

(8) Proceedings in respect of a child appearing before a local council court shall be in accordance with the procedure laid down by the Local Council Courts Act, 2006 except that the court shall have due regard to provisions set out in paragraphs (b), (c), (d) and (f) of subsection (1) of section 16 of this Act.”

**50. Repeal and saving**

(1) The Executive Committees (Judicial Powers) Act is repealed.

(2) Notwithstanding the repeal made by subsection (1), any statutory instrument made under the repealed Act and in force at the commencement of this Act, shall continue in force so far as consistent with this Act and may be revoked or amended by regulations made under section 45 of this Act.

(3) Any case pending before a court under the Executive Committees (Judicial Powers) Act at the commencement of this Act may be continued and concluded by that court notwithstanding the repeal of that Act.

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings .

Cases and Matters of a Civil Nature which may be triable by Local Council Courts—

1. Debts
2. Contracts
3. Assault or assault and battery
4. Conversion
5. Damage to property
6. Trespass

## SECTION 10

Civil Disputes governed by Customary Law, triable by Local Council Courts—

- (a) disputes in respect of land held under customary tenure;
- (b) disputes concerning marriage, marital status, separation, divorce or the parentage of children;
- (c) disputes relating to the identity of a customary heir;
- (d) Customary bailment.

FORMS

SECTIONS 15, 20, 27 AND 33

FORM A

SUMMONS AND HEARING NOTICE

In the ..... Court

Case No. .... of 20.....

..... **Claimant**

*Versus*

..... **Defendant**

To:

.....  
.....  
.....

Whereas the above named plaintiff has instituted a suit against the above-named defendant for .....

You are hereby required to appear in this court on the ...day of..... 20..... at ..... am./p. m. and to bring your witnesses with you.

If no appearance is made by you or by a person authorized by law to act for you, the case may be heard and decided in your absence.

DATED this ..... day of ..... 20.....

.....  
*Chairperson*

FORM B

WITNESS SUMMONS

In the ..... Court

Case No. .... of 20.....

..... Claimant

Versus

..... Defendant

To:

.....  
.....  
.....

Your attendance is required as a witness on behalf of the.....in  
the above suit. You are hereby required to appear before this Court on the  
..... day of ..... 20..... at ..... am/pm  
and to bring with you .....

.....  
.....  
.....

DATED this ..... day of ..... 20.....

.....  
*Chairperson*

FORM C.

WARRANT OF ATTACHMENT AND SALE OF PROPERTY

In the ..... Court

Case No. .... of 20.....

..... Claimant

Versus

..... Defendant

To:

.....  
.....  
.....

Whereas ..... was ordered by a judgment  
Of this Court passed on the ..... day of ..... 20.....  
In the case to pay to ..... the sum of Shs. ....

And whereas this sum has not been paid, you are ordered to attach the  
following property of 1. ....  
2. .... 3. ....

Unless he or she pays to you the above mentioned sum , you are ordered to  
sell by public auction the property in execution of the above-mentioned  
judgment or so much of the property as will realize the above-mentioned sum.

You are also hereby ordered to return this Warrant on or before the ..... day  
of ....., 20.....

With an endorsement certifying the manner in which it has been executed or the  
reason why it has not been Executed.

DATED this ..... Day of ....., 20.....

.....  
Chairperson

In the ..... Court  
Case No. .... of 20.....  
..... Appellant

Versus

..... Respondent  
( Appeal from a judgment / decree / order\* of the Court of .....at .....

At ..... dated in Case No. .... of 20.....  
The above named appellant appeals to the Court of .....  
against the whole / part of the above mentioned decision on the following  
grounds namely:

- 1. ....
- 2. ....

It is proposed to ask the Court for an order that:  
.....  
.....

.....  
*Appellant*

Lodged with the Chairperson of the Appellate Court at .....on  
the day of ..... 20 .....

.....  
*Chairperson of the Appellate Court*

\*Delete as appropriate

NOTICE OF MEMORANDUM OF APPEAL

In the ..... Court

Case No. .... of 20.....

..... Appellant

Versus

..... Respondent

TAKE NOTICE that .....being dissatisfied with the decision of the Court ..... given at .....on ..... 20....., intends to appeal to this Court against the whole of the decision / the following parts of the decision of that court, namely\*

1. ....

2. .... etc

Dated this ..... Day of ....., 20.....

.....  
*Chairperson of the Appellate Court*

To: .....

**Cross References**

Advocates Act, Cap. 267

Children Act, Cap. 99

Executive Committees (Judicial Powers) Act, Cap 8

Local Governments Act, Cap. 243

Magistrates Courts Act, Cap 16



*Section*

22. Accounts
23. Audit
24. Financial year

## PART VI—LICENSING

25. Licence to warehouse keepers generally
26. Procedure for granting of licences
27. Term and renewal of licence
28. Applicant to execute bond
29. Action on bond by person injured
30. Designation as a licenced and bonded warehouse
31. Casualty insurance and recovery for loss.
32. Cancellation of insurance and suspension of licence
33. Deposit of goods deemed to be made subject to the Act
34. Suspension and revocation of warehouse keeper's licence
35. Licence to inspect, weigh, grade, classify and certify stored goods
36. Suspension of licence to inspect, weigh, grade, classify and certify stored goods
37. Inspection and grading of stored goods.
38. Publication of licencees, investigations and revoked licences

## PART VII—ISSUE OF WAREHOUSE RECEIPTS

39. Who may issue a warehouse receipt
40. Form of warehouse receipt
41. Lost or missing receipt
42. Establishment of Central Registry

## PART VIII—OBLIGATIONS OF WAREHOUSE KEEPERS

43. Obligation of warehouse keeper to deliver
44. Liability for non receipt or misdescription
45. Duty of care and contractual limitation
46. Irregularities in the issue of receipts or conduct of the warehouse keeper
47. Duplicate receipt and over-issue
48. Separation of goods and fungible goods
49. Termination of storage at warehouse keeper's option
50. Warehouse keeper's lien
51. Enforcement and loss of warehouse keeper's lien

PART IX—NEGOTIATION AND TRANSFER OF WAREHOUSE RECEIPTS

52. Form of negotiation and requirements for due negotiation
53. Rights acquired by due negotiation
54. Rights defeated in certain cases
55. Rights acquired in the absence of due negotiation
56. Rights and obligations of transferors and transferees
57. Conflicting claims and interpleader

PART X—OFFENCES

58. Issue of receipt for goods not received
59. Issue of receipt containing false statement
60. Issue of duplicate receipts not duly marked
61. Issue of receipts not stating fact of warehouse keeper's ownership of goods
62. Delivery of goods without obtaining negotiable warehouse receipt
63. Negotiation of receipt for mortgaged goods
64. Issue of warehouse receipt without a valid licence.

PART XI—MISCELLANEOUS

65. Revocation or termination of licence not to affect receipts
66. Insurance of goods
67. Inspection of warehouses by Authority
68. Classification of warehouses
69. Fees
70. Seal of the Authority
71. Protection of members of the Board and staff of the Authority
72. Annual report
73. Minister to report to Parliament
74. Regulations
75. Minister's power to amend Schedules

SCHEDULES

FIRST SCHEDULE—CURRENCY POINT

SECOND SCHEDULE—MEETINGS OF THE BOARD

THIRD SCHEDULE—FORM OF WAREHOUSE RECEIPT

**THE WAREHOUSE RECEIPT SYSTEM ACT, 2006.**

**An Act to provide for the licensing of warehouses and warehouse keepers, to provide for a national system of warehouse bonding for the protection of depositors, to provide for the issue of warehouse receipts and to provide for other related matters.**

DATE OF ASSENT: 24th May, 2006.

*Date of commencement:* 8th June, 2006.

BE IT ENACTED by Parliament as follows:

**PART I—PRELIMINARY****1. Short title**

This Act may be cited as the Warehouse Receipt System Act, 2006.

**2. Interpretation**

(1) In this Act, unless the context otherwise requires—

“Authority” means the Uganda Warehouse Receipt System Authority established by section 3;

“bailor” means the owner of the goods who directly or through his or her nominee delivers goods to a warehouse keeper for the purpose of storage in the name of the bailor or nominee of the bailor;

“bond” has the meaning given to it in section 28 of this Act;

“broker” means a person who sells on behalf of the depositor on the Uganda Agricultural Commodity Exchange;

“buyer in the ordinary course of business” means a person who, in good faith and without knowledge that the sale to him or her is in violation of the ownership rights or security interest of a third party in the goods, buys in ordinary course from a person in the business of selling goods of that kind;

“buying” may be for cash or by exchange of other property or on secured or other secured credit but does not include as security for or in total or partial satisfaction of a money debt;

“Central Registry” means the Central Registry established by section 42;

“conspicuous” in relation to a term, clause or sign, means it is so written and located such that a reasonable person against whom it is to operate ought to have noticed it;

“court” means any court of judicature not lower than the Chief Magistrate’s court;

“currency point” has the value specified in relation to a currency point in the First Schedule to this Act;

“delivery” with respect to goods or documents, means voluntary transfer of possession of the goods or documents;

“depositor” means a person who places the goods in a warehouse and is issued a receipt by the Authority to that effect;

“field warehouse” means a building or other protected enclosure which has been leased or licenced by a person for the purpose of operating a warehouse and issuing warehouse receipts in respect of goods owned by the owner of the premises or third persons;

“fungible” means goods which are identical with others of the same nature which by usage or trade, can replace another unit and goods that are not fungible shall be deemed fungible for the purposes of this Act to the extent that under a particular agreement or document, unlike units are treated as equivalents;

“good faith” means honesty in fact in the conduct or transaction involved;

“goods” means all things which are treated as movable for the purposes of a contract of storage or bailment, including, in the case of goods to be packed, processed, substituted or otherwise transformed in the warehouse, their products, and includes documents, securities and instruments;

“holder” means a person who is in possession of a warehouse receipt issued or endorsed to that person or to his or her order or to bearer or in blank;

“Managing Director” means the Managing Director of the Authority appointed under section 12, or a person authorised to act on his or her behalf;

“Minister” means the Minister responsible for trade;

“negotiable receipt” means a warehouse receipt in which it is stated that the goods received will be delivered to the bearer or to the order of a named person;

“non-negotiable receipt” means a warehouse receipt issued to the bearer or to the order of a specified person and marked non-negotiable on the face of it;

“notice” in relation to any fact means where a person—

(a) has actual notice of the fact;

(b) has received notice of the fact; or

(c) has received all the facts and circumstances known to that person at the time in question.

“purchase” includes taking by sale, discount, negotiation, mortgage, pledge, lien, gift or other voluntary transaction creating an interest in property;

“security interest” means an interest in goods, which secures payment or performance of an obligation by means of a charge, mortgage, lien, hypothecation, pledge, or other voluntary encumbrance, or retention or reservation of title to goods;

“warehouse” means a building or other protected enclosure in which goods are stored; owned, leased, licenced or otherwise in the legal possession and exclusive control of the warehouse keeper and includes field warehouse and a plant or other facility where the goods are packed, processed or otherwise transformed;

“warehouse keeper” means a person licenced under this Act to engage in the business of storing goods for hire, no matter whether such goods undergo packaging, processing, substitution or other transformation while in the warehouse; and includes a person who operates a field warehouse;

“warehouse receipt,” means a receipt for goods issued by a warehouse keeper duly licenced and bonded under this Act and includes a negotiable and non-negotiable warehouse receipt.

(2) In this Act, a person is taken to know or to have knowledge of a fact if that person has actual knowledge of that fact.

(3) For the purposes of the definition of ‘negotiable receipt’ under subsection (1) no provision shall be inserted in the negotiable receipt that the receipt is not negotiable; and any such provision if inserted, is void.

(4) In this Act, a person shall be taken to give “value” for any right if he or she acquires it—

- (a) in return for a binding commitment to extend credit or for the extension of immediately available credit whether or not drawn; or
- (b) as security for or in total or partial satisfaction of a pre-existing claim; or
- (c) by accepting delivery under a pre-existing contract for purchase; or
- (d) generally, in return for any consideration sufficient to support a simple contract.

PART II—ESTABLISHMENT AND FUNCTIONS OF THE AUTHORITY.

**3. Establishment of the Authority**

(1) There is established an Authority to be known as the Uganda Warehouse Receipt System Authority.

(2) The Authority shall be a body corporate, with perpetual succession and a common seal and may sue or be sued in its corporate name; and subject to this Act, may borrow money, acquire and dispose of property and do all such things as a body corporate may lawfully do.

**4. Functions of the Authority**

The functions of the Authority are—

- (a) to license warehouses;
- (b) to license warehouse keepers;
- (c) to license warehouse inspectors;
- (d) to issue negotiable warehouse receipts books; and
- (e) to carry out and perform such other functions as are conferred or imposed on it by this Act or regulations made under this Act.

**5. Powers of the Authority**

For the carrying out of its functions under section 4 of this Act, the Authority shall have power—

- (a) to investigate the storage, warehousing, classifying according to grade and otherwise, weighing, and certification of goods in Uganda;
- (b) upon application by any person applying for a licence to operate a warehouse under this Act, to inspect the warehouse or cause it to be inspected;
- (c) at any time, with or without application, to inspect or cause to be inspected all warehouses licenced under this Act;
- (d) to determine whether warehouses for which licences are applied for or have been issued under this Act are suitable for the proper storage of any goods;
- (e) to classify warehouses licenced or applying for a licence in accordance with their ownership, location, surroundings, capacity, conditions, and other qualities, and according to the kinds of licences issued or to be issued for them under this Act;
- (f) upon application, to issue to any warehouse keeper a licence for the conduct of a warehouse in accordance with this Act and regulations made under this Act;
- (g) to prescribe, within the limitations of this Act, the duties of the warehouse keepers conducting warehouses licenced under this Act with respect to their care of and responsibility for the goods stored;
- (h) to provide guidelines and standards for the suitability for the proper storage of the goods;

- (i) to suspend or revoke a licence issued to a warehouse keeper, for any contravention of or failure to comply with any provision of this Act or regulations made under this Act;
- (j) to charge, assess and collect fees for every examination or inspection of a warehouse and for the issue of licences;
- (k) to examine all books, records, papers, and accounts of warehouses and of warehouse keepers;
- (l) to borrow for the purposes of carrying out its functions under this Act;
- (m) to issue negotiable warehouse receipt books;
- (n) to close the premises of a warehouse keeper who operates without a valid licence; and
- (o) to carry out any other activity incidental or conducive to the carrying out of its functions under section 4.

## **6. Performance of functions of the Authority**

Notwithstanding anything in this Act, for such period from the commencement of this Act as shall be prescribed by statutory instrument, the functions of the Authority under this Act shall be carried out by the Uganda Commodity Exchange or any other legal entity that the Minister may, by statutory instrument, prescribe.

### PART III—THE BOARD

## **7. Board of Directors**

(1) The governing body of the Authority shall be the Board of Directors.

(2) The Board shall consist of—

- (a) The Managing Director;
- (b) one person representing the Ministry responsible for trade;
- (c) a representative of the co-operatives nominated by the apex body of co-operatives;
- (d) a representative of the Uganda Clearing and Forwarding Agents Association, nominated by the Association;
- (e) a representative of the Uganda Bankers Association, nominated by the Association;
- (f) a representative of the Uganda Insurers Association, nominated by the Association;
- (g) one person representing the Uganda National Chamber of Commerce and Industry, nominated by the Chamber;
- (h) a representative of the private sector, nominated by the Private Sector Foundation; and
- (i) a representative of the farmers, nominated by the farmers' apex body.

(3) The members of the Board in subsection (2) paragraphs (b) to (i) shall be appointed by the minister and shall be persons of high moral character and proven integrity.

(4) The members appointed under subsection (2) shall be persons who qualify for appointment by virtue of their experience in commerce, finance, and public administration, the profession represented or in matters relating to economic planning and development.

(5) The Board shall have a chairperson who shall be appointed by the Minister from among the members of the Board.

**8. Tenure of office of members of the Board**

(1) A member of the Board shall hold office for a term of three years and is eligible for re-appointment but he or she shall not hold office for more than two consecutive terms.

(2) A member of the Board may vacate office—

(a) by resignation by letter addressed to the Minister;

(b) on the written recommendation of the body which he or she represents revoking the nomination of the member;

(3) The Minister may, at any time remove a member of the Board from office for—

(i) misconduct, misbehaviour or abuse of office;

(ii) failure to attend three consecutive meetings of the Board without reasonable excuse, certified by the Board;

(iii) inability to perform the functions of office of member arising from infirmity of body or mind;

(iv) bankruptcy or insolvency; or

(v) conviction for an offence involving fraud or dishonesty.

(4) The Chairperson shall hold office for one year but is eligible for reappointment for another three years.

(5) The Managing Director shall cease to be a member of the Board upon ceasing to hold the office of Managing Director.

(6) Where a vacancy occurs in the office of member of the Board, the Minister shall consult the body which nominated the member ceasing to hold office for the purpose of appointing another person in place of the member ceasing to hold office.

**9. Remuneration of members of the Board**

Members of the Board shall be paid such sitting and other allowances as the Board may, with the approval of the Minister, determine.

**10. Functions of the Board**

Subject to the provisions of this Act, the Board shall, in the name of the Authority—

- (a) carry out and exercise the functions and powers of the Authority under this Act;
- (b) manage the property, funds and income of the Authority and other concerns and affairs of the Authority;
- (c) discharge the business of the Authority under this Act;
- (d) appoint and remove the staff of the Authority; and
- (e) perform such other functions as may be conferred or imposed on the Board by this Act or by regulations made under this Act.

**11. Meetings of the Board**

The Second Schedule to this Act shall apply in relation to meetings of the Board and other matters specified in that Schedule.

**PART IV—STAFF OF THE AUTHORITY****12. Managing Director**

(1) There shall be a Managing Director of the Authority who shall be appointed by the Board on terms and conditions that the Board may determine.

(2) The Managing Director shall be the Chief Executive of the Authority and shall be responsible for the day to day operations of the Authority.

(3) Subject to the provisions of this Act and the general supervision and control of the Board, the Managing Director shall be responsible for the management of the funds, property and business of the Authority and for the administration, organisation and control of the staff of the Authority.

(4) The Managing Director shall be a member of the Board.

(5) The Managing Director shall, from time to time, in writing, keep the Board informed of the progress of the business of the Authority.

(6) Where the Managing Director is, for any reason, incapacitated from the performance of the functions of that office, the Board shall designate an officer of the Authority to perform those functions until the end of the incapacity of the Managing Director.

### **13. Secretary**

(1) The Authority shall have a Secretary who shall be appointed by the Board on such terms and conditions as the Board may determine.

(2) The Secretary shall—

(a) take minutes of the meetings of the Board;

(b) keep a record of all the activities of the Authority; and

(c) act as registrar of the Central Registry.

(3) In the performance of his or her functions under this Act, the Secretary shall, except where the Board otherwise directs in writing be responsible to the Managing Director.

### **14. Other Staff**

(1) The Authority shall have such other officers as the Board may determine to be necessary for the efficient operation of the Authority.

(2) The Board may, on terms and conditions it deems fit, fix remuneration, grant pension, gratuities or other benefits on retirement or termination of services of the officers and employees of the Authority and may require them to contribute to any pension, provident fund or superannuation scheme.

(3) The Board may delegate any of its powers of appointment under this section to the Managing Director, subject to such conditions as the Board may determine.

**15. Experts and consultants**

(1) The Board may, on the advice of the Managing Director, engage the services of experts and consultants in respect of any functions of the Authority with which they are considered to have special competence.

(2) Experts or consultants engaged under this section may be paid such fees and allowances, and may be afforded such facilities as the Board may determine.

## PART V—FINANCIAL PROVISIONS.

**16. Funds of the Authority**

The funds of the Authority shall consist of—

- (a) money from time to time appropriated by Parliament;
- (b) all moneys received by the Authority from issuing licences under this Act;
- (c) all moneys received by the Authority from inspecting and supervising warehouses;
- (d) all moneys borrowed by the Authority;
- (e) all moneys derived from the sale of warehouse receipt books;
- (f) any other moneys received by or made available to the Authority for the purpose of performing its functions under this Act.

**17. Duty of the Authority to operate on sound financial principles**

The Authority shall perform its functions in accordance with sound and internationally accepted financial principles.

**18. Bank accounts**

(1) The Authority shall open and maintain such bank accounts as are necessary for the performance of its functions.

(2) The Authority shall ensure that all money received by or on behalf of the Authority is banked as soon as practicable after being received.

(3) The Authority shall ensure that no money is withdrawn from or paid out of any of the bank accounts of the Authority without the authority of the Board.

### **19. Borrowing powers**

The Authority may, with the approval of the Minister given in consultation with the Minister responsible for finance, borrow money from any source as may be required for meeting its obligation or for the discharge of the functions of the Authority under this Act.

### **20. Investment of surplus funds**

Any funds of the Authority not immediately required for a purpose under this Act may be invested in a manner, which the Board may, after consultation with the Minister and the Minister responsible for finance determine.

### **21. Estimates**

(1) The Managing Director shall, within three months before the end of each financial year, prepare and submit to the Board for its approval, estimates of income and expenditure of the Authority for the next following financial year and may, at any time before the end of each financial year, prepare and submit to the Board for approval any estimates supplementary to the estimates of the current year.

(2) No expenditure shall be made out of the funds of the Authority unless that expenditure is part of the expenditure approved by the Board under the estimates for the financial year in which that expenditure is to be made or in estimates supplementary to that year's estimates.

### **22. Accounts**

(1) The Board shall ensure that the Authority keeps proper accounts and records of its transactions and affairs and shall ensure that all moneys received are properly accounted for, all payments of its moneys are correctly made and properly authorised and that

adequate control is maintained over its property and over the incurring of liabilities by the Authority.

(2) The accounts of the Authority shall be kept in such form as the Auditor General shall direct.

(3) The Board shall cause to be prepared in respect of each financial year, and not later than three months after the close of the financial year, a statement of accounts which shall include a report on the performance of the Authority during that financial year; and the statement shall comprise—

- (a) a balance sheet, a profit and loss account and application of funds statement; and
- (b) any other information in respect of the financial affairs of the Authority as the Minister may, in writing, require.

### **23. Audit**

(1) The accounts of the Authority shall, in respect of each financial year, be audited by the Auditor-General or by an auditor appointed by the Auditor-General.

(2) The Board shall ensure that within four months after the close of each financial year, the statement of accounts described in section 19 of this Act is submitted for auditing under this section.

(3) The Auditor General and any auditor appointed by the Auditor General shall have access to all books of accounts, vouchers and other financial records of the Authority and is entitled to any information and explanations required.

(4) The Auditor-General shall, within two months after receipt of the statement of accounts under subsection (2) of this section, audit the accounts and deliver to the Board a copy of the audited accounts together with his or her report on them stating any matter which in his or her opinion should be brought to the attention of the Minister.

(5) The Board, shall as soon as possible upon receiving it, deliver to the Minister a copy of the audited accounts together with the auditor's report under subsection (4) of this section.

#### **24. Financial year**

The financial year of the Authority shall be the period of twelve months beginning on the 1st day of July and ending on the 30th day of June in the next calendar year; except that the first financial year of Authority shall be the period commencing with the commencement of this Act and ending with the 30th day of June next following.

### PART VI—LICENSING

#### **25. Licence to warehouse keepers generally**

(1) No person shall operate a warehouse without a valid license issued by the Authority under this Act.

(2) The Authority may, upon application in the prescribed form, issue to a warehouse keeper a licence for the conduct of a warehouse in accordance with this Act.

(3) In issuing a licence under subsection (2) the Authority shall satisfy itself that—

- (a) the warehouse is suitable for the proper storage of the particular goods for which a licence is applied;
- (b) the warehouse keeper meets the conditions for eligibility to operate a licenced warehouse prescribed by regulations made under this Act; and
- (c) the warehouse keeper agrees, as a condition to the granting of the license, to comply with and abide by all the terms of this Act and regulations made under this Act.

#### **26. Procedure for granting of licences**

(1) Any person who wishes to acquire a licence may apply to the

Authority in the manner prescribed by regulations made under this Act.

(2) The Authority shall, before granting a warehouse licence under this Act, authorise the inspection of the warehouse in respect of which a licence is applied for, to determine whether the warehouse is suitable for the storage of the particular goods for which the licence is required.

(3) The Authority shall, upon being satisfied that the warehouse is suitable for the storage of the goods in question, grant a warehouse licence to the applicant.

(4) The applicant shall, upon being granted a licence under this Act, pay a fee prescribed by the Authority and the holder of the licence shall thereafter pay a prescribed fee on or before each anniversary of the granting of the licence.

(5) Every warehouse keeper shall display his or her licence in a conspicuous place in his or her premises during working hours.

## **27. Term and renewal of licence**

A licence issued under section 25, shall expire on the date provided for in the licence, or in accordance with the provisions of this Act, and regulations made under this Act and may, from time to time, be modified or extended by written notice issued by the Board.

## **28. Applicant to execute bond**

(1) A warehouse keeper applying for a licence to operate a warehouse in accordance with this Act shall, as a condition to the granting of the licence, execute and file with the Authority a good and sufficient bond to secure the faithful performance of his or her obligations as a warehouse keeper under this Act.

(2) Where the Authority determines that a previously approved bond is, or for any cause has become, insufficient, it may require an additional bond or bonds to be given by the warehouse keeper concerned, conforming with the requirements of this section, and, unless the additional bond is given within the time fixed by a written demand for it by the Authority, the licence of the warehouse keeper

may be suspended or revoked by the Authority.

### **29. Action on bond by person injured**

Any person injured by the breach of any obligation to secure for which a bond is given, under section 28 of this Act, is entitled to sue on the bond in his or her own name in court, to recover the damages he or she has sustained by the breach, provided that no such action shall be commenced unless the dispute has first been referred to arbitration in accordance with the Arbitration and Conciliation Act.

### **30. Designation as a licenced and bonded warehouse**

(1) Upon the filing with and approval by the Authority, of a bond, in compliance with this Act, for the conduct of a licenced warehouse, the warehouse may be designated as licenced and bonded and the warehouse keeper shall display in a conspicuous place, the Authority emblem.

(2) Notwithstanding anything in this Act, no warehouse shall be designated as licenced and bonded under this Act and no name or description conveying the impression that it is so licenced and bonded, shall be used—

- (a) until a licence has been issued and a bond, as provided for in section 28 of this Act, has been filed with and approved by the Authority; or
- (b) unless the licence issued under this Act for the conduct of that warehouse remains unsuspending and unrevoked.

(3) Any person who contravenes subsection (2) commits an offence and is liable, on conviction, to a fine not exceeding twenty four currency points or imprisonment for a term not exceeding five years.

### **31. Casualty insurance and recovery for loss**

(1) An applicant for a licence to operate a warehouse under this Act shall, as a condition to the granting of the licence, file with the Authority a certificate of insurance evidencing an effective policy of insurance issued by an insurance company authorised to do business

in Uganda insuring in the name of the applicant, all goods which are or may be in the warehouse for their full market value against loss by fire, internal explosion, lightning, windstorm and any other disaster, which the Authority may direct to be included under this category.

(2) Where a fire, internal explosion, lightning, windstorm or any other disaster under subsection (1) destroys or damages any goods in licenced warehouse, the warehouse keeper shall, upon demand by the depositor, and upon being presented with the receipt or other evidence of ownership and after deducting the warehouse keepers charges and advances, at the market value of the goods based on the value at the average price paid for the goods of the same grade and quality on the date of the loss at the location of the warehouse, make settlement.

(3) The warehouse keeper shall make complete settlement to all depositors having goods stored in his or her warehouse, damaged or destroyed, within ten days after settlement with the insurance company.

(4) Failure of the warehouse keeper to make such settlement shall be ground for the revocation or suspension of the warehouse licence.

(5) Where the Authority determines that the previously approved insurance is insufficient, it shall require additional insurance to be given by the warehouse keeper conforming to the requirements of this Act.

### **32. Cancellation of insurance and suspension of licence**

(1) A licenced warehouse keeper shall not cancel insurance, approved under section 31, without the prior written approval of the Authority and its approval of substitute insurance.

(2) Subject to section 33 of the Insurance Act, an insurance company may cancel insurance required by this Act only after the expiration of a thirty day period from the mailing, by registered or

certified mail, of notice of intent to cancel, to the Authority.

(3) The insurance company shall, at the time of giving notice to the Authority under subsection (2) send a copy of the notice to the warehouse keeper concerned.

(4) Notwithstanding any other provision of this Act, failure of the warehouse keeper to provide new evidence of insurance within fifteen days after the Authority receives notice of cancellation shall cause the warehouse licence to be suspended.

(5) If new evidence has not been filed by the warehouse keeper by the thirtieth day following receipt of notice, the warehouse licence shall be revoked.

### **33. Deposit of goods deemed to be made subject to the Act**

A person who deposits goods for storage in a warehouse shall be taken to have deposited the goods subject to the terms of this Act.

### **34. Suspension and revocation of warehouse keeper's licence**

The Authority may, after an opportunity to be heard has been afforded to the licensee concerned, suspend or revoke any licence issued to any warehouse keeper conducting a licenced warehouse under this Act for any contravention of this Act.

### **35. Licence to inspect, weigh, grade, classify and certify stored goods.**

The Authority may, upon presentation of satisfactory proof of competence, issue to any person a licence to inspect and sample any goods stored or to be stored in a warehouse licenced under this Act, and to certify the condition, grade, or other class of those goods or to weigh the goods and certify their weight on condition that the person agrees to comply with and abide by the terms of this Act.

### **36. Suspension of licence to inspect, weigh, grade, classify and certify stored goods**

The Authority may suspend or revoke any licence issued to any person under section 35 if the Authority is satisfied, and an

opportunity is afforded to the licensee concerned to be heard—

- (a) that the licensee has failed to inspect, sample, or weigh any goods properly;
- (b) that the licensee has contravened any of the provisions of this Act or of any regulations made under this Act;
- (c) that the licensee has used his or her licence or allowed it to be used for an improper purpose.

### **37. Inspection and grading of stored goods**

Any fungible goods stored in a warehouse licenced under this Act shall be inspected and graded by a person duly licenced to grade them under this Act prior to commingling of those goods deposited by other depositors.

### **38. Publication of licensees, investigations and revoked licences**

The Authority shall, from time to time, publish—

- (a) the names and addresses of persons licenced under this Act;
- (b) the results of any investigations made under section 5 (a) of this Act;
- (c) a list of all licences revoked under this Act and the causes for the revocation.

## **PART VII—ISSUE OF WAREHOUSE RECEIPTS**

### **39. Who may issue a warehouse receipt**

For the purposes of this Act, a warehouse receipt may only be issued by a warehouse keeper duly authorised and licenced to do so under section 25 of this Act.

### **40. Form of warehouse receipt**

(1) A negotiable warehouse receipt may only be printed by a person designated by the Authority and shall be in the form prescribed in the Third Schedule to this Act and supplied exclusively

by the Authority.

(2) A warehouse receipt shall bear such security features as shall be a prescribed by the Authority by regulations.

(3) A non-negotiable warehouse receipt need not be in any particular form but each such receipt shall embody within its written or printed terms, the following—

- (a) the name of the warehouse keeper;
- (b) the location of the warehouse where the goods are stored;
- (c) the date of issue of the receipt;
- (d) the consecutive number of the receipt;
- (e) a statement whether the goods received will be delivered to the bearer, to a specified person or to order;
- (f) the rate of storage charges;
- (g) a description of the goods and the packages containing the goods;
- (h) the signature of the warehouse keeper;
- (i) if the receipt is issued for goods of which the warehouse keeper is owner, either solely or jointly or in common with others, the fact of such ownership;
- (j) a statement of the amount of advances made and of liabilities incurred for which the warehouse keeper claims a lien, and if the precise amount of those advances made or of those liabilities incurred is, at the time of the issue of the receipt, unknown to the warehouse keeper or to his or her agent, a statement of the fact that advances have been made or liabilities are incurred and that the purpose of the advances and liabilities is sufficient; and
- (k) if the goods are authorised by the bailor to be packed, processed, substituted or otherwise transformed while in the warehouse, a statement to that effect and a description of the type and quantity of goods to be produced upon the

completion of the authorised transformational activities.

(4) For the purposes of subsection (3) (f) the rates of storage charges may be referred to by reference to the terms of business of the warehouse.

(5) For the purposes of subsection (3) (g) the description of the goods or packages containing the goods may be qualified as “said to be or to contain” or goods containing an expiry date in the case of goods held in bags or other sealed containers.

(6) A warehouse keeper shall be liable to any person who claims to be injured for all damage caused by the omission of the statement referred to in paragraph (k) of subsection (3).

(7) A warehouse keeper may insert in a receipt any other terms and conditions which are not contrary to this Act and which do not impair his or her obligation of delivery or his or her duty of care and any contrary provision is void.

#### **41. Lost or missing receipt**

(1) Where a warehouse receipt is lost, stolen or destroyed, a court may order delivery of the goods or issue of a substitute receipt and the warehouse keeper may, without liability to any person, comply with that order, except that—

- (a) if the warehouse receipt was negotiable, the claimant must post security approved by the court to indemnify any person who may suffer loss as a result of the non-surrender of the document;
- (b) if the warehouse receipt was not negotiable, the security may be required at the discretion of the court;
- (c) the court may, order payment of the warehouse keeper’s reasonable costs and legal fees.

(2) A warehouse keeper who, without a court order, delivers goods to a person claiming under a missing negotiable warehouse receipt is liable to any person injured by the delivery, and if the

delivery is not made in good faith, is liable for conversion.

(3) Delivery in good faith is not conversion if the claimant posts security with the warehouse keeper in an amount at least double the value of the goods at the time of posting, to indemnify any person injured by the delivery who files a notice of claim within one year after the delivery.

(4) Where a warehouse receipt is lost, stolen or destroyed, the registrar must be informed accordingly.

#### **42. Establishment of Central Registry**

(1) There is established a Central Registry which shall be operated by the Authority.

(2) The Secretary to the Authority shall be the Registrar and shall be the registering officer for the purpose of registering any transaction relating to a warehouse receipt issued under the Act or any transaction as shall be provided for in this Act except that the Authority may, with the consent of the Minister, appoint any person to act as a Deputy Registrar.

(3) A warehouse receipt issued in accordance with this Act including any negotiation in respect of it shall be delivered up to the Registrar for registration within fourteen days of any such issue or negotiation.

(4) It shall be sufficient for the purposes of this section if an original copy of the receipt is delivered by a warehouse keeper to the Registrar for registration.

(5) The Registrar shall receive and register any receipts or negotiations, cancel any receipts or negotiations and do all such other acts as the Minister may by regulations prescribe.

(6) There shall be maintained a Register Book that shall contain in chronological order, all transactions carried on at the Central Registry.

(7) A certificate of registration signed by the Registrar shall be conclusive evidence of the issue or negotiation of a warehouse receipt.

(8) The Minister shall make such regulations and rules as are

necessary to govern the day to day operations of the Central Registry.

PART VIII—OBLIGATIONS OF WAREHOUSE KEEPER:

WAREHOUSE KEEPER

**43. Obligation of warehouse keeper to deliver**

(1) A warehouse keeper shall deliver the goods to a person entitled under the warehouse receipt who complies with subsections (2) and (3) of this section, except where the warehouse keeper establishes any of the following—

- (a) delivery of the goods to a person whose receipt was rightful as against the claimant;
- (b) damage to or delay, loss or destruction of the goods for which the warehouse keeper is not liable;
- (c) previous sale or other disposition of the goods in lawful enforcement of a lien or on the warehouse keeper's lawful termination of storage;
- (d) release, satisfaction or other fact affording a personal defence against the claimant; or
- (e) any other lawful defence.

(2) A person claiming goods covered by a warehouse receipt must satisfy the warehouse keeper's lien if the lien exists and if the warehouse keeper so requests.

(3) A warehouse keeper who, in good faith including observance of reasonable commercial standards, receives goods and delivers or otherwise disposes of them according to the terms of the warehouse receipt or in accordance with this Act is not liable for any such act.

(4) Subsection (3) shall apply even though the person from whom the warehouse keeper has received the goods had no authority to procure the warehouse receipt or to dispose of the goods and even though the person to whom he or she delivered the goods had no

authority to receive them.

#### **44. Liability for non receipt or misdescription**

A party to, or purchaser for value in good faith of a warehouse receipt relying upon the description in the receipt of the goods may recover from the warehouse keeper, damages caused by the non-receipt or misdescription of the goods, except to the extent that the document conspicuously indicates that—

- (a) the warehouse keeper is authorised to pack, process, substitute or otherwise transform the goods while in storage;
- (b) in the case of paragraph (a) the warehouse keeper is liable for the non-receipt or misdescription of the goods as transformed in accordance with the terms of the agreement with the bailor providing for such transformation;
- (c) the warehouse keeper does not know whether any part or all of the goods in fact were received or conform to the description, as where the description is in terms of marks or labels or the receipt or description is qualified by “contents, condition and quality unknown,” “said to be or contain” or similar terms, if the indication is true, or the party or purchaser otherwise has notice.

#### **45. Duty of care and contractual limitation**

(1) A warehouse keeper is liable for damages for loss of or injury to the goods caused by the warehouse keeper’s failure to exercise such care in regard to them as a reasonably careful person would exercise under similar circumstances; but, unless otherwise agreed, the warehouse keeper is not liable for damages that could not have been avoided by the exercise of such care.

(2) Notwithstanding the general effect of subsection (1), it is the duty of the owner of the goods to disclose to the warehouse keeper

any peculiarities in the nature of the goods to be stored.

**46. Irregularities in the issue of receipts or conduct of the warehouse keeper**

The obligations imposed by this Act on a warehouse keeper apply to a warehouse receipt regardless of the fact that—

- (a) the document may not comply with the requirements of this Act or of any other law regarding its issue, form or content;
- (b) the warehouse keeper may have contravened any law regulating the conduct of his or her business;
- (c) the goods covered by the document were owned by the warehouse keeper at the time the warehouse receipt was issued; or
- (d) the person issuing the document does not fall within the definition of a warehouse keeper if the document purports to be a warehouse receipt.

**47. Duplicate receipt and over-issue**

(1) Neither a duplicate warehouse receipt nor any other document of title purporting to cover goods already covered by an outstanding warehouse receipt confers any right in the goods, except in the case of over-issue of documents for fungible goods and substitutes for lost, stolen or destroyed documents.

(2) The warehouse keeper is liable for damages caused by his or her overissue or failure to identify a duplicate document as such by conspicuous notation on its face.

**48. Separation of goods and fungible goods**

(1) Unless the warehouse receipt otherwise provides, a warehouse keeper must keep separate the goods covered by each receipt so as to permit, at all times, identification and delivery of those goods or, where packing, processing, substitution or other transformation is authorised by the bailor, the transformed products of those goods; except that different

lots of fungible goods may be commingled.

(2) Fungible goods commingled under subsection (1) are owned in common by the persons entitled to them and the warehouse keeper is severally liable to each owner for that owner's share.

(3) Where, because of over-issue a mass of fungible goods is insufficient to meet all the receipts that the warehouse keeper has issued against it, the persons entitled include all holders to whom overissued receipts have been issued, duly negotiated or otherwise transferred.

#### **49. Termination of storage at warehouse keeper's option**

(1) A warehouse keeper may, on notifying the person on whose account the goods are held and any other person known to claim an interest in the goods, require payment of any charges and removal of goods from the warehouse—

- (a) at the termination of the period of storage fixed by the warehouse receipt or storage agreement; or
- (b) if no period is fixed, within a stated period not less than thirty days after notification.

(2) If the goods are not removed before the date specified in the notification, the warehouse keeper may sell them in accordance with section 50 of this Act.

(3) If a warehouse keeper in good faith believes that the goods are about to deteriorate or decline in value to less than the amount of his or her lien within the time prescribed in subsection (1) for notification, advertisement and sale, the warehouse keeper may specify in the notification any reasonable shorter time for removal of the goods; and if the goods are not removed, may sell them at the Uganda Agricultural Commodity Exchange (UACE) or at public sale (auction) held not less than one week after a single advertisement or posting.

(4) If, as a result of a quality or condition of the goods of which the warehouse keeper had no notice at the time of deposit, the goods are a hazard to other property or to the warehouse or to persons, the

warehouse keeper may sell the goods at the Uganda Agricultural commodity exchange; or public (auction) or private sale without advertisement on reasonable notification to all persons known to claim an interest in the goods.

(5) If the warehouse keeper, after a reasonable effort and after notifying the Authority, is unable to sell the goods, he or she may dispose of them in any lawful manner and shall incur no liability by reason of that disposition.

(6) A sale under section 49 is only possible if the warehouse keeper has informed the Uganda Warehouse Authority within fourteen days for purposes of registering the sale, cancellation of the receipt and notification of the cancellation.

(7) A warehouse keeper must deliver the goods to any person entitled to them under this Act upon due demand made at any time before sale or other disposition under this section.

(8) A warehouse keeper may satisfy his or her lien from the proceeds of any sale or disposition under this section but must hold the balance for delivery on the demand of any person to whom he or she would have been bound to deliver the goods.

## **50. Warehouse keeper's lien**

(1) A warehouse keeper has a lien against the bailor on the goods covered by a warehouse receipt or on the proceeds of those goods in his or her possession for charges for storage, packing, processing or transportation, insurance, labour, or other charges present or future in relation to the goods, and for expenses necessary for preservation of the goods or reasonably incurred in their sale according to law.

(2) If the person on whose account the goods are held is liable for similar charges or expenses in relation to other goods whenever deposited and it is stated in the receipt that a lien is claimed for charges and expenses in relation to other goods, the warehouse keeper also has a lien against him or her for those charges and expenses whether or not the other goods have been delivered by the warehouse

keeper.

(3) Where a negotiable warehouse receipt is duly negotiated to any person, a warehouse keeper's lien is limited to charges in an amount or at a rate specified on the receipt or if no charges are so specified then to a reasonable charge for storage of the goods covered by the receipt subsequent to the date of the receipt.

(4) A warehouse keeper may also reserve a security interest against the bailor for a maximum amount specified on the receipt for charges other than those specified in subsection (1), such as for money advanced and interest, except that the creation of the security interest shall be governed by the laws relating to that security interest.

(5) A warehouse keeper's lien for charges and expenses under subsection (1) or a security interest under subsection (4) shall be effective against any person who so entrusted the bailor with possession of the goods that a pledge of them by him or her to a *bona fide* purchaser for value would have been valid but is not effective against a person as to whom the document confers no right in the goods covered by it under section 50 of this Act.

(6) A warehouse keeper shall lose his or her lien on any goods which he or she voluntarily delivers or which he or she unjustifiably refuses to deliver.

### **51. Enforcement and loss of warehouse keeper's lien**

(1) Except as provided in subsection (6), a warehouse keeper's lien may be enforced by sale conducted through the Uganda Agricultural Commodities Exchange, public auction or private sale of the goods in bloc or in parcels, at any time or place and on any terms which are commercially reasonable, after notifying all persons known to claim an interest in the goods in accordance with subsection (4) of this section.

(2) If the warehouse keeper either sells the goods in the usual manner in any recognised market for the goods, or if he or she sells at the price current in such market at the time of the sale, or if he or she otherwise sells in conformity with commercially reasonable practices among dealers in the type of goods sold, he or she is taken

to have sold in a commercially reasonable manner.

(3) The fact that a better price could have been obtained by a sale at a different time or in a different method from that selected by the warehouse keeper is not itself sufficient to establish that the sale was not made in a commercially reasonable manner.

(4) A warehouse keeper's lien on goods other than goods stored by a depositor in the course of his or her business may be enforced only as follows—

- (a) all persons known to claim an interest in the goods must be notified;
- (b) the notice must be delivered in person or sent by registered letter to the last known address of any person to be notified;
- (c) the notice must include an itemised statement of the claim, a description of the goods subject to the lien, a demand for payment within a specified time not less than ten days after receipt of the notification and a conspicuous statement that unless the claim is paid within that time, the goods will be advertised for sale and sold by auction at a specified time and place;
- (d) the sale must conform to the terms of the notice;
- (e) the sale must be held at the nearest suitable place to that where the goods are held or stored; and
- (f) after the expiration of the time given in the notice, an advertisement of the sale shall be published in the *Gazette* and once a week for two weeks in a newspaper of general circulation in Uganda.

(5) Before any sale under this section any person claiming a right in the goods may pay the amount necessary to satisfy the lien

and the reasonable expenses incurred under this section.

(6) Where subsection (5) is complied with, the goods must not be sold, but must be retained by the warehouse keeper, subject to the terms of the receipt and this Act.

(7) A warehouse keeper may buy at any public sale (auction) under this section.

(8) A purchaser in good faith of goods sold to enforce a warehouse keeper's lien takes the goods free of any rights of persons against whom the lien was valid, despite non-compliance by the warehouse keeper with the requirements of this section.

(9) A warehouse keeper may satisfy his or her lien from the proceeds of any sale under this section but must hold the balance, if any, for delivery on demand to any person to whom he or she would have been bound to deliver the goods.

(10) The rights provided under this section shall be in addition to all other rights allowed by law to a creditor against his or her debtor.

(11) Where there is a lien is on goods stored by a depositor in the course of his or her business the lien may be enforced in accordance with subsection (5).

(12) A warehouse keeper is liable for damages caused by failure to comply with the requirements for sale under this section and in case of wilful contravention, is liable for conversion.

(13) A warehouse keeper shall lose his or her lien on the goods by—

(a) surrendering possession of the goods;

(b) refusing to deliver the goods when a demand is made with

which he or she is bound to comply under this Act.

PART IX—NEGOTIATION AND TRANSFER OF WAREHOUSE RECEIPTS

**52. Form of negotiation and requirements for due negotiation**

(1) A negotiable warehouse receipt to the order of a named person is negotiated by his or her endorsement on its delivery and registration of the negotiation by the Authority.

(2) Negotiation of a negotiable warehouse receipt after it has been endorsed to a specified person requires endorsement by the endorsee as well as delivery and registration with the Authority.

(3) A negotiable warehouse receipt is treated as duly negotiated when it is negotiated in the manner stated under this section to a person who purchases it in good faith without notice of any defect in it or claim to it on the part of any person, and for value.

(4) Endorsement of a non-negotiable warehouse receipt does not make it negotiable and does not add to the transferee's rights.

**53. Rights acquired by due negotiation**

(1) Subject to this section, a holder to whom a negotiable warehouse receipt has been duly negotiated acquires by that act—

- (a) title to the warehouse receipt;
- (b) title to the goods, including, to the extent that such activities are authorised by the bailor and noted on the warehouse receipt, the packed, processed, substituted or otherwise transformed goods of the bailor;
- (c) all rights accruing under the law of agency or estoppel, including rights to goods delivered to the warehouse keeper after the warehouse receipt was issued; and
- (d) the obligation of the warehouse keeper to hold or deliver the goods according to the terms of the warehouse receipt and any related storage agreement free of any defence or claim by the warehouse keeper, except those arising under the terms of the

warehouse receipt or storage agreement or under this Act.

(2) Subject to this section, title and rights acquired under subsection (1) are not defeated by the surrender of the goods by the warehouse keeper, and are not prejudiced by any of the following—

- (a) that the negotiation or any prior negotiation constituted a breach of duty; or
- (b) that any person has been deprived of possession of the warehouse receipt by misrepresentation, fraud, mistake duress, loss, theft or conversion, or even though a previous sale or other transfer of the goods or warehouse receipt has been made to a third person.

(3) Except where a warehouse receipt was originally issued upon delivery of the goods by a person who had no power to dispose of them, a lien shall not attach by virtue of any judicial process to goods in the possession of a warehouse keeper for which a negotiable warehouse receipt is outstanding, unless the document is first surrendered to the warehouse keeper or its negotiation enjoined by court order, and the warehouse keeper shall not be compelled to deliver the goods in accordance with any judicial process until the document is surrendered to him or her or impounded by the court.

(4) Any person who purchases a warehouse receipt for value without notice of the process or injunction takes the goods free of the lien imposed by judicial process.

#### **54. Rights defeated in certain cases**

(1) A warehouse receipt creates a charge on the goods deposited at the warehouse, once it is issued.

(2) A warehouse receipt confers no rights in goods against a person who before the issue of the receipt had a legal interest or perfected security interest in such goods and who neither—

- (a) delivered or entrusted those goods or any bill of lading, warehouse receipt, delivery order or other document of title covering them to the bailor with actual or apparent authority

- to ship, store, pack, process, transform or sell the goods; nor
- (b) acquiesced in the procurement by the bailor or his or her nominee of any warehouse receipt or other document of title covering the goods.

(3) A buyer in the ordinary course of business of fungible goods sold and delivered by a warehouse keeper who is also in the business of buying and selling such goods, takes free of any claim under a warehouse receipt even though it has been duly negotiated.

### **55. Rights acquired in the absence of due negotiation**

(1) A transferee of a warehouse receipt, whether negotiable or non-negotiable, who has taken the warehouse receipt by purchase, delivery and registration but where the warehouse receipt is not duly negotiated, acquires the title and rights which his or her transferor had or had actual authority to convey.

(2) In the case of a non-negotiable warehouse receipt, until but not after the warehouse keeper receives notification of the registration by the Authority of the transfer, the rights of the transferee may be defeated—

- (a) by a buyer from the transferor in the ordinary course of business if the warehouse keeper has delivered the goods to the buyer or has received notification of his or her rights; or
- (b) as against the warehouse keeper by dealings in good faith of the warehouse keeper with the transferor.

### **56. Rights and obligations of transferors and transferees**

(1) The endorsement of a warehouse receipt does not make the endorser liable for any default by the warehouse keeper or by previous endorsers.

(2) The transferee of a negotiable warehouse receipt has a specifically enforceable right to have his or her transferor supply any necessary endorsement but the transfer becomes a negotiation only when the endorsement is supplied and the negotiation registered by

the Authority.

(3) Where a person negotiates or otherwise transfers a warehouse receipt for value otherwise than as a mere intermediary under subsection (4), then unless otherwise agreed, he or she warrants to his or her immediate purchaser—

- (a) that the warehouse receipt is genuine; and
- (b) that he or she has no knowledge of any fact which would impair the validity or worth of the warehouse receipt; and
- (c) that his or her negotiation or transfer is rightful and fully effective with respect to the title of the warehouse receipt and the goods it represents.

(4) A collecting bank or other intermediary known to be entrusted with a warehouse receipt on behalf of another or with collection of a draft or other claim against delivery of a warehouse receipt warrants by the delivery of the warehouse receipt, only its own good faith and authority.

(5) Subsection (4) shall apply even though the intermediary has purchased or made advances against the claim or draft to be collected.

### **57. Conflicting claims and interpleader**

If more than one person claims title to goods covered or purported to be covered by a warehouse receipt, the warehouse keeper is excused from delivery until he or she has had a reasonable time to ascertain the validity of the adverse claims or to bring an action to compel all claimants to interplead and may compel the interpleader, either in defending an action for non-delivery of the goods, or by original action, whichever is appropriate.

## **PART X—OFFENCES**

### **58. Issue of receipt for goods not received**

A warehouse keeper, or any officer, agent, or servant of a warehouse keeper, who issues or aids in issuing a warehouse receipt knowing

that the goods for which the receipt is issued have not been actually received by the warehouse keeper, or are not under his or her actual control at the time of issuing the receipt, commits an offence and is liable on conviction to fine not exceeding three times the value of the goods in question or imprisonment not exceeding five years or both.

**59. Issue of receipt containing false statement**

A warehouse keeper, or any officer, agent or servant of a warehouse keeper, who fraudulently issues or aids in fraudulently issuing a warehouse receipt for goods knowing that it contains any false statement, commits an offence and is liable, on conviction to a fine not exceeding one hundred and twenty currency points or to imprisonment not exceeding five years or both.

**60. Issue of duplicate receipt not duly marked**

A warehouse keeper, or any officer, agent or servant of a warehouse keeper, who fraudulently issues or aids in issuing a duplicate or additional negotiable receipt for goods knowing that a former negotiable receipt for the same goods or any part of them is outstanding and uncanceled, without plainly placing upon its face the word “Duplicate” except in the case of a lost or destroyed receipt after proceedings under section 33 of this Act, commits an offence, and is liable on conviction, to a fine not exceeding one hundred and twenty currency points or to imprisonment not exceeding five years or both.

**61. Issue of receipts not stating fact of warehouse keeper’s ownership of goods**

Where there are deposited with or held by a warehouse keeper goods of which the warehouse keeper is owner, either solely or jointly or in common with others, the warehouse keeper, or any of his or her officers, agents, or servants who, knowing the ownership, issues or aids in issuing a negotiable receipt for those goods which does not state that ownership, commits an offence and is liable on conviction, to a fine not exceeding twenty four currency points or to

imprisonment not exceeding one year or both.

**62. Delivery of goods without obtaining negotiable warehouse receipt**

A warehouse keeper, or any officer, agent or servant of a warehouse keeper, who delivers goods out of the possession of the warehouse keeper, knowing that a negotiable receipt necessary to transfer the right of possession of those goods is outstanding and uncanceled, without obtaining the possession of that receipt at or before the time of the delivery, except in the cases referred to in sections 39 and 48 of this Act, commits an offence and is liable on conviction, to a fine not exceeding twenty four currency points or to imprisonment not exceeding one year or both.

**63. Negotiation of receipt for mortgaged goods**

Any person who deposits goods to which he or she has no title, or upon which there is a security interest, and who takes for those goods a negotiable receipt which he or she afterwards negotiates for value with intent to deceive and without disclosing his or her lack of title or the existence of the security interest, commits an offence and is liable on conviction to a fine not exceeding one hundred and twenty four currency points or to imprisonment not exceeding five years or both.

**64. Issue of warehouse receipt without a valid licence**

(1) Any person who purports to issue a warehouse receipt without a valid licence commits an offence and is liable on conviction to a fine not exceeding one hundred and twenty currency points or to imprisonment not exceeding five years or both.

(2) Any person who contravenes the provisions of this Act and the Regulations commits an offence and is liable on conviction to a fine not exceeding one hundred twenty currency points or to imprisonment not exceeding five years or both.

PART XI—MISCELLANEOUS.

**65. Revocation or termination of licence not to affect receipts**

The revocation or termination of a licence under this Act shall not affect the validity of receipts issued under the licence, and the warehouse keeper will continue to comply with this Act with regard

to valid receipts so far issued.

#### **66. Insurance of goods**

(1) A warehouse keeper shall ensure that goods stored in his or her custody are at all times insured against all common perils such as loss by fraud, theft, fire, employee infidelity, disasters such as drought, flooding, sabotage, internal explosion, wind storm and any other disaster or perils and such other perils as the Authority may determine by regulations made under this Act.

(2) A warehouse keeper shall keep exposed in a conspicuous place in the warehouse, a notice in bold letters stating briefly the conditions under which goods are insured under this Act.

(3) A warehouse keeper shall take prompt steps as may be necessary and proper to collect any money which becomes due under a contract or insurance entered into by him or her for the purposes of this Act and shall, as soon as the money is collected, promptly pay any person entitled to receive the money.

(4) A warehouse keeper shall, in accordance with the terms of his or her contract with insurance and bonding companies for the purpose of fulfilling the insurance and bonding requirements under this Act, pay such premiums, permit such reasonable inspections and make such reasonable reports as may be provided for in those contracts.

#### **67. Inspection of warehouses by Authority**

The Authority or its appointed agent may inspect any licenced warehouse with a view to investigating—

- (a) storage facilities in the warehouse;
- (b) how goods are classified;
- (c) how goods are weighed;
- (d) certification of goods; and

(e) whether the provisions of this Act are being complied with.

### **68. Classification of warehouses**

(1) The Board may, by notice published in the *Gazette* classify a licenced warehouse in accordance with its—

- (a) ownership;
- (b) location;
- (c) surroundings;
- (d) capacity;
- (e) conditions or other qualities.

(2) The Board may prescribe different types of licences that may be issued in respect to a classified warehouse.

### **69. Fees**

The Board shall, in consultation with the Minister, by notice published in the *Gazette*, prescribe the fees to be charged in respect of—

- (a) examination and inspection of warehouses;
- (b) licences issued under this Act;
- (c) renewal of licences;
- (d) issue of negotiable warehouse receipt books; and
- (e) carrying out and performing such other functions conferred on it under this Act by regulations made under this Act.

### **70. Seal of the Authority**

(1) The common seal of the Authority shall be such device and in such form as the Board may determine and shall be authenticated by the signatures of the Chairperson and the Managing Director.

(2) In the absence of the Chairperson two other members of the Board shall sign in place of the Chairperson; and in the absence of the Managing Director the person performing the functions of the

Managing Director shall sign.

(3) The signature of the Chairperson or of the Managing Director shall be independent of the signing by any other person as witness.

(4) Every document purporting to be an instrument issued by the Authority and to be sealed with the seal of the Authority authenticated in the manner prescribed in subsections (2) and (3) shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.

(5) The Seal of the Authority shall be kept in the custody of the Secretary.

### **71. Protection of members of the Board and staff of the Authority**

A member of the Board or any employee or other person performing any function of the Authority under the direction of the Board shall not be personally liable for any civil proceedings for any act or omission on his or her part in good faith in the performance of those functions.

### **72. Annual report**

The Board shall cause to be prepared and shall submit to the Minister within three months after the end of each financial year, an annual report on the activities and operations of the Authority for that financial year.

### **73. Minister to report to Parliament**

The Minister shall, in each year, submit to Parliament the auditor's report not later than sixty days after receiving them from the Board under section 22 and the annual report of the Authority submitted to the Minister under section 72 of this Act.

### **74. Regulations**

(1) The Minister may, on the recommendation of the Board, by Statutory Instrument make regulations, as may be necessary for the

better carrying into effect of this Act.

(2) Without prejudice to the general effect of subsection (1), regulations made under that subsection may—

- (a) prescribe forms to be used for any process under this Act and the forms of licences and other documents under this Act;
- (b) prescribe in connection with any contravention of the regulations—
  - (i) a penalty of a fine not exceeding one hundred currency points or to imprisonment not exceeding two years or both; and
  - (ii) in the case of a continuing offence, an additional penalty not exceeding one currency point for each day on which the offence continues.

### **75. Minister's power to amend Schedules**

(1) The Minister may, with the approval of Cabinet, by statutory instrument amend the First Schedule to this Act.

(2) The Minister may, on the recommendation of the Board, by statutory instrument amend the Second and Third Schedule to this Act.

## **SCHEDULES.**

FIRST SCHEDULE

SECTIONS 2 AND 74.

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

## SECOND SCHEDULE

## SECTIONS 11 AND 75

## MEETINGS OF THE BOARD

**1. Convening meetings**

(1) The Chairperson shall convene the first meeting of the Board as soon as is practicable after the appointment of the Board and thereafter the Board shall meet for the transaction of business at times and places that may be decided upon by the Board but the Board shall meet at least once in every two months.

(2) The Chairperson or, in the absence of the Chairperson, a member appointed by the Board to act as Chairperson may, at any time, call a special meeting of the Board, or shall call a special meeting upon a written request by a majority of the members of the Board.

(3) The Chairperson shall preside at all meetings of the Board and in his or her absence, the members present may appoint a member from among themselves to preside at that meeting.

**2. Quorum**

The quorum at a meeting of the Board shall be four members.

**3. Taking decisions**

Questions proposed at a meeting of the Board shall be decided by a majority of the votes, of the members present and if there is an equality of votes, the person presiding shall have a casting vote in addition to his or her deliberative vote.

**4. Disclosure of interest**

(1) A member of the Board who has any pecuniary interest in a matter being considered or about to be considered by the Board shall, as soon as possible after the relevant facts have come to his or her knowledge, disclose the nature of his or her interest to the Board.

(2) A disclosure of interest under subparagraph (1) shall be recorded in the minutes of the meeting of the Board and the member making the disclosure

shall not, unless the Board otherwise determines in respect of that matter—

(a) be present during any deliberation on the matter by the Board;

(b) take part in the decision-making of the Board on the matter.

(3) For the purpose of the making of a decision by the Board under sub-paragraph (2) the member who has made the disclosure shall not—

(a) be present during the deliberations of the Board for the making of that determination;

(b) influence any other member or take part in the making of the determination by the Board.

## **5. Co-option of persons to meetings of Board**

(1) The Board may co-opt any person to any meeting of the Board to assist it on any matter if the Board is satisfied that that person's qualifications and experience are likely to benefit the Board.

(2) A person co-opted to assist the Board under subparagraph (1) is entitled to take part in the proceedings of the Board at the meeting concerning the matter in connection with which he or she is co-opted, but is not entitled to vote or take part in any other proceedings of the Board.

## **6. Minutes of meetings**

(1) The Board shall cause the minutes of its meetings to be recorded and kept and the minutes of each meeting shall be confirmed by the Board at the next meeting and signed by the Chairperson of the meeting.

(2) The Chairperson of the Board shall submit to the Minister a copy of the minutes of each meeting as soon as the minutes have been confirmed.

## **7. Board to regulate its own procedure**

Subject to the provisions of this Schedule, the Board may regulate its own proceedings.

THIRD SCHEDULE

SECTION 40(1)

FORM OF WAREHOUSE RECEIPT

WAREHOUSE RECEIPT SYSTEM ACT 2006

ISSUED TO: <i>(Depositor's full name, address, and registration No. (VAT or equivalent))</i> _____ (the "Depositor")	
This is to certify that Warehouse keeper (Full name) has received the following goods (the "goods") for storage in good order and condition (except as noted) subject to the provisions of the Warehouse Receipt Act 2006 (the "Act") dated ....., which the depositor listed above confirms having full knowledge of and accepts irrevocably.	
<b>DESCRIPTION OF GOODS</b>	<b>REMARKS/NOTES/QUALITY ANALYSIS/MARKINGS</b>
<b>GROSS WEIGHT</b>	<b>NET WEIGHT</b>
<b>NO. OF PACKAGES:</b>	<b>DECLARED ORIGIN</b> (As per depositor's declaration):
<b>LOCATION OF STORAGE</b>	<b>DATE RECEIVED</b>
INSURANCE: Covered through:  For (risks):  As per the depositor's declaration. Whilst Warehouse keeper will take all reasonable steps to verify the insurance cover at the date mentioned above, Warehouse keeper., by signing this Warehouse Receipt, makes no representation and extends no warranty whatsoever as to the existence, validity, or conformity to the above of any insurance cover, or as to the payment of any premium, or as to compliance to any provision related thereto.	
Delivery or partial delivery of the goods listed above will only be made upon surrender to Warehouse keeper of this Warehouse receipt AND written instructions by the depositor or the last Transferee of this Warehouse Receipt, as per the Act.	
The goods are subject to the following charges, and will only be released upon full settlement thereof. Collateral Management charges: Warehousing charges _____ Other charges: _____ A priority lien on the goods exists with regards to any unpaid charges as per the Act	

By appending his or her signature here below, the depositor represents and warrants that:

- (1) He/She is the owner or the duly authorised agent of the owner of the goods or holds a valid pledge on the goods;
- (2) The goods are free of any pledge, claim or demand by third parties;
- (3) He/She has full knowledge of and irrevocably accepts the provisions.

These representations and warranties shall be binding upon the depositor and any subsequent transferee of this Warehouse Receipt as evidenced by such transferee appending his or her signature on each transfer overleaf.

**WAREHOUSE RECEIPT**No. \_\_\_\_\_ **Serial No.** \_\_\_\_\_

Warehouse keeper is not the owner of the goods either solely, or jointly or in common with others.

Date: ..... Warehouse keeper ..... The depositor .....

**FIRST TRANSFER**

We \_\_\_\_\_ [*depositor's full name, address, and registration No. (VAT or equivalent)*] (The "Depositor"), to whom the Warehouse Receipt referred to above, the details of which are stated overleaf, (the "Warehouse Receipt") has been issued, hereby transfer this Warehouse receipt, with all the rights and obligations attached thereto, including the Provisions of the Warehouse Receipt System Act to \_\_\_\_\_ [*Transferee's full name, address, and registration No. (VAT or equivalent)*] (the "Transferee").

We \_\_\_\_\_ [*Transferee's full name, address, and registration No. (VAT or equivalent)*], hereby accept the Transfer above.

By appending their signatures here below, both depositor and transferee hereby acknowledge and irrevocably accept that:

- This warehouse receipt is subject to the details overleaf and to the Act, which are binding upon them.
- No transfer of this warehouse receipt shall be valid unless countersigned by warehouse keeper.
- Any obligation with regards to unpaid charges related to the goods covered under this warehouse receipt is transferred with this warehouse receipt to the transferee.

The depositor	The Transferee	Warehouse keeper
Date		

WAREHOUSE RECEIPT NO. \_\_\_\_\_ Serial No. \_\_\_\_\_ Dated \_\_\_\_\_

**SECOND TRANSFER**

We \_\_\_\_\_ [*depositor's full name, address, and registration No. (VAT or equivalent)*] (The "Depositor"), to whom the Warehouse Receipt referred to above, the details of which are stated overleaf, (the "Warehouse Receipt") has been issued, hereby transfer this Warehouse receipt, with all the rights and obligations attached thereto, including the Provisions of the Warehouse Receipt System Act to \_\_\_\_\_ [*Transferee's full name, address, and registration No. (VAT or equivalent)*] (the "Transferee").

We \_\_\_\_\_ [*Transferee's full name, address, and registration No. (VAT or equivalent)*], hereby accept the Transfer above.

By appending their signatures here below, both depositor and transferee hereby acknowledge and irrevocably accept that:

- This warehouse receipt is subject to the details overleaf and to the Act, which are binding upon them.
- No transfer of this warehouse receipt shall be valid unless countersigned by warehouse keeper.
- Any obligation with regards to unpaid charges related to the goods covered under this warehouse receipt is transferred with this warehouse receipt to the transferee.

The depositor	The Transferee	Warehouse keeper
---------------	----------------	------------------

Date

**THIRD TRANSFER**

We \_\_\_\_\_ [*depositor's full name, address, and registration No. (VAT or equivalent)*] (The "Depositor"), to whom the Warehouse Receipt referred to above, the details of which are stated overleaf, (the "Warehouse Receipt") has been issued, hereby transfer this Warehouse receipt, with all the rights and obligations attached thereto, including the Provisions of the Warehouse Receipt System Act to \_\_\_\_\_ [*Transferee's full name, address, and registration No. (VAT or equivalent)*] (the "Transferee").

We \_\_\_\_\_ [*Transferee's full name, address, and registration No. (VAT or equivalent)*], hereby accept the Transfer above.

By appending their signatures here below, both depositor and transferee hereby acknowledge and irrevocably accept that:

- This warehouse receipt is subject to the details overleaf and to the Act, which are binding upon them.
- No transfer of this warehouse receipt shall be valid unless countersigned by warehouse keeper.
- Any obligation with regards to unpaid charges related to the goods covered under this warehouse receipt is transferred with this warehouse receipt to the transferee.

The depositor	The Transferee	Warehouse keeper
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Date

**Cross References**

Arbitration and Conciliation Act Cap 4.

Insurance Act Cap 213.



**ACTS SUPPLEMENT**

*to The Uganda Gazette No. 36 Volume XCVIX dated 8th June, 2006.*

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**Act 15**                      *Uganda National Roads Authority Act*                      **2006**

**THE UGANDA NATIONAL ROADS AUTHORITY ACT, 2006.**

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**ARRANGEMENT OF SECTIONS**

*Section*

**PART I—PRELIMINARY**

1. Commencement
2. Purpose of the Act
3. Principles
4. Interpretation

**PART II—UGANDA NATIONAL ROADS AUTHORITY**

5. Establishment of Authority
6. Functions of Authority
7. Powers of Minister
8. Board of Directors
9. Qualifications of members of Board
10. Disqualification for appointment
11. Tenure of office of members of Board
12. Filling of vacancies of Board
13. Remuneration of members of Board
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**PART III—STAFF OF THE AUTHORITY**

18. Executive Director
19. Functions of Executive Director.
20. Tenure of office of Executive Director
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*Section*

22. Consultants
23. Protection of members and employees from personal liability

## PART IV—FINANCES

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39. Transfer of assets and liabilities
40. Employees
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## SCHEDULES

## FIRST SCHEDULE—CURRENCY POINT

SECOND SCHEDULE—MEETINGS OF THE BOARD AND  
RELATED MATTERS

**THE UGANDA NATIONAL ROADS AUTHORITY ACT, 2006**

**An Act to provide for the establishment and operation of the Uganda National Roads Authority for the purpose of managing the provision and maintenance of the national roads network in a more efficient and effective manner; to render advisory services to Government; and for related matters.**

DATE OF ASSENT: 24th May, 2006.

*Date of Commencement:* See section 1.

BE IT ENACTED by Parliament as follows:

**PART I—PRELIMINARY****1. Commencement**

This Act shall come into force on a date to be appointed by the Minister by statutory instrument.

**2. Purpose of the Act**

The purpose of this Act is—

- (a) to establish the Uganda National Roads Authority;
- (b) to facilitate the delivery of roads services;
- (c) to create an environment that is conducive to the efficient and effective management of the national roads network and other services provided by the Authority; and

- (d) to promote the potential for the continuous improvement of the services provided by the Authority.

### 3. Principles

The Authority shall, in achieving its purposes under section 2, take into account and give effect to the following principles—

- (a) the provision of its services in the most economic, efficient and effective manner;
- (b) the management of its affairs in a businesslike and cost-effective manner and in accordance with modern management practices and techniques and in particular, apply to its operations the best standards of financial management and accounting; and
- (c) ensure that its operations are designed for the provision of the best services to its customers, while maintaining a high degree of responsiveness to their needs.

### 4. Interpretation

In this Act, unless the context otherwise requires—

“Authority” means the Uganda National Roads Authority established by section 5;

“Board” means the Board of Directors appointed under section 8;

“Chairperson” means the Chairperson of the Board appointed under section 8;

“currency point” means the value assigned to a currency point in the First Schedule;

“Executive Director” means the Executive Director of the Authority appointed under section 18, or a person authorised to act on his or her behalf;

“Minister” means the Minister responsible for roads;

“National Planning Authority” means the National Planning Authority provided for by the National Planning Authority Act 2002;

“national road” means a road maintained by the Government;

“national roads network” means the system of all roads maintained by the Government;

“road” means any highway and any other road to which the public have access and includes—

- (a) a bridge over which a road passes;
- (b) a ferry, as defined in the Ferries Act and designated by the Minister for the purposes of this Act, by regulations made under section 37(2)(k);
- (c) a ship, as defined in the Inland Water Transport (Control) Act, and designated by the Minister for the purposes of this Act, by regulations made under section 37(2)(k).

## PART II—UGANDA NATIONAL ROADS AUTHORITY

### **5. Establishment of Authority**

(1) There is established the Uganda National Roads Authority.

(2) The Authority is a body corporate with perpetual succession and a common seal and may, for the discharge of its functions under this Act—

- (a) acquire, hold and dispose of moveable and immovable property;
- (b) sue and be sued in its corporate name; and
- (c) do all acts and things as a body corporate may lawfully do.

(3) The Authority shall be under the general supervision of the Minister.

**6. Functions of Authority**

- (1) The functions of the Authority are—
- (a) to be responsible for the management of the national roads network;
  - (b) to maintain and develop the national roads network;
  - (c) to advise the Government on policy matters concerning roads generally, and to assist in the co-ordination and implementation of the policy relating to roads;
  - (d) to contribute to the addressing of transport concerns in overall national planning through co-ordination with the relevant ministries, departments and agencies of Government;
  - (e) to collaborate with international organisations, intergovernmental organisations and agencies of other states and the private sector on issues relating to the development and maintenance of roads;
  - (f) to enter into agreements or other arrangements with any person for the provision of roads services, subject to such charges as may be agreed upon;
  - (g) to advise and assist the Minister, subject to such conditions as may be agreed upon, in regard to—
    - (i) any matter relating to the planning, design, construction and maintenance of roads, whether the roads are part of the national roads network or not;
    - (ii) the establishment and maintenance of road reserves in accordance with the Roads Act; and
    - (iii) the exercise of any power or performance of any duty which the Minister may or is required to exercise or perform under this Act; and

- (h) to perform any other function incidental or consequential to its functions under this Act or as may be conferred on it under this Act.

(2) The Authority shall, to the greatest extent possible, and consistent with this Act, consult and co-operate with departments, branches and agencies of the Government and with utility service providers having duties, aims or objectives related to those of the Authority.

## **7. Powers of Minister**

(1) The Minister may give directions in writing to the Authority with respect to the policy to be observed and implemented by the Authority, and the Authority shall comply with those directions.

(2) The Minister may, after consultation with the Authority, direct the Authority, in writing, to undertake a road project or programme that is not part of the national roads network, and which the Minister considers necessary and in the national interest for improving accessibility to, or within, any area in Uganda.

(3) The Authority shall comply with a direction given to it by the Minister under subsection (2), subject to the funding of the road project or programme from moneys provided by Parliament or from any other source agreed upon by the Minister and the Authority.

(4) The Minister shall cause a copy of any directions given to the Authority under this section to be published in the *Gazette* and shall lay a copy of the directions before Parliament.

## **8. Board of Directors**

(1) The Authority shall have a Board of Directors, which shall be the governing body of the Authority.

(2) The Board of Directors shall consist of not less than five and not more than seven members appointed by the Minister with the approval of Cabinet.

(3) The members appointed under subsection (2) shall include—

- (a) the Executive Director of the Authority, *ex officio*;
- (b) a representative of the Ministry responsible for roads, not below the rank of Commissioner;
- (c) a representative of the Ministry responsible for finance, not below the rank of Commissioner;
- (d) a representative of the National Planning Authority;
- (e) a representative of engineers nominated by a professional body of engineers; and
- (f) two representatives from the private sector.

(4) The Minister shall appoint one of the members of the Board, other than the Executive Director, to be the Chairperson of the Board.

## **9. Qualifications of members of Board**

(1) The members of the Board shall be persons of high moral character and proven integrity who are qualified in, and have had experience and shown capacity in management, business administration, financial management and roads matters.

(2) The Minister shall, in appointing the members of the Board, ensure that there is adequate representation of customer interests and a balance of skills, gender and experience among the members of the Board.

(3) The members of the Board shall hold office on terms and conditions specified in their instruments of appointment.

## **10. Disqualification for appointment**

A person shall not be appointed to the Board who—

- (a) has been convicted of an offence under this Act or of an offence involving dishonesty or fraud by a competent court in Uganda or elsewhere;
- (b) is an undischarged bankrupt, or has made any assignment or arrangement with his or her creditors;
- (c) has been convicted of an offence and sentenced to a term of imprisonment for six months or more by a competent court in Uganda or elsewhere; or
- (d) is a Member of Parliament, a Minister, a member of a local government council, or is a member of a regional assembly or a regional government.

### **11. Tenure of office of members of Board**

(1) A member of the Board shall hold office for three years and is eligible for reappointment for one more term, except that of the first members to be appointed to the Board, three shall be appointed to hold office for two years.

(2) A member of the Board may, at any time, resign his or her office by letter addressed to the Minister, giving notice of not less than one month.

(3) The Minister may, at any time, remove a member of the Board only—

- (a) for inability to perform the functions of his or her office arising from infirmity of body or mind;
- (b) for misbehaviour or misconduct;
- (c) for incompetence;

- (d) for absence without prior permission of the Chairperson, or without reasonable cause to the satisfaction of the Minister, for more than four consecutive meetings of the Board;
- (e) for bankruptcy or insolvency;
- (f) for conviction of a criminal offence, in Uganda or elsewhere, in respect of which the maximum penalty exceeds six months imprisonment without the option of a fine; or
- (g) if information relating to the conduct of a member, which could have precluded his or her appointment if it had been made available to the Minister, is brought to the attention of the Minister.

(4) Where it appears to the Minister that there is cause to remove a member under subsection (3), the Minister shall notify the member concerned in writing and shall give the member an opportunity to submit his or her explanation to the Minister.

(5) A person removed under this section is not entitled to any benefits that may be payable to him or her under section 13.

## **12. Filling of vacancies of Board**

Where a member is removed from office under section 11, the Minister may appoint another person qualified in terms of section 9 to replace the member, and to hold office for the remainder of the term of the previous member.

## **13. Remuneration of members of Board**

The Chairperson and the members of the Board shall be paid such remuneration as may be specified in their instruments of appointment.

## **14. Functions of Board**

- (1) The Board is responsible for the general direction and

supervision of the Authority.

(2) Without prejudice to the generality of subsection (1), the Board shall—

- (a) oversee the operations of the Authority;
  - (b) advise the Minister on road-related policy and strategic issues;
  - (c) review and approve business and operating plans, budgets, reports and audited financial statements of the Authority;
  - (d) determine the objectives and general performance of the Authority as set out in—
    - (i) the business plan of the Authority;
    - (ii) the strategic plan of the Authority;
    - (iii) the annual plan of the Authority; and
    - (iv) the performance agreement;
  - (e) establish and approve rules and procedures for appointment, promotion, termination, discipline, and terms and conditions of service of the staff of the Authority;
  - (f) provide guidance to the Executive Director and staff of the Authority;
  - (g) review the management of the Authority; and
  - (h) perform any other function conferred by this Act or which may be necessary for the proper implementation of this Act.
- (3) The Board is, in the performance of its functions, responsible

to the Minister.

### **15. Meetings of Board and related matters**

The Second Schedule has effect in relation to meetings of the Board and other matters provided for in that Schedule.

### **16. Committees of Board**

(1) The Board may appoint committees of the Board—

(a) to inquire into and advise the Board on any matter concerning the functions of the Authority as the Board may refer to the committee;

(b) to exercise such powers or perform such functions of the Authority as the Board may delegate or refer to the committee under section 17.

(2) A committee appointed under subsection (1) shall consist of a Chairperson and other persons, whether members of the Board or not, as the Board may determine.

(3) The Board may require a committee appointed under this section to act jointly or in co-operation with any other committee.

(4) Members of a committee appointed under this section may be paid such allowances as the Board may, with the written approval of the Minister, determine.

(5) Subject to any direction given by the Board, a committee appointed under this section may regulate its own procedure.

### **17. Delegation of functions of Authority**

(1) The Board may, by instrument of delegation, delegate to the Chairperson, a member of the Board, an officer of the Authority or to a committee established under section 16, any of the powers, duties or functions of the Authority under this Act.

(2) The terms and conditions regulating the exercise of the powers delegated under this section shall be contained in the

instrument of delegation.

(3) A person aggrieved by the decision of a delegate in the exercise of powers under this section may appeal to the Board.

(4) A person shall, in the exercise of a delegated power under this section, comply with directions or guidelines as the Board may, from time to time, issue in writing.

### PART III—STAFF OF THE AUTHORITY

#### **18. Executive Director**

(1) The Board shall have an Executive Director who shall be appointed by the Minister on the recommendation of the Board, on terms and conditions specified in his or her instrument of appointment.

(2) The Executive Director may not engage in paid employment outside the duties of his or her office, except with the written approval of the Minister.

(3) The Executive Director shall be a person of high moral character and proven integrity, with the relevant qualifications and experience relating to the functions of the Authority.

#### **19. Functions of Executive Director**

(1) The Executive Director is responsible for the day-to-day operations and administration of the Authority.

(2) Subject to this Act and to the general supervision and control of the Board, the Executive Director is responsible for—

- (a) the implementation of the policies and programmes of the Authority and reporting on them to the Board;
- (b) the proper management of the funds and property of the Authority;
- (c) the organisation and control of the staff of the Authority;
- (d) the development of an operating plan to guide the Authority

in achieving its objectives;

- (e) co-operation with other lead agencies and organisations in the roads sector;
- (f) the development of an economic, efficient and cost effective internal management structure;
- (g) proposing and implementing the strategic plan, business plan and annual plan of the Authority;
- (h) ensuring that the policies of the Authority are implemented and that the agreed objectives, targets and service standards are met;
- (i) providing advice as required on all matters within the Authority's responsibility; and
- (j) performing any other duty necessary for the implementation of this Act as may be assigned to him or her by the Board.

(3) The Executive Director is, in the performance of his or her functions, answerable to the Board.

## **20. Tenure of office of Executive Director**

(1) The Executive Director shall hold office for five years and is eligible for re-appointment for one more term.

(2) The Executive Director shall cease to hold office if—

- (a) he or she resigns;
- (b) he or she is declared or becomes bankrupt or insolvent or has made an arrangement with his or her creditors;
- (c) he or she is convicted of a criminal offence, in Uganda or elsewhere, in respect of which the maximum penalty exceeds six months imprisonment without the option of a fine;
- (d) he or she is removed from office by the Board for—
  - (i) inability to perform the functions of his or her office

- arising from infirmity of body or mind;
- (ii) misbehaviour or misconduct; or
  - (iii) incompetence.

## **21. Other officers and staff of Authority**

(1) The Board may, on the advice of the Executive Director, appoint other officers and staff of the Authority as may be necessary for the proper and efficient performance of the functions of the Authority.

(2) The employees appointed under this section shall hold office on such terms and conditions as may be determined by the Board and specified in their instruments of appointment.

(3) The Board shall regulate the manner of appointment, terms and conditions of service and the discipline of the staff appointed under this section.

## **22. Consultants**

The Board may engage consultants to serve as individual expert advisers or as members of a committee of the Board established under section 16, as may be useful and appropriate for the Board to discharge its responsibilities.

## **23. Protection of members and employees from personal liability**

A member of the Board or an employee of the Authority or a person acting on the directions of such a person is not personally liable for any act or omission done or omitted to be done in good faith in the exercise of the functions of the Authority.

### PART IV—FINANCES

## **24. Funds of Authority**

(1) The funds of the Authority shall consist of—

- (a) money appropriated by Parliament for the purposes of the

Authority;

- (b) grants, gifts or donations from the Government or other sources made with the approval of the Minister and the Minister responsible for finance;
- (c) revenue earned from activities of the Authority under this Act; and
- (d) any other funds received by the Authority in the performance of its functions under this Act.

### **25. Duty to operate on sound financial principles**

In the performance of its functions under this Act, the Authority shall have due regard to sound financial principles and shall conduct its business in a manner, that taking one transaction with another, and taking one year with another—

- (a) its revenue is sufficient for meeting all charges, including interest on capital and loans properly chargeable to revenue;
- (b) sufficient provision is made to provide for depreciation of assets; and
- (c) where any loss or bad debt arises in respect of any transaction, provision is made in respect of other transactions, whether of a similar nature or otherwise, to offset the amount of that loss or debt.

### **26. Power to open and operate bank accounts**

(1) The Board shall open and maintain such bank accounts as are necessary for the performance of the functions of the Authority.

(2) The Executive Director shall ensure that all money received by or on behalf of the Authority is banked as soon as practicable after being received.

(3) The Executive Director shall ensure that no money is withdrawn from or paid out of any of the Authority's bank accounts

without the authority of the Board.

### **27. Borrowing powers**

(1) The Board may, with the approval of the Minister given in consultation with the Minister responsible for finance, borrow money from any source as may be required for meeting its obligations or for the discharge of the functions of the Authority under this Act.

(2) The Authority may, with the prior approval of the Minister for the purpose of any borrowing under subsection (1), charge any asset or property of the Authority with the repayment of any money so borrowed.

### **28. Investment of surplus funds**

Any funds of the Authority not immediately required for any purpose under this Act may be invested in a manner, which the Board may, with the approval of the Minister, after consultation with the Minister responsible for finance, determine.

### **29. Estimates**

(1) The Executive Director shall, within three months before the end of each financial year, cause to be prepared and submitted to the Board for its approval, estimates of the income and expenditure of the Authority for the next financial year.

(2) The Board shall, within two months of receipt of the estimates referred to in subsection (1), cause to be submitted to the Minister for his or her approval, the estimates of income and expenditure as approved by the Board.

### **30. Financial year of Authority**

The financial year of the Authority is the period of twelve months beginning on the 1st day of July in each year, and ending on the 30th day of June in the next calendar year.

### **31. Accounts**

(1) The Executive Director shall cause to be kept, proper books

of accounts and records of the transactions of the Authority.

(2) Subject to any direction given by the Minister, the Executive Director shall cause to be prepared and submitted to the Minister and the Minister responsible for finance in respect of each financial year, and not later than three months after the end of the financial year, a statement of accounts, which shall include—

- (a) a balance sheet, an income and expenditure account and a source and application of funds statement; and
- (b) any other information in respect of the financial affairs of the Authority as the Minister responsible for finance may, in writing, require.

### **32. Audit**

(1) The Auditor General or an auditor appointed by the Auditor General shall, in each financial year, audit the accounts of the Authority.

(2) The Board shall ensure that within four months after the end of each financial year, a statement of accounts described in section 31(2) is submitted for auditing to the Auditor-General or an auditor appointed by the Auditor General.

(3) The Auditor General and any auditor appointed by the Auditor General shall have access to all books of accounts, vouchers and other records of the Authority and is entitled to any information and explanation required in relation to those records.

## **PART V—MISCELLANEOUS**

### **33. Performance agreements**

(1) A performance agreement shall be made between the Minister and the Authority concerning the management, by the Authority, of the national roads network and shall include all the activities that are necessary to develop and maintain the national roads in a satisfactory state.

(2) The performance agreement shall describe the key outputs that the Authority shall achieve during any financial year, and the key

outputs shall be defined in terms of performance indicators and targets.

(3) The Minister may request for an independent report on the implementation of the performance agreement.

### **34. Annual and other reports**

(1) The Board shall, not later than six months after the end of each financial year, make and submit to the Minister a report on the activities of the Authority during that financial year.

(2) The report referred to in subsection (1) shall include—

(a) particulars of activities, projects and programmes relating to—

(i) advice furnished or assistance rendered in terms of any agreement contemplated in section 6; and

(ii) the management of the national roads network;

(b) the extent to which any direction given by the Minister during that financial year has been carried out; and

(c) an assessment by the Authority of its achievements in relation to the performance agreement.

(3) The Authority shall submit to the Minister, together with the report referred to in subsection (1), the audited financial statements of the Authority, and the auditor's report on those statements.

(4) The Board shall also submit to the Minister, such other reports on its activities or on any other matter as the Minister may, from time to time, require.

(5) The Minister shall, not later than six months after receipt of the report submitted to him or her under subsection (1), table the report before Parliament.

### **35. Official seal of Authority**

(1) The official seal of the Authority shall be in a form

determined by the Board.

(2) The official seal shall, when affixed to any document, be authenticated by the signatures of the Executive Director and one other member of the Board and in the absence of the Executive Director, the person performing the functions of the Executive Director shall sign.

(3) An instrument or contract which, if executed or entered into by a person other than a body corporate would not require to be under seal may be executed or entered into on behalf of the Authority by—

(a) the Executive Director; or

(b) any member of the Board or any other person if that member of the Board or other person has been duly authorised by resolution of the Board to execute or enter into the instrument or contract as the case may be.

(4) Every document purporting to be an instrument or contract executed or issued by or on behalf of the Authority in accordance with this section shall be deemed to be so executed or issued until the contrary is proved.

### **36. Service of documents**

Any notice or document may be served on the Authority by delivering it at the office of the Executive Director, or by sending it by pre-paid registered post to the Executive Director.

### **37. Regulations**

(1) The Minister may, on the recommendation of the Board, by statutory instrument, make regulations generally for the better carrying into effect of the provisions of this Act.

(2) Notwithstanding the generality of subsection (1), regulations made under this section may provide for—

(a) the use, safety or maintenance of national roads;

(b) the erection of structures on or near, over, or under national

roads;

- (c) the fees to be charged under this Act;
- (d) the drainage of streets, land, compounds and new buildings adjacent to national roads and deterrence of encroachment;
- (e) the details to be included in the annual road programme;
- (f) the removal, demolition or alteration of any projection or structure obstructing a national road or likely to cause danger or inconvenience to users of a national road or related facility;
- (g) the towing or removal of any vehicle obstructing a national road;
- (h) the employment and terms and conditions of service of staff of the Authority;
- (i) the financial management and control of the affairs of the authority;
- (j) the transfer, to the Authority, of assets in accordance with section 39;
- (k) the designation of ferries and ships for the purposes of this Act;
- (l) the activities of other service agencies which impact on roads and road reserves.

(3) Notwithstanding the Interpretation Act, regulations made under this section may prescribe, in respect of a contravention of the regulations, a penalty of a fine not exceeding two hundred currency points or imprisonment not exceeding twenty-four months or both, and in the case of a continuing offence, an additional fine not exceeding five currency points in respect of each day on which the offence continues.

### **38. Amendment of Schedules**

(1) The Minister may, by statutory instrument, with the approval of Cabinet, amend the First Schedule.

(2) The Minister may, by statutory instrument, amend the Second Schedule.

#### PART VI—TRANSITIONAL

### **39. Transfer of assets and liabilities**

(1) The Minister may, by statutory instrument, make regulations for the transfer to the Authority of the ownership or possession of assets belonging to the Government which, by virtue of this Act and in his or her opinion, are necessary for the performance of the functions of the Authority.

(2) Upon the commencement of a statutory instrument made under subsection (1) and without further assurance, the Authority shall, in respect of the assets transferred to it by the statutory instrument, have all the rights and be subject to all the liabilities attaching to those assets.

### **40. Employees**

(1) The Authority shall, immediately after the effective date of the operations, openly advertise vacancies for the purposes of recruitment of staff of the Authority in accordance with Part III of this Act.

(2) The Minister may, within the period immediately before the commencement of the operations of the Authority, appoint any person to render services to the Authority for a period not exceeding one year.

### **41. Existing laws**

Any law in existence immediately before the coming into force of this Act relating to national roads shall have effect subject to such modifications as may be necessary to give effect to this Act.

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**SCHEDULES.**  
FIRST SCHEDULE

SECTION 4

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

## SECOND SCHEDULE

## SECTION 15

## MEETINGS OF THE BOARD AND RELATED MATTERS

**1. Meetings of the Board**

(1) The Chairperson shall convene every meeting of the Board at times and places as the Board may determine, and the Board shall meet for the discharge of business at least once in every three months.

(2) The Chairperson may, at any time, convene a special meeting of the Board and shall also call a meeting within fourteen days, if requested to do so in writing by five members of the Board, and with the approval of the Minister.

(3) Notice of a Board meeting shall be given in writing to each member at least fourteen working days before the day of the meeting.

(4) The Chairperson shall preside at every meeting of the Board and in his or her absence, the members present may appoint a member from among themselves to preside at the meeting.

**2. Quorum**

(1) The quorum for a meeting of the Board is two-thirds of the members.

(2) All decisions at a meeting of the Board shall be by majority of the votes of the members present and voting and in case of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.

**3. Minutes of meetings**

(1) The Secretary shall cause to be recorded and kept, minutes of all meetings of the Board in a form approved by the Board.

(2) The minutes recorded under this paragraph shall be submitted to the Board for confirmation at its next meeting following that to which the minutes relate and when so confirmed, shall be signed by the Chairperson and the Secretary in the presence of the members present at the latter meeting.

**4. Power to co-opt**

(1) The Board may invite any person who, in the opinion of the Board, has expert knowledge concerning the functions of the Board, to attend and take part in a meeting of the Board.

(2) A person attending a meeting of the Board under this section may take part in any discussion at the meeting on which his or her advice is required, but shall not have a right to vote at that meeting.

### **5. Validity of proceedings not affected by vacancy**

The validity of any proceedings of the Board or a committee of the Board shall not be affected by a vacancy in its membership or by any defect in the appointment or qualification of a member or by reason that a person not entitled, took part in its proceedings.

### **6. Disclosure of interest of members**

(1) A member of the Board who is in any way directly or indirectly interested in a contract made or proposed to be made by the Board, or in any other matter which falls to be considered by the Board, shall, as soon as the relevant facts come to his or her knowledge, disclose the nature of his or her interest at a meeting of the Board.

(2) A disclosure made under subparagraph (1) shall be recorded in the minutes of that meeting.

(3) A member who makes a disclosure under subparagraph (1) shall not—

(a) be present during any deliberation of the Board with respect to that matter; or

(b) take part in any decision of the Board with respect to that matter.

(4) For purposes of determining whether there is a quorum, a member withdrawing from a meeting or who is not taking part in a meeting under subparagraph (3) shall be treated as being present.

### **7. Board may regulate its procedure**

Subject to this Act, the Board may regulate its own procedure or any other matter relating to its meetings.

**Cross References**

Ferries Act, Cap. 355

Inland Water Transport (Control) Act, Cap. 356

Interpretation Act, Cap. 3.

National Planning Authority Act 2002, Act No. 15 of 2002.

**ACTS SUPPLEMENT**

*to The Uganda Gazette No. 36 Volume XCVIX dated 8th June, 2006.*

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**Act 16**

*Police (Amendment) Act*

**2006**

THE POLICE (AMENDMENT) ACT, 2006.

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ARRANGEMENT OF SECTIONS

*Section*

1. Short title
2. Amendment of section 1
3. Amendment of section 3
4. Amendment of section 4
5. Amendment of section 6
6. Amendment of section 8
7. Amendment of section 9
8. Amendment of section 10
9. Amendment of section 11
10. Amendment of section 12
11. Amendment of section 13
12. Amendment of section 15
13. Amendment of section 17
14. Amendment of section 20
15. Amendment of section 21
16. Amendment of section 25
17. Amendment of section 26
18. Insertion of section 27A
19. Amendment of section 45

*Section*

20. Amendment of section 47
21. Amendment of section 49
22. Amendment of section 50
23. Amendment of section 51
24. Amendment of section 52
25. Amendment of section 55
26. Insertion of section 55A
27. Repeal of section 63
28. Repeal of section 67
29. Insertion of sections 67A, 67B and 67C
30. Repeal of section 68
31. Amendment of section 73
32. Amendment of Schedule

**THE POLICE (AMENDMENT) ACT, 2006**

**An Act to amend the Police Act, Cap 303, to give effect to articles 211, 212, 213 and 214 of the Constitution; to provide for the integration of the local administration police force into the Uganda Police Force; the appointment and control of civilian staff in the Uganda Police Force; the amendment of the membership of the police council; to provide for powers of investigation of police officers and for other related matters.**

DATE OF ASSENT: 24th May, 2006.

*Date of commencement:* 8th June, 2006.

BE IT ENACTED by Parliament as follows:

**1. Short title**

This Act may be cited as the Police (Amendment) Act, 2006.

**2. Amendment of section 1**

The Police Act, in this Act referred to as the principal Act, is amended by substituting for section 1 the following new section—

**“1. Interpretation**

In this Act, unless the context otherwise requires—

- “arrestable offence” means an offence which on conviction may be punished by a term of imprisonment of one year or more, or a fine of not less than one hundred thousand shillings or both;
- “assistant commissioner” means an officer of the rank of assistant commissioner of police in accordance with this Act;
- “assistant inspector general of police” means an officer of the rank of assistant inspector general of police;
- “assistant superintendent” includes a cadet assistant superintendent;
- “attested member” means a police officer, regardless of rank, who has completed the training course, taken the requisite oath and been listed in the Force as a member;
- “code” means the disciplinary code of conduct established under section 44;
- “commissioner of police” means an officer of the rank of commissioner of police;
- “constable” means a police officer below the rank of corporal;
- “Constitution” means the Constitution of Uganda;
- “deputy inspector general” means the Deputy Inspector General of Police appointed under article 213 of the Constitution;
- “force” means the Uganda Police Force established by Article 211 of the Constitution;
- “inspector general” means the Inspector General of Police appointed under article 213 of the Constitution;
- “inspector of police” means an officer of the rank of inspector and includes an assistant inspector of police;

“legal officer” means a police officer designated as a legal officer under this Act;

“local government” means the local councils established under the Local Governments Act;

“magistrate” means a magistrate appointed under the Magistrates Courts Act;

“Minister” means the Minister responsible for internal affairs;

“officer-in-charge of police” means a police officer not being below the rank of inspector appointed by the inspector general to be in charge of a police station or a police unit in an area;

“police appeals court” means the highest disciplinary court established by section 51 of this Act;

“police authority” means—

(a) in relation to the force, the police authority established by section 8;

(b) in relation to local administration police, the administration of the area in which that force is established;

“police council” means the police council established by section 10;

“police officer” means any attested member of the police force;

“police unit” means a police establishment or formation with an officer in charge or with an officer in command at or within a district;

“President” means the President of Uganda;

“private security organisation” means a private security organisation registered under the Companies Act;

“region” means any area of Uganda declared by the inspector general to constitute a regional or extra regional police command;

“regional commander” means a police officer appointed by the inspector-general to be in command of the police in any region or extra region;

“regional police court” means a disciplinary court established at the regional police headquarters or at the force headquarters;

“responsible officer” means—

- (a) in the case of a senior police officer, the regional police commander;
- (b) in the case of a subordinate police officer, the district police commander;
- (c) in any other case, the officer-in-charge of a police unit;

“senior police officer” means an officer of or above the rank of assistant superintendent;

“subordinate police disciplinary court” means a police disciplinary court lower than a regional police disciplinary court;

“subordinate police officer” means a police officer of or below the rank of inspector;

“superintendent” includes senior superintendent, senior assistant superintendent and assistant superintendent;

“unit commander” means the officer-in-charge of a district or a police unit within a district.”

**3. Amendment of section 3**

Section 3 of the principal Act is amended by inserting immediately after paragraph (c) the following new paragraph—

“(ca) the local administration police force established by section 67A;”.

**4. Amendment of section 4**

Section 4 of the principal Act is amended in subsection (1) by inserting after paragraph (f) the following new paragraph—

“(fa) to co-operate with civilian authorities and other security organs established under the Constitution and with the population generally;”.

**5. Amendment of section 6**

Section 6 of the principal Act is amended by inserting at the end of subsection (3)(b), the following phrase—

“or any other officer appointed under this Act.”.

**6. Amendment of section 8**

Section 8 of the principal Act is amended by inserting at the end of subsection (2)(b)(i) the following words—

“or his or her representative;”.

**7. Amendment of section 9**

Section 9 of the principal Act is amended in subsection (1)—

(a) by substituting for paragraph (b) the following paragraph—

“(b) to advise the President on the appointment of—

(i) the Inspector General of Police;

(ii) the Deputy Inspector General of Police;

(iii) Assistant Inspector Generals of Police; and

(iv) Commissioners of Police.”;

(b) by substituting for paragraph (c), the following paragraph—

“(c) to recommend to the Public Service Commission, the appointment and promotion of police officers above the rank of inspector of police, up to the rank of assistant commissioner of police;”

## **8. Amendment of section 10**

Section 10 of the principal Act is amended—

(a) by substituting for paragraph (b) of subsection (2) the following paragraph—

“(b) the following members—

- (i) the Deputy Inspector General of Police;
- (ii) the Director of Criminal Investigation;
- (iii) the Director of Special Branch;
- (iv) the Director of Administration;
- (v) the Director of Operations;
- (vi) the Director of Local Administration Police;
- (vii) the Regional and Extra Regional Police Commanders;
- (viii) the officers at the headquarters of the force responsible for the following—
  - (A) finance;
  - (B) human resource management;
  - (C) human resource development;
  - (D) community affairs;
  - (E) policy research and planning;
  - (F) inspectorate;

- (G) legal affairs;
- (H) traffic and road safety;
- (I) communications;
- (J) force transport;
- (K) logistics and supplies;
- (L) force estates;
- (M) medical services;
- (N) operations;
- (O) mobile police patrol unit;
- (P) private security organizations;
- (Q) non human resource;
- (R) firearms;
- (S) criminal investigations administration;
- (T) identification bureau;
- (U) collation;
- (V) production; and
- (W) private security;”;

(b) by substituting for subsection (3) the following subsection—

“(3) The quorum of the police council is twenty two persons.”;

(c) by inserting immediately after subsection (3), the following new subsection—

“(4) The police council may co-opt any other relevant officer to sit as a member of the council.”;

- (d) by inserting immediately after subsection (4), the following new subsection—

“(5) The police council may regulate its own procedure.”

**9. Amendment of section 11**

Section 11 of the principal Act is amended in subsection (1) by substituting for paragraph (a), the following paragraph—

“(a) to recommend to the Public Service Commission, the recruitment, appointment and promotion of police officers up to the rank of inspector of police;”

**10. Amendment of section 12**

Section 12 of the principal Act is amended—

- (a) by substituting for paragraph (iv) of subsection (3)(b), the following paragraph—

“(iv) the officer in charge of the local administration police;”;

- (b) by inserting immediately after subsection (3)(b)(v), the following new subparagraph—

“(vi) any other co-opted member.”;

- (c) by substituting for paragraph (c) of subsection (3) the following paragraph—

“(c) the officer-in-charge of the station who shall act as secretary to the district police committee.”

**11. Amendment of section 13**

For section 13 of the principal Act, the following section is substituted—

**“13. Delegation by the President of power of appointment under the Constitution**

(1) For the purposes of article 172 of the Constitution, the President may, under clause (3) of that article, delegate to the authorities specified in subsection (2), the powers of the President necessary to enable those authorities to exercise the powers of appointment conferred on them by this Act.

(2) The authorities referred to in subsection (1) are—

- (a) the police authority; and
- (b) the inspector general.

(3) Where the President has delegated any of his or her powers as described in subsection (1), the Public Service Commission shall have no functions in respect of the exercise by the relevant authority of the powers so delegated.”

**12. Amendment of section 15**

Section 15 of the principal Act is amended—

- (a) in subsection (1)(a), by substituting for the word “fifty-five” the word “sixty”;
- (b) by inserting immediately after subsection (4) the following new subsection—

“(5) A police officer shall qualify for pension on the attainment of forty five years of age if that officer has served for an uninterrupted period of at least ten years.”

**13. Amendment of section 17**

For section 17 of the principal Act, the following section is substituted—

**“17. Resignation by police officers**

Subject to section 15, a police officer may not terminate his or her service with the force except on completion of a minimum of five years uninterrupted service, and with the written permission of the appointing authority.”

**14. Amendment of section 20**

Section 20 of the principal Act is amended—

(a) by substituting for subsection (1), the following subsection—

“(1) Civilians shall be employed in the police force in the following manner—

- (a) senior civilian established officers shall be appointed by the Public Service Commission on the recommendation of the police authority;
- (b) junior civilian established officers shall be appointed by the Public Service Commission on the recommendation of the police council; and
- (c) the Minister shall, in consultation with the Police authority, by statutory instrument, make regulations prescribing—
  - (i) the disciplinary code of conduct for civilian staff,
  - (ii) any other matters in relation to the employment of civilians and non-established staff as appears to him or her necessary for the efficient administration of the police.

(b) in subsection (2), by deleting paragraph (b).

**15. Amendment of section 21**

Section 21 of the principal Act is amended by inserting immediately after subsection (2) the following new subsection—

“(3) Any person who willfully obstructs or resists any police officer charged with the execution of his or her duty commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding one year or both.”

**16. Amendment of section 25**

Section 25 of the principal Act is amended—

(a) by repealing subsection (2); and

(b) in subsection (3), by substituting for the phrase “if subsections (1) and (2) are not being complied with”, the phrase “if subsection (1) is not being complied with”;

(c) in subsection (4) by inserting immediately after the phrase “shall order for the” appearing at the end of the third line, the word “compensation,”.

**17. Amendment of section 26**

Section 26 of the principal Act is amended by substituting for ‘stolen’, the words ‘stolen or smuggled’.

**18. Insertion of section 27A**

The principal Act is amended by inserting immediately after section 27 the following new section—

**“27A. Procurement of information and attendance of witness**

(1) A police officer not below the rank of assistant inspector of police making an investigation into an offence may, in writing—

- (a) require the attendance before him or her of any person whom he or she has reason to believe has any knowledge which will assist in the investigation; and
- (b) require the production of any document, matter or thing relevant to the offence under investigation.

(2) The attendance required under subsection (1) may be required at the nearest police station or police office situated within the area in which that person resides or, for the time being, is found.

(3) Subject to subsection (4), where a person requested to attend or to produce a document or other matter or thing under subsection (1) without reasonable excuse—

- (a) fails to attend as required;
- (b) refuses, having so attended, to give his or her correct name and address;
- (c) refuses to produce any relevant document, matter or thing which may be in his or her possession or under his or her authority;
- (d) refuses to answer truly any question that may be lawfully put to him or her,

that person commits an offence and is liable, on conviction, to a fine not exceeding forty thousand shillings or to imprisonment for a term not exceeding three months, or both.

(4) A person shall not be required to answer any question under this section which might tend to expose him or her to any criminal charge, penalty or forfeiture.

(5) A police officer may record any statement made to him or her under this section and take possession of any relevant document, matter or thing produced by the person making the statement, whether or not that person is suspected of having committed an offence.

(6) Where a police officer decides to charge a person with an offence, he or she shall, before recording a statement from that person under subsection (5), administer the caution required to be administered under the Evidence (Statements to Police Officer) Rules.

(7) For any charge under subsection (3), consent from the Director of Public Prosecutions shall be sought before the matter is taken to court.”

**19. Amendment of section 45**

Section 45 of the principal Act is amended in paragraph (c) by substituting for the words “section 67”, the words “section 67A”.

**20. Amendment of section 47**

Section 47 of the principal Act is amended—

(a) by inserting immediately after subsection (2), the following new subsections—

“(3) The police authority shall have the power to dismiss summarily a police officer who has been prosecuted and convicted of a criminal offence.

(4) The police authority may dismiss summarily a police officer for—

- (a) discreditable conduct;
- (b) mutinous conduct;
- (c) breach of oath;
- (d) spreading harmful propaganda; and
- (e) negligently causing loss of firearms or ammunition.”

**21. Amendment of section 49**

Section 49 of the principal Act is amended in subsection (2) by substituting for paragraph (a) the following paragraph—

“(a) force headquarters, which shall also serve as a disciplinary court for any police officer, and for every person subject to the code, for any disciplinary offence committed anywhere in Uganda;”.

**22. Amendment of section 50**

Section 50 of the principal Act is amended in paragraph (a) by repealing the word “council”.

**23. Amendment of section 51**

Section 51 of the principal Act is amended—

- (a) by substituting for “police council appeals court” wherever it occurs, the words “police appeals court”;
- (b) by repealing subsection (1)(c);
- (c) in subsection (1)(e), by substituting for the words “two members” the words “one member”; and
- (d) in subsection (2), by substituting for the word “five”, the word “three”.

**24. Amendment of section 52**

Section 52 of the principal Act is amended in subsection (1) by inserting immediately after ‘headquarters’ the words “and extra regional headquarters”.

**25. Amendment of section 55**

Section 55 of the principal Act is amended in subsection (3)(b) by repealing the word “council”.

**26. Insertion of section 55A.**

The principal Act is amended by inserting immediately after section 55, the following new section—

**“55A. Appeals by prosecution**

The prosecution in a police disciplinary court may appeal against the decision of the court on the following grounds—

- (a) erroneous findings; or
- (b) a point of law.

**27. Repeal of section 63**

Section 63 of the principal Act is repealed.

**28. Repeal of section 67**

Section 67 of the principal Act is repealed.

**29. Insertion of sections 67A, 67B and 67C.**

The principal Act is amended by inserting immediately before section 68, the following new sections—

**“67A. Local administration police**

(1) The local administration police force in existence immediately before the commencement of this Act shall continue to exist in accordance with this Act and shall be fully integrated into the police force as the local administration police.

(2) The local administration police shall be under the command and control of the inspector general who shall be responsible for all its operations.

(3) The local administration police in each district shall be under the command of the district police commander, assisted by the officer in charge of the local administration police.

(4) The local administration police shall—

- (a) receive the same training as officers of the Uganda Police Force; and
- (b) exercise powers and duties as delegated by the inspector general.

(5) The local administration police shall have the same powers, duties and responsibilities as those conferred or imposed under this Act on police officers generally and in particular shall—

- (a) enforce the ordinances and bye-laws of local governments;
- (b) assist local governments in the collection and safe keeping of the money collected by division councils;
- (c) work with chiefs and local councils as may be required in the enforcement of law and order;
- (d) protect the property of the local government.

(6) The local administration police shall be appointed by the respective authorities under this Act.

**67B. Administration, training, etc**

(1) There shall be a police officer, not below the rank of assistant inspector general of police appointed by the Public Service Commission on recommendation of the Police authority, who shall be responsible for the administration, training and operations of the local administration police.

(2) A police officer appointed under subsection (1) shall monitor and supervise the performance of the local administration police for the purpose of properly performing their functions, and adherence to standards set by the inspector general of police.

(3) The inspector general shall designate other officers, as he or she deems necessary under the assistant inspector general of police for the discipline, training, administration and operations of the local administration police force after due consultations.

(4) The power of disciplinary control over a local administration police officer shall vest in the inspector general.

**67C. Transfer of local administration police property to police force**

The properties belonging to and used by the local administration police force under the local governments shall, on the coming into force of this Act, be transferred to the Uganda Police Force.”

**30. Repeal of section 68**

The principal Act is amended by repealing section 68.

**31. Amendment of section 73**

Section 73 of the principal Act is amended—

(a) in subsection (1)—

(i) by inserting at the end of paragraph (g) the following words—

“with the approval of the Minister responsible for finance;”;

(ii) by inserting immediately after paragraph (p) the following new paragraphs—

“(pa) prescribing the procedure of the police civilian disciplinary court;

(pb) governing the terms and conditions of service for the civilian staff;

- (pc) governing police investigations”;
- (b) in subsection (2), by repealing, the words “the police authority” wherever they occur.

**32. Amendment of Schedule**

The Schedule to the principal Act is amended in paragraph 28—

- (a) by repealing subparagraph (g);
- (b) by inserting the following phrase at the end of paragraph (h)—  
“for a period not exceeding fourteen days;”.

**Cross References**

Companies Act, Cap 110

Evidence (Statements to Police Officers) Rules, S.I. 6-1

Local Governments Act, Cap. 243

Magistrates Courts Act, Cap 16