

Uganda

## Self-Help Projects Act Chapter 245

Legislation as at 31 December 2000

FRBR URI: /akn/ug/act/decreed/1975/9/eng@2000-12-31

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PDF created on 21 February 2024 at 18:52.

*Collection last checked for updates: 31 December 2000.*

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# Uganda

## Self-Help Projects Act

### Chapter 245

Published

Commenced on 28 July 1975

*[This is the version of this document at 31 December 2000.]*

*[Note: The version of the Act as at 31 December 2000 was revised and consolidated by the Law Reform Commission of Uganda. All subsequent amendments have been researched and applied by Laws.Africa for ULII.]*

**An Act to provide for self-help projects and other matters connected therewith.**

### Part I – Interpretation

#### 1. Interpretation

In this Act, unless the context otherwise requires—

- (a) "**appropriate authority**" means—
  - (i) in any rural area, a subcounty chief;
  - (ii) in any urban area, a town clerk;
- (b) "**exempted person**" means a person granted an exemption under [section 14](#);
- (c) "**governor**" means the person appointed governor of the province;
- (d) "**Minister**" means the Minister responsible for local government;
- (e) "**planning committee**" in relation to a district or province means the person or body of persons appointed under any law for the time being in force, or prescribed under this Act, as the planning authority for each such area.

### Part II – Planning of self-help projects

#### 2. Chiefs to submit programmes

- (1) Three months or earlier before the end of every calendar year, every subcounty chief shall submit to the county chief a programme of self-help projects to be carried out within his or her area during the next ensuing calendar year.
- (2) The county chief shall then forward to the district planning committee, not later than two months from the end of the year, a programme for the county embracing all the projects proposed by the subcounty chiefs, together with his or her own comments on each such project.
- (3) The programme of self-help projects submitted by a county chief shall include the following—
  - (a) the list of projects planned for the year, which may be any type of work specified in the Schedule to this Act;
  - (b) the approximate date for the commencement and the duration of each project;
  - (c) the estimated cost and financial resources, if any, at the disposal of the subcounty, whether through the voluntary contribution of its residents or otherwise, for any project;

- (d) the manpower and technological resources likely to be obtained by the subcounty on its own, for each project and for what periods; and
  - (e) the type and amount of assistance likely to be required from the Government for any project.
- (4) Every county chief submitting a programme under subsection (2) shall ensure that the programme has been brought to the notice of the residents of the area affected by the projects and has been the subject of free and thorough discussion by those residents or their local council, if any, and any objections to the programme, order of priority and any other similar matters noted by him or her, for transmission to the district planning committee.
- (5) Contributions made in one county or subcounty, as the case may be, for the purposes of a project of that county or subcounty, shall not be transferred or otherwise employed outside the county or subcounty, as the case may be, without the consent of the residents of the areas concerned, signified through their local councils, if any.
- (6) Any contributions collected by a county or subcounty shall be handed over by the county chief to the district commissioner for safe custody.
- (7) Any district commissioner entrusted with custody of any monies under subsection (6) shall issue a receipt for the monies and shall not mix those monies with those of, or authorise the use of those monies for, any other county or subcounty.

### **3. Self-help projects to be mainly by communal effort**

Every project listed in a programme submitted under this Act shall, as far as possible, rely on the communal effort of the residents of the area affected, but where necessary, Government assistance shall be obtained in good time by the county chief for his or her county or, as the case may be, the subcounty.

### **4. Programme to be examined by district planning committee**

- (1) The district planning committee to which a programme is submitted under this Act shall examine the programme in all its aspects and submit its report, including any recommendation on any project listed in the report, to the provincial planning committee.
- (2) In making a report under this section, the district planning committee shall take account of other self-help projects proposed to be carried out in any other county or subcounty within the district, and the planning committee may make recommendations accordingly.
- (3) The report of the district planning committee shall be submitted to the provincial planning committee together with a copy of the programme to which it relates not later than thirty days or such other longer period as the Minister may prescribe from the date of the submission of a programme to it, and the county chief submitting a programme shall be served with a copy of the report.

### **5. Duty of provincial planning committee in respect of self-help projects**

- (1) A provincial planning committee shall, not later than thirty days from the date of receiving a report under [section 4](#), submit the report to the governor for his or her approval.
- (2) Before submitting any report under this section, the provincial planning committee shall ensure that the full financial implications of the programme have been appraised and any part likely to be borne by the Government clearly determined.
- (3) A copy of the report submitted by the provincial planning committee shall be served on the county chief submitting the programme to which it relates.
- (4) Without prejudice to subsection (1), (2) or (3), the provincial planning committee shall, subject to any directions from the governor, coordinate the planning and execution of all self-help projects within the province.

## 6. Governor to consult with Minister before approving reports in certain cases

- (1) Subject to subsection (3), the governor receiving a report under [section 5](#) shall approve the report if he or she is satisfied that the programmes to which the report relates are generally in the best interests of the residents of the areas for which they have been drawn up, and, in addition, that—
  - (a) any objections raised against the programme by any resident have been properly looked into; and
  - (b) there is assurance that any assistance needed from the Government shall be forthcoming.
- (2) The approval of the governor shall be notified to the provincial planning committee which shall transmit it to the district planning committee with any appropriate comments regarding the execution of the programme as the provincial committee shall deem fit.
- (3) The governor may, generally, not reject any programme regarded feasible by the planning committees, but he or she shall not approve any project in respect of which government financial assistance is stated under [section 5\(2\)](#) as likely to be required unless he or she has consulted and obtained the support in writing of the Minister in respect of the assistance.

## 7. Certain self-help projects not to proceed before approval

If three months after submitting a programme for self-help projects the county chief is not notified by the district planning committee to the contrary, he or she may proceed to carry out, or authorise the subcounty chief or chiefs to carry out, the projects listed in the programme, except that no projects shall be commenced—

- (a) in respect of which there is specified in the programme the need for financial assistance from the Government or in respect of which a planning committee has notified the county chief that such assistance shall be required; or
- (b) in respect of which any other assistance from the Government has either been requested in the programme or the county chief has been notified by a planning committee that such assistance shall be required and no assurance of such assistance has been given to the chief by the appropriate department of the Government.

## 8. Part II of this Act not to apply to general clean-up campaigns, etc.

- (1) The foregoing provisions of this Part shall not apply to the occasional communal effort, commonly referred to as "clean-up campaigns" or "Keep Uganda Clean" operations.
- (2) With regard to such campaigns or operations, a notice in writing, being not less than seven days, given by the mayor in respect of Kampala City and any town having a mayor, the district commissioner in charge of any area covering a town or municipality for which there is no mayor, and the Minister, in respect of the whole of Uganda, shall be sufficient for launching the campaign or operation, in each case; and all persons living within the respective areas shall comply with the requirements of the notice.
- (3) A notice under subsection (2) shall be publicised, as far as possible, by radio announcement and newspaper publication.
- (4) Without prejudice to subsections (1), (2) or (3), a programme of self-help projects for an urban area shall be prepared and submitted by the town clerk of such area, and the requirements of approval of self-help programmes provided in the foregoing provisions of this Part shall *mutatis mutandis* apply to programmes prepared and submitted under this section, except that any such programme shall be submitted directly to the provincial planning committee for approval.
- (5) A programme of self-help projects in an urban area may include any work specified in the Schedule to this Act.

- (6) Any person who, without reasonable cause, fails to comply with the requirements of any notice under subsection (2) commits an offence and is liable on conviction to a fine not exceeding one hundred and fifty shillings or to imprisonment for a term not exceeding one month or to both; but the court may, where it deems it just, issue a caution only in lieu of the penalty prescribed in this subsection.
- (7) The defences provided under [section 15\(2\)](#) shall *mutatis mutandis* apply in respect of persons affected by any notice under subsection (2).

### Part III – Organisation of self-help projects

#### 9. Project days

- (1) Subject to the approvals required under Part II of this Act, the appropriate authority may declare twelve days in any calendar year to be days, in this Act referred to as "project days", in which self-help projects shall be carried out by each resident in any area under the management and control of that authority.
- (2) Project days may be so arranged that there is one in every month.
- (3) The project day for each month shall be declared by notice under the hand of the appropriate authority at least seven days preceding that day, notwithstanding that that day has already been designated in the programme submitted to the planning committee.
- (4) A notice under subsection (3) shall specify—
  - (a) the type of work to be done;
  - (b) the place where the residents of any area shall assemble;
  - (c) the time for assembling; and
  - (d) the duration of work which may not exceed six hours in respect of any one resident in one day.
- (5) The appropriate authority may, where necessary, designate and declare different project days for different areas under his or her control and management.
- (6) It shall be the responsibility of the appropriate authority, and other administrative officers in his or her area subordinate to him or her, to make known by all practical means, including radio announcements and newspaper publication, the contents of the notice made under this section.

#### 10. Additional project days

- (1) Notwithstanding [section 9](#), the appropriate authority may, where the nature of any project so requires, declare such additional days in any month as he or she may think fit to be project days.
- (2) Any additional day declared under this section shall count towards the total number of days on which a person may be required to work on self-help projects in any area within the calendar year; but any additional days declared for any project in the nature of an emergency shall not so count.
- (3) A project shall be regarded as an emergency project only if it is one required to avoid or lessen a sudden danger to life or serious damage to property; and the appropriate authority may, without notice, call upon all able-bodied persons available in the area, at the outbreak of the emergency, whether resident or not or whether an exempted person or not, to assist with the project.
- (4) [Section 7](#) shall not apply to the declaration and execution of emergency projects, but the appropriate authority shall promptly report any day declared for an emergency project, in the case of a rural area, to the county chief, and in the case of an urban area, to the district commissioner.

## 11. Change of project days

- (1) The appropriate authority may, with the approval of the next higher authority in the case of a rural area, and the district commissioner, in the case of an urban area, change or suspend a project day for any good cause.
- (2) Any change approved under subsection (1) shall be promptly reported to the district planning committee.

## 12. Residents to assemble

- (1) Where the appropriate authority has declared a project day, every able-bodied person of, or above the apparent age of eighteen, but less than fifty-five years, who resides in the area of the authority shall, subject to subsection (2), assemble at the place of work and at the time specified in the notice or declaration.
- (2) Except in the case of an emergency project, if in the opinion of the authority the nature of the work to be done on any project day is such that women may not participate in it, the appropriate authority may, with the prior approval of the next higher authority or the district commissioner, as the case may be, specify in the declaration that women shall not participate.
- (3) The work to be done on any project day shall be assigned to the residents by the parish chief or the town agent, as the case may be; but the parish chief or town agent, as the case may be, may permit any person liable to work on any project day to abstain from assembling so as to enable that person to attend to any housekeeping or protection of any family property reasonably required or to attend to the needs of any factory, processing plant or plantation in the area, and another day may then be assigned that person in lieu of the day for which the abstention was granted.
- (4) For the purpose of this Act, a person shall be presumed to be a resident of an area if—
  - (a) he or she has a house in the area;
  - (b) he or she has been residing in that area; or
  - (c) he or she has been living in the area for not less than fourteen days prior to the commencement of the project.
- (5) A person who has a house in one area and resides in another shall be presumed to be a resident of the area where he or she resides.

## Part IV – Miscellaneous

### 13. Payments in lieu of work

- (1) Instead of rendering actual labour, any resident may hire another person, for a charge, to work in his or her stead, where the work on the project has been apportioned.
- (2) Where the work is not apportioned, only a person who is not required to work on the day in question and is not an exempted person may be hired.

### 14. Application for exemption

- (1) A resident of any area where any self-help project is to be done on any day or the employer of that person may, three days before that day, apply to the appropriate authority for the grant of an exemption from work on that day.
- (2) Without prejudice to subsection (1), any person liable to work on a project day or, his or her employer on his or her behalf, may apply to the appropriate authority to be exempted from work on the project day.

- (3) Employment in respect of which an exemption may be granted under subsection (1) shall be—
  - (a) employment with an establishment, body or person providing drinking water, electricity or medical treatment; or
  - (b) employment in any other occupation specified by the Minister by statutory order to be essential service.
- (4) Upon the receipt of an application under this section, the appropriate authority shall, where he or she is satisfied after due inquiry that the applicant's services cannot be dispensed with in his or her employment, exempt the applicant from work on the day to which the application relates.
- (5) An exemption under this section may be absolute or subject to the condition that another suitable project day shall be assigned to the exempted person.

## 15. Offences and penalties

- (1) Any person, except an exempted person who, without reasonable cause—
  - (a) fails to assemble at the place of work;
  - (b) refuses to do the work assigned to him or her; or
  - (c) leaves the place of work before the expiration of the time generally fixed for work, commits an offence and is liable on conviction to a fine not exceeding one hundred and fifty shillings or, in default, to imprisonment for a term not exceeding one month; but the court may, where it deems it just, issue a caution only in lieu of any other penalty prescribed by this subsection.
- (2) A person does not commit an offence under subsection (1) if he or she proves in relation to a project day that—
  - (a) he or she is a student who had to attend classes on that day;
  - (b) he or she was not aware of the declaration;
  - (c) he or she was unfit for work or had to attend to a sick close relative;
  - (d) he or she had to attend the burial of a relative or close friend; or
  - (e) he or she has, before the end of the time generally fixed for the project, finished his or her part of it to the satisfaction of the appropriate authority.
- (3) Any person excused by the court under subsection (2), except under paragraph (e), shall, nevertheless, be liable to perform any work assigned to him or her by the appropriate authority on another day in lieu of the day in respect of which, but for the excuse, he or she would have been convicted.

## 16. Amendment of Schedule

The Minister may, by statutory instrument, amend the Schedule to this Act.

## 17. Regulations

The Minister may, by statutory instrument, make regulations—

- (a) for the protection of residents during the course of carrying out any project;
- (b) prescribing anything to be prescribed under this Act; and
- (c) generally for better carrying out the provisions and principles of this Act.

## **Schedule (Sections 2, 8)**

### **Projects which may be undertaken in rural or urban areas**

1. The control of vermin and any epidemic.
2. The taking of measures to clear and keep free from unwanted vegetation any park, road or public path.
3. The prevention and control of soil erosion.
4. The taking of measures for the prohibition, restriction, prevention, regulation or abatement of grass, forest or bush fires, including the taking of measures to cut fire outbreaks.
5. The making, digging, altering, diversion and maintenance of paths, culverts, bridges, drains, trenches, watercourses, wells and burrow pits.
6. The building and equipment of health centres, schools and community centres.