

## CHAPTER 246

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## CHAPTER 246

### THE TOWN AND COUNTRY PLANNING ACT.

*Commencement:* 13 September, 1951.

**An Act to consolidate the provisions for the orderly and progressive development of land, towns and other areas, whether urban or rural.**

#### PART I—PRELIMINARY.

##### 1. Interpretation.

- (1) In this Act, unless the context otherwise requires—
  - (a) “building” means any building, erection or any other structure erected on or made on, in or under any lands and includes the land on, in or under which the building is situate;
  - (b) “building operations” includes any building or erectional operations and the making of access roads, railways, waterworks, electrical installations and any roadworks preliminary or incidental to the erection of buildings;
  - (c) “committee” means a planning committee appointed under section 9;
  - (d) “detailed scheme” means a scheme prepared under section 15;
  - (e) “development” in relation to any land includes any building or rebuilding operations and any use of the land, whether on, under or over it, or any building on the land for a purpose which is different from the purpose for which the land or building was last being used;
  - (f) “existing building” means a building erected or constructed before the date of the order declaring a planning area under section 5;
  - (g) “fence” includes any hoarding or paling used as such, and also banks and walls;
  - (h) “hedge” includes any tree or stump forming part of a hedge; (i) “land” includes land covered with water and also includes incorporeal as well as corporeal hereditaments of every tenure or description, and any interest in them, and also an undivided share of land; (j) “local authority” means—
    - (i) in the case of a municipality, the municipal council;

- (ii) in the case of a town, the town council; (iii) in the case of a rural area, an administration established under the Local Governments Act; (k) “outline scheme” means a scheme prepared under section 10;
- (l) “owner” includes joint owner, lessee, tenant for life, and any other person in the actual possession of premises or entitled to receive the rents of premises of any tenure or description and the agent or attorney of such persons or any of them, and any other person who has an interest in or draws the rents. For the purposes of this definition, “premises” includes any land or building;
- (m) “road” means any road whether public or private together with its curbs, storm water drains and supporting banks and includes any street, square, court, alley, lane, bridge, footway, trace, track, path, passage or highway, whether a thoroughfare or not;
- (n) “rural area” means any area not within a municipality or a town;
- (o) “scheme” means a scheme made under this Act;
- (p) “site” in relation to any buildings includes offices, outbuildings, yards, courts or gardens occupied or intended to be occupied with the buildings.

(2) For the purposes of this Act, the placing or keeping on any land of any shed, tent, caravan or other object whether fixed or movable or collapsible, which is not a building, shall be deemed to be a use of that land.

## **2. Establishment of the board.**

(1) There shall be established a board which shall be known as the Town and Country Planning Board, hereafter referred to as the board, and shall consist of nine members appointed by the Minister of whom four shall normally be persons not employed in the public service.

(2) The Minister shall appoint the president of the board from among the members.

(3) The board shall be a body corporate and shall have perpetual succession and a common seal which shall be officially and judicially noticed, and the seal shall be authenticated by the signature of the president, or the member appointed under section 3 to preside.

(4) The board may sue and be sued in its corporate name.

### **3. Quorum.**

All acts whatsoever authorised or required by this Act to be done by the board, and all questions that may come before the board, shall be done and decided by the majority of votes; but the board shall not be competent to act in any case unless there is present at and throughout the meeting four members at least, of whom one shall be either the president or, in the absence of the president, one of the members present elected by the other members present to preside.

### **4. Casting vote.**

The president or member presiding shall have an original vote in common with the other members, and also a casting vote if upon any question the votes shall be equal.

## **PART II—DECLARATION OF PLANNING AREAS.**

### **5. Declaration of planning areas.**

(1) The areas of the towns set out in the First Schedule to this Act are declared to be planning areas, and this Act shall apply to those areas in all respects as if the areas had been declared to be planning areas under subsection (2).

(2) If in respect of any area being, or being within, a municipality or a town, the board, upon representation made by or after consultation with the local authority concerned, is of the opinion that an outline scheme should be made in respect of that area and makes recommendations to that effect to the Minister, submitting with its recommendations a plan of the area, the Minister may by statutory order declare the area to be a planning area.

(3) If in respect of any rural area or any area partly within and partly without any municipality or town the board, upon representations made by or after consultation with every local authority concerned, is of the opinion that an outline scheme should be made in respect of that area and makes recommendations to that effect to the Minister submitting with its recommendations a plan of the area, the Minister may by statutory order declare the area to be a planning area; but the Minister may—

(a) modify the area recommended by the board by adding to it or

omitting from it any portion or portions of land; and (b) if the area or any part of it is an area which an administration is empowered by any law to plan, suspend the operation of the order in respect of the area which the administration is empowered to plan for a period to be stated in the order to give an opportunity to the administration to exercise its planning powers in relation to that area.

(4) When the Minister has suspended an order declaring a planning area under subsection (3)(b), then—

- (a) if the administration concerned shall within the period of suspension prepare and bring into operation a planning scheme approved by the Minister, the order made under subsection (3) in respect of that area shall lapse;
- (b) if the administration concerned fails within the relevant period to prepare and bring into operation a scheme approved by the Minister, then the order shall at the end of the period of suspension be of full force and effect.

(5) Any order made under this section shall come into operation upon the day of its publication in the Gazette and shall cease to have effect if within three years from that date no outline scheme in respect of the planning area or any part of it has been approved under section 13.

(6) A copy of every order made under this section shall be published in the Gazette and be posted at such places within the planning area as the board shall direct.

(7) When an area has been declared a planning area under this section, the value of any building or land in that area shall, for the purposes of determining the amount of compensation payable under this Act, be deemed to be the value of the building or land on the day twelve months immediately prior to the declaration together with the value of any improvements and alterations carried out during those twelve months and subsequently approved by the board.

(8) Where a planning area has been declared under this section in any municipality or town, and the boundaries of the municipality or town are subsequently varied, the Minister may by statutory order vary the boundaries of the planning area so as to conform with the varied boundaries of that municipality or town.

**6. Powers of a local authority after declaration of an area.**

(1) In any area—  
(a) which is a planning area within the meaning of this Act; and  
(b) in respect of which no outline scheme is in force, no person shall erect any building or carry out any development of land without the permission of the committee.

(2) Any person aggrieved by a decision of any committee under subsection (1) may appeal to the board.

**7. Power of the board after declaration of an area.**

(1) When an order declaring a planning area has been published under section 5, the board may, if it comes to its notice that any building or development in the area has been allowed, which appears to it to be contrary to the provisions of any scheme that is being prepared, direct the local authority or any other person who has given a permit for the erection of the building or for the development to cancel the permit.

(2) Any person who has been granted a permit to erect any building or proceed with any development whose permit is cancelled under subsection (1) shall be entitled to such compensation as the board shall think fit to grant.

(3) An appeal shall lie from any award made by the board under subsection (2) which shall be determined under section 21.

**8. Power of the board to delegate authority.**

The board may delegate to the committee appointed under section 9 or to any other person, subject to the approval of the Minister, all or any of the powers and duties conferred upon it by this Act, and in so doing may impose upon the committee or upon that person such conditions, exceptions and qualifications in the exercise of any powers so delegated as may seem fit to the board; but nothing in this section shall authorise the board to delegate the power to make regulations under section 31.

**9. Planning committees.**

(1) In respect of every area declared to be a planning area under

section 5, there shall be a planning committee or planning committees.

(2) When the area declared a planning area is a municipality, the planning committee shall be the municipal council.

(3) When the area declared a planning area is a town, the planning committee shall be the town council.

(4) When the area declared a planning area is a rural area, the planning committee shall consist of such persons as the board, after consultation with any local authority concerned, shall appoint.

- (5) If the area is partly within and partly without a municipality—
- (a) the planning committee shall be the municipal council if both the municipal council and the local authority of every area outside the municipality consent;
  - (b) if either the municipal council or the local authority of any area outside the municipality does not consent to the municipal council being the planning committee, there shall be two or more committees in respect of the area; and the municipal council shall be the planning committee for that part of the area within the municipality, and the board shall appoint a planning committee for each part of the area outside the municipality which is subject to the jurisdiction of a separate local authority.

- (6) If the area is partly within and partly without a town—
- (a) the planning committee shall be the town council if that council and the local authority of every part of the area outside the town council consent;
  - (b) if the town council or the local authority of any area outside the town does not consent to the town council being the planning committee, the town council shall be the planning committee for that part of the area within the town, and the board shall appoint a planning committee for each part of the area outside the town which is subject to the jurisdiction of a separate local authority.

(7) If two or more committees are appointed under this section, the board shall issue such directions to each committee as it may think expedient to ensure that the planning area is planned and administered as a whole.

- (8) A committee shall furnish the board with such information as the



board may require with regard to the present and future planning needs of and the probable direction and nature of the development of its area.

### PART III—PREPARATION AND APPROVAL OF SCHEMES.

#### **10. Preparation of an outline scheme.**

(1) The board shall in respect of any area declared a planning area under section 5, in consultation with the committee or committees, prepare an outline scheme in respect of the area.

(2) A scheme prepared under subsection (1) may make provision for any of the matters set out in the Second Schedule to this Act.

(3) Every outline scheme shall specify and define clearly the area to which it relates and shall include a plan in which shall be shown the extent of the scheme and such other matters as can conveniently be included in the plan.

#### **11. Deposit of an outline scheme.**

(1) When an outline scheme has been prepared, a copy of it shall be deposited in such place as the board shall decide.

(2) Notice of that deposit shall be published by the board in the Gazette and at least one newspaper circulating in Uganda.

(3) Any person may, within three months of the date of the notice of that deposit, inspect and make representations to the board respecting the scheme.

#### **12. Submission of an outline scheme to the Minister.**

(1) So soon as is convenient after the period referred to in section 11(3), the board shall consider any representations made under that subsection and any other matters that may have come to its notice and shall if it sees fit amend or vary the scheme.

(2) The board after considering the scheme under subsection (1) shall submit the scheme or, in any case where the scheme has been amended or varied, the amended or varied scheme, to the Minister for his or her approval.

(3) Any submission of a scheme under subsection (2) shall be accompanied by—

- (a) a copy of the original scheme, if it has been amended or varied;
- (b) copies of any representations made under section 11(3); and
- (c) any comments by the board or any member of it in respect of the scheme or any representations made in respect of it.

### **13. Approval of an outline scheme by the Minister.**

(1) The Minister may, with or without modifications, approve any outline scheme submitted to him or her under section 12(3).

(2) If the Minister approves an outline scheme under subsection (1), the board shall deposit the scheme with any modifications made by the Minister in such places as it shall consider desirable and shall by statutory instrument declare the scheme to be in force and inform the public where it is available for inspection.

(3) So soon as the statutory instrument has been published under subsection (2), the scheme shall have full force and effect, and no authority shall pass or approve any plans for building or development that contravene the provisions of the scheme.

## **PART IV—EXECUTION OF SCHEMES.**

### **14. Outline schemes.**

When an outline scheme has been brought into effect, the committee, subject to any directions given to it by the board, shall be the authority responsible for executing and enforcing the scheme; except that when the committee is not the local authority, the local authority shall be responsible for passing all building and development plans to the same extent as it was responsible prior to the scheme coming into effect, but it shall act in respect of enforcing the execution of the scheme in accordance with any direction given to it by the committee.

### **15. Detailed schemes.**

(1) So soon as an outline scheme has been brought into effect, the committee may prepare in respect of any part of the planning area a detailed

scheme or schemes or may adopt with or without modification any detailed scheme proposed by the owner of any land within the area. Any such detailed scheme may make provision for any of the matters set out in the Second Schedule to this Act and may vary any of the provisions of the outline scheme relating to the part of the planning area in respect of which the detailed scheme is prepared or proposed.

(2) When a detailed scheme has been prepared or adopted by virtue of subsection (1), the scheme shall be published, considered, approved and dealt with as if it were an outline scheme, and sections 11, 12 and 13 shall apply accordingly, except that—

- (a) those sections shall have effect as if for the word “board” there were substituted the word “committee” and for the word “Minister” there were substituted the word “board”; and
- (b) section 11(3) shall have effect as if for the words “three months” there were substituted the words “six weeks”.

## **16. Acquisition of land.**

(1) When any outline scheme or any detailed scheme has been brought into effect, the authority empowered in that behalf under the provisions of any enactment relating to the compulsory acquisition of land may, on the advice of the board and in accordance with that enactment, acquire—

- (a) any land in the planning area required for roads, open spaces, gardens, schools, places of religious worship, recreation grounds, car parks, aerodromes, markets, slaughterhouses and cemeteries; and
- (b) any land within the planning area which has not been developed in accordance with the outline scheme or a detailed scheme; but—
  - (i) before acquiring any land under this paragraph the authority shall be satisfied that the owner of the land has taken no reasonable steps to develop the land in accordance with the outline scheme or any detailed scheme; (ii) any person aggrieved by a decision of the authority under this paragraph may appeal to an arbitrator who shall be appointed by the Chief Justice. The decision of the arbitrator whether or not the property shall be compulsorily acquired shall be final.

(2) Any land acquired under subsection (1) shall be deemed to have been acquired for a public purpose.

(3) Any land acquired under subsection (1)(a) may be transferred to the local authority on such terms and conditions as shall be mutually agreed, but in no case shall the land be used for any other purpose than that for which it was acquired.

(4) Any land acquired under subsection (1)(b) may be transferred to any person on such terms and conditions as shall be mutually agreed, but in every case provision shall be made for the development of the land in accordance with the outline scheme or a detailed scheme within a reasonable time from the date of the acquisition.

#### PART V—COMPENSATION AND BETTERMENT.

### **17. Grant of compensation.**

Subject to this Act, any person—

- (a) whose property is injuriously affected by the coming into operation of any provision contained in an outline or detailed scheme or by the execution of any work under such a scheme; or
- (b) who for the purpose of complying with any provision contained in such scheme or in making or resisting a claim under the provisions of this Act relating to compensation has incurred expenditure which is rendered abortive by a subsequent revocation or modification of the scheme,

shall, if he or she makes a claim within the time limited for the purpose by this Act, be entitled to recover as compensation from the board the amount by which his or her property is decreased in value, or, so far as it was reasonably incurred, the amount of the abortive expenditure, as the case may be.

### **18. No compensation in certain cases.**

(1) No compensation shall be payable in respect of any refusal of a committee to permit the erection of any building or the development of any land under section 6.

(2) No compensation shall be payable in respect of any building the erection of which was begun after the date of the publication of the order

declaring a planning area under section 5, unless the erection was begun under and erected in accordance with the permission of the board or a committee or a local authority.

(3) No compensation shall be payable in respect of any condition imposed in respect of permission granted under section 6(1) to develop land or to construct, demolish, alter, extend, repair or renew buildings.

(4) No compensation shall be payable in respect of any of the following provisions in a scheme, namely, any provision which—

- (a) prescribes the location of buildings, the extent of the yards, gardens and curtilage of buildings;
- (b) imposes any sanitary conditions in connection with buildings;
- (c) limits the number of buildings or the number of buildings of a specified class which may be constructed, erected on or made in or under any area;
- (d) prohibits or regulates the subdivision of land; regulates or
- (e) empowers any person to regulate the size, height, spacing, design, colour and materials of buildings; controls, restricts or prohibits
- (f) the objects which may be affixed to buildings;
- (g) prohibits or restricts building operations permanently on the ground that by reason of the situation or nature of the land the erection of buildings on the land would be likely to involve danger or injury to health or excessive expenditure of public money in the provision of roads, sewers, water supply or other public services;
- (h) prohibits (otherwise than by way of prohibition of building operations) the use of land for a purpose likely to involve danger or injury to health, or detriment to the neighbourhood or restricts (otherwise than by way of restriction of building operations) the use of land so far as may be necessary for preventing such danger, injury or detriment;
- (i) restricts the purposes for and the manner in which land or buildings may be used or occupied, or reserves or allocates any particular land or all land in any particular area for buildings of a specified class or classes or to be used for a specified purpose;
- (j) in the interests of safety, regulates or empowers any person to regulate the height and position of the proposed walls, fences or hedges near the corners or bends of roads or at railway level-crossings;

- (k) limits the number or prescribes the sites of new roads entering a road or the site of a proposed road;
- (l) fixes in relation to any road or intended road a line beyond which no building in that road or intended road may project unless, within two years immediately preceding the publication of an order under section 5 declaring the planning area within which the scheme lies, the land was or formed part of the site of a building;
- (m) in the case of the erection of any building intended to be used for hospital, educational, entertainment, business or professional purposes or for gain, requires the provision of accommodation for parking, loading, unloading or fuelling vehicles, for the purpose of preventing obstruction of traffic on any road;
- (n) prohibits, restricts or controls, either generally or in particular places, the exhibition, whether on the ground, on any building or any temporary erection of all or any particular forms of advertisements or other public notices; or
- (o) prevents, remedies or removes injury to amenities arising from the ruinous or neglected condition of any building or by the objectionable or neglected condition of any land attached to a building or abutting on a road or situate in a residential area.

(5) Where any provision of a scheme is revoked or modified by a later scheme, no compensation shall be payable in respect of any property on the ground that it has been injuriously affected by any provision contained in the later scheme if and insofar as that later provision is the same, or substantially the same, as the earlier provision so revoked or modified; but if at the date when the revocation or modification of that earlier provision becomes operative—

- (a) there is still outstanding any claim for compensation duly made under that provision; or
- (b) the time originally limited for making such a claim has not expired,

any such outstanding claim and any such claim made within the time so limited shall be entertained and determined, and may be enforced, in the same manner in all respects as if all the provisions of the earlier scheme had continued in operation, unless the claim is in respect of a restriction removed by the later scheme.

(6) Nothing in subsection (4) shall preclude an owner from claiming compensation for loss or injury arising from—

- (a) being prevented by the operation of a scheme from maintaining a building which was in existence on the date of the publication of an order declaring a planning area under section 5 or from continuing to use any such building for the purpose for which it was used on that date; or
- (b) where a permanent building which was in existence at any time within two years immediately before the date of the publication of an order declaring a planning area under section 5 has been demolished or been destroyed by fire or otherwise, being prevented by the operation of a scheme from erecting on the site of that demolished or destroyed building a new building which substantially replaces the demolished or destroyed building or from using the new building for the purpose for which the demolished or destroyed building was last used.

## **19. Claims for compensation.**

(1) A claim for compensation shall be made by serving upon the board a notice in writing stating the grounds of the claim and the amount claimed.

(2) Subject to subsection (3), no claim for compensation shall be entertained unless the written notice has been served on the board within six months after the date on which the provision giving rise to the claim came into operation or within such longer period as may be specified in the scheme or, in respect of expenditure rendered abortive by the revocation or modification of a scheme, within six months after the date on which the revocation or modification of the scheme became operative.

(3) Where it is alleged that property has been injuriously affected by the execution of any work, the period within which a claim in respect of that injurious affection may be made shall be three years after completion of the work.

## **20. Recovery of betterment.**

(1) Where by the coming into operation of any provision contained in a scheme, or by the execution of any work under a scheme, any property within the area to which the scheme applies is increased in value, the board, if it makes a claim for the purpose within three years after the date on which the provision came into operation, or within three years after the completion

of the work, as the case may be, shall be entitled to recover from any person whose property is so increased in value such percentage of that increase as the Minister may decide for each scheme.

(2) The payment of the amount of that increase together with interest at the rate of 5 percent per year on it from the date of the award or agreement may be made by such installments as to the board may seem equitable.

(3) A claim in respect of an increase in the value of any property shall be made by serving upon the person from whom the amount alleged to be payable is claimed a notice in writing stating the grounds of the claim and the amount claimed.

(4) Any sum recoverable under this section may be set off against any claim to compensation.

(5) Where any provision of a scheme is revoked or modified by a later scheme, no property shall be deemed to be increased in value by any provision contained in the later scheme if and insofar as that provision is the same, or substantially the same, as a provision contained in the scheme so revoked or modified; but if at the date when the revocation or modification of the scheme becomes operative, there is still outstanding any claim in respect of an increase in the value of any property duly made under that scheme, or the time originally limited for making such a claim has not expired, any such outstanding claim, and any such claim made within the time so limited, shall be entertained and determined and may be enforced in the like manner in all respects as if all the provisions of the earlier scheme had continued in operation.

## **21. Determination of claims and recovery of amounts due.**

- (1) Any dispute arising under this Act as to—
- (a) the right of a claimant to recover compensation;
  - (b) the right of the board to recover betterment; or
  - (c) the amount and manner of payment of any such recoverable compensation or betterment,

shall, upon the application of any party concerned, be heard and determined by a judge of the High Court upon whom the necessary jurisdiction is hereby conferred.

- (2) The determination by the judge of a claim under this section shall



be final and shall not be subject to any revision of any kind whatsoever, and he or she may allow such costs to either side as he or she may think fit.

(3) Any dispute referred to the judge under subsection (1) shall be by way of a suit by or against the board.

(4) No award of compensation by the judge shall be enforceable until the lapse of three months from the date of the award.

(5) The procedure governing the lodging and hearing of claims under this section shall be prescribed by the Chief Justice.

#### PART VI—MISCELLANEOUS.

### **22. Expenses incurred by the board.**

All expenses incurred and all sums received by the board in the discharge of its functions shall be paid into or defrayed from, as the case may be, the general revenue of Uganda.

### **23. Revocation or modification of schemes.**

(1) The board may at any time apply to the Minister for the revocation or modification of a scheme which has been approved under section 13.

(2) A committee may at any time apply to the board for the revocation or modification of a detailed scheme which has been approved under section 15.

(3) An outline or detailed scheme may be modified for any of the following reasons—

- (a) on account of the amount of the compensation which has been awarded or is likely to be awarded in respect of provisions contained in the scheme;
- (b) on account of practical difficulties in the execution or enforcement of the scheme;
- (c) on account of events which have occurred since the making of the scheme; or
- (d) on account of any errors or omissions contained in the scheme.

(4) When an application has been made under subsection (1) or (2), the Minister or the board, as the case may be, may either revoke or modify the scheme or refuse the application.

(5) When a scheme is revoked or modified under this section, the board or the committee, as the case may be, shall within one month of the date of the modification or revocation give notice of the modification or revocation to the owner of any property affected; and thereupon any compensation already awarded by a judge shall, upon payment by the board of any costs awarded by the judge to the owner, be discharged but without prejudice to the right of the owner to make a further claim for compensation in respect of a later scheme, but subject nevertheless to section 18(4).

(6) Where in the opinion of the board or committee, as the case may be, it is impracticable to give the notice referred to in subsection (5) in the manner provided by section 29, it shall be sufficient for the purposes of that subsection if the notice is published in the Gazette and in one newspaper circulating in the area to which the revoked or modified scheme relates and if a copy of the notice is displayed in some public and conspicuous place in the area.

#### **24. Submission of plans.**

Subject to any regulations made under section 31, the provisions of Part II of the Building Rules, and any amendments or variations to those rules, shall apply to the submission of plans under this Act.

#### **25. Appeals.**

(1) Any person aggrieved by a decision of a committee, may, within two months of the receipt of the decision of the committee, appeal to the board from that decision.

(2) On receipt of an appeal under subsection (1), the board may, after hearing a representative of the committee and the person aggrieved, confirm, reverse or modify the decision of the committee.

(3) Any person aggrieved by a decision of the board made under subsection (2) may within one month of the receipt of the decision appeal to the High Court which may confirm, reverse or modify the decision of the board.

(4) The procedure and practice of the High Court in relation to criminal appeals shall apply to appeals made under subsection (3), except that any party to the appeal may in any appeal, with the permission of the court, call evidence.

(5) The Attorney General or his or her representative may appear on behalf of the board.

## **26. Obligation to give information to the board.**

(1) The board or the committee may, for any purpose arising in relation to the making, enforcement or carrying out of a scheme, by notice in writing require the owner of any land or building in the area to which the scheme relates or is intended to relate to state in writing and deliver or forward by registered post to the board, within three months of the date of the notice, particulars of his or her estate, interest in or right over or in respect of that land or building, and the name and address, and the estate, interest or right (so far as they are known to him or her) of every person who to his or her knowledge has any estate or interest in or right over or in respect of the land or building.

(2) Every person required to make and deliver or forward a statement under this section who wilfully makes and delivers or forwards any false statement, or fails or refuses to make and deliver or forward a statement commits an offence and is liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a period not exceeding six months.

## **27. Power of entry.**

(1) Any person authorised in writing in that behalf by the board or a committee may, on production of such written authority, enter at any reasonable time upon any land for the purpose of examining or surveying it for the purpose of deciding whether or not a scheme, either outline or detailed, should be made, or for the purpose of investigating whether or not the provisions of any such scheme are being carried out.

(2) Every person who wilfully obstructs or interferes with any other person in the exercise by that person of any power vested in him or her by virtue of this section commits an offence and is liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a period not

exceeding four months.

(3) When any person authorised under subsection (1) causes damage to any property in the course of his or her duties, the board may appoint a person to value the damage; and compensation shall be payable to the person whose property has been damaged by the board accordingly.

## **28. Penalty for contravention of a scheme.**

Any person who wilfully does or fails to do any act in contravention of a provision contained in a scheme is liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a period not exceeding six months and in the case of a continuing offence, to a further fine not exceeding one hundred shillings for every day during which the offence continues.

## **29. Service of notices, etc.**

(1) Any notice, summons, writ or other proceeding at law or otherwise required to be served on the board for any of the purposes of this Act may be served by delivering it to the president of the board or by sending it to him or her by registered post.

(2) Subject to subsection (1), any notice, order or other document required or authorised to be served under this Act may be served either—

- (a) by delivering it to the person on whom it is to be served;
- (b) by leaving it at the usual or last known place of abode of that person;
- (c) by sending it in a registered letter addressed to that person at his or her usual or last known place of abode;
- (d) in the case of a company or body incorporated in Uganda by delivering it to the secretary of the company or body at its registered or principal office or sending it in a registered letter addressed to the company or body at such office;
- (e) in the case of a company or body incorporated outside Uganda by delivering it to the registered address under the Companies Act of the company or body in Uganda or sending it in a registered letter addressed to the registered address of the company or body in Uganda; or
- (f) if it is not practicable after reasonable inquiry to ascertain the name or address of any person on whom it should be served, by

addressing it to him or her by the description of “owner” or “lessee” or “occupier” of the premises (naming them) to which it relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

(3) In any case where any notice, order or other document required or authorised to be served under this Act has been posted to the person on whom it is to be served by registered letter, it shall prima facie be deemed to have been served at the time when the letter containing the notice, order or other document would be delivered in the ordinary course of post, and it shall be sufficient in proving such service to prove that the notice, order or other document was properly addressed and put in the post.

### **30. Protection of the board from personal liability, etc.**

No matter or thing done by any officer or employee of the board or a committee shall, if the matter or thing is done bona fide for the purpose of executing any provision of this Act, subject the officer or employee, or any person acting by his or her directions, personally to any action, liability, claim or demand whatsoever.

### **31. Regulations.**

(1) The board may make regulations with respect to any or all of the following matters—

- (a) the determination and adjustments of the limits of plots or estates within planning areas;
- (b) the procedure generally in connection with the board and schemes and, in particular, (but not so as to exclude others) with respect to the following matters— (i) the submission of claims for compensation; and (ii) permission to develop an area and to carry out building operations between the date of the publication of an order declaring a planning area under section 5 and the coming into operation of the scheme for that area;
- (c) the preparation, deposit, publication and submission of schemes;
- (d) the grant and exercise of all necessary powers in connection with schemes and with the preparation of schemes;
- (e) the procedure in respect of any appeals to the board;

- (f) the further, better or more convenient carrying out of the provisions and purposes of schemes or of any particular scheme;
- (g) the modification and revocation of schemes;
- (h) for obtaining without charge information which may be required for the purposes of or in connection with the preparation or making or carrying into effect of schemes by inspection of or obtaining copies from assessment rolls, valuation rolls, rate books and other similar documents; (i) empowering a committee to impose any conditions subject to which permission to erect any building or develop any land is granted and to require the giving of a bond for a sum not exceeding two thousand shillings for the due observance of or compliance with any such conditions.

(2) Such regulations may impose a fine not exceeding one thousand shillings or in default of payment imprisonment not exceeding four months for the breach of any such regulations, and in the case of a continuing offence, a further penalty not exceeding twenty shillings for each day after written notice of the offence has been served on the offender.

(3) Regulations made under subsection (1) shall be subject to the approval of the Minister who, before approving, may amend or alter them.

(4) All regulations made under subsection (1) shall, after approval by the Minister, be published as statutory instruments and shall thereupon have the same force and effect as if they had been enacted in this Act, either immediately or on and from such later date as may in the regulations or in their regard be provided.

### **32. Saving.**

Notwithstanding the repeal of the Town and Country Planning Ordinance, Cap. 105, 1951 Revision, any scheme approved or any declaration of a planning area made under the repealed Ordinance shall remain in force, and the administration of any such scheme or the planning control of any such area shall be carried on under the provisions of the repealed Ordinance until such date as the board shall appoint by notice in the Gazette for any such scheme to be administered or for the planning of any such area to be controlled in accordance with this Act; and then with effect from the appointed date, all the provisions of this Act shall apply to any such scheme or area.

## SCHEDULES

### *First Schedule.*

s. 5.

#### **Areas of towns declared to be planning areas.**

Gulu	Kabale	Kamuli
Lira	Soroti	Port Bell
Tororo	Iganga	

### *Second Schedule.*

ss. 10, 15.

#### **Outline and detailed schemes.**

##### PART I—ROADS.

1. Providing for the reservation of land for roads, the construction of new roads, improvement of existing roads, establishment of public rights of way.
2. Providing for the closing or diversion of existing roads and public and private rights of way and traces.
3. Restricting and controlling the construction of new roads and the alteration of existing roads whether by the board or owners.
4. Regulating the line, width, level, construction and general dimensions and character of roads, whether new or existing.
5. Enabling the board to require an owner of land as a condition of his or her developing the land in any manner—
  - (a) to reserve land for such streets or roads as the board may think necessary;
  - (b) to contribute to the cost of the construction of new streets or roads or the improvement of existing streets or roads;
  - (c) to make provision of accommodation for parking, loading, unloading or refuelling vehicles;

- (d) to surrender a portion of land for streets or roads to provide sufficient space for traffic likely to arise from the use to which land is put or the increased floor space to be provided.
6. Providing for and generally regulating the construction or execution, whether by the board or by owners of works incidental to the making or improvement, of any road including the erection of shelters, provision of seats, planting or protecting of grass, trees and shrubs on or adjoining such road.

PART II—BUILDINGS AND OTHER STRUCTURES.

1. Regulating and controlling, either generally or in particular areas, all or any of the following matters—
  - (a) the size, height, spacing and building line of buildings;
  - (b) the objects which may be affixed to buildings;
  - (c) the location of buildings, the extent of yards, gardens and curtilages of buildings;
  - (d) the purposes for and the manner in which buildings may be used or occupied, including, in the case of dwelling houses, the letting of dwelling houses in separate tenements;
  - (e) the prohibition of building operations on any land, or regulating such operations.
2. Regulating and controlling or enabling the board to regulate and control the design, external appearance and materials of buildings and fences.
3. Reserving or allocating any particular land or all land in any particular area for buildings of a specified class, or prohibiting or restricting, either permanently or temporarily, the making of any buildings or any particular class of buildings on any specified land.
4. Reserving or allocating any particular land or all land in any particular area for the purpose of any industrial or trade purpose or for any specified undertaking.
5. Limiting the number of buildings or the number of buildings of a specified class which may be constructed, erected or made on, in or under any area.



6. Providing for the removal, demolition or alteration of buildings or works which are inconsistent with or obstruct the operation of a scheme.
7. Providing for the reservation of sites for places of religious worship, schools and public buildings and for places required for public services.
8. Providing for the reservation of sites for housing schemes.
9. Providing for slum clearance in specified areas.
10. Providing for the reconstruction of plots by the alteration of their boundaries or by combining, with the consent of the owners, two or more plots held in separate ownership or in common.
11. Providing for the allocation of plots to any owner dispossessed of land in furtherance of the scheme.
12. Providing for the subdivision of land.
13. Controlling the use of land generally.

#### PART III—AMENITIES.

1. Providing for the reservation of lands as open spaces, whether public or private, and for burial grounds.
2. Providing for the preservation of view and prospects and of the amenities of places and features of natural beauty or interest.
3. Providing for the preservation of buildings and objects of artistic, architectural, archaeological or historical interest.
4. Providing for the preservation or protection of soil, forests, woods, trees, shrubs, plants and flowers.
5. Prohibiting, restricting or controlling either generally or in particular places, the exhibition, whether on the ground, on any building or any temporary erection, of all or any particular forms of advertisement or other public notices.

6. Prohibiting, regulating and controlling of the deposit or disposal of liquids, materials and refuse.
7. Preventing, remedying or removing injury to amenities arising from the ruinous or neglected condition of any building or fence, or by the objectionable or neglected condition of any land attached to a building or fence or abutting on a road or situate in a residential area.

#### PART IV—PUBLIC UTILITY SERVICES.

Facilitating the construction of works in relation to lighting, water supply, sewerage, drainage, sewage disposal and refuse disposal or other public utility services.

#### PART V—TRANSPORT AND COMMUNICATION.

1. Facilitating the establishment, extension or improvement of systems of transport whether by land, water or air.
2. Allocating sites for use in relation to transport and providing for the reservation of land for that purpose.
3. Providing for the establishment, extension and improvement of telegraphic, telephonic or wireless communication, allocating sites for use in relation to such communication and providing for the reservation of land for that purpose.

#### PART VI—MISCELLANEOUS.

1. Declaring the persons by whom and the manner in which the cost of the execution of works (whether of construction, demolition, removal or alteration) in pursuance of the scheme are to be borne in the event of the owner of land within the area of a scheme being unwilling or unable to bear the cost of the execution of such works.
2. Subject to this Act, declaring the notices to be served for the purposes of the scheme by the board and the persons on whom, the manner in which and the times at or within which the notices are to be served.
3. Subject to this Act, declaring the manner in which and the times at or within which notice for the purposes of the scheme may be served on

the board by other persons.

4. Providing for and regulating the making of agreements for the purpose of a scheme by the board with owners and other persons and by such persons with one another.
5. Dealing with the use or disposal of land acquired under the provisions of this Act.
6. Prohibiting the subdivision of land until a plan showing the subdivision and proposed access to the land has been approved.
7. Providing for and regulating the construction, alteration, removal and use of railways, pipe lines, telegraph and telephone lines, electric current transmission lines, drainage or irrigation channels, aerial cable ways and their ancillary structures.
8. Preventing the pollution of streams, watercourses, rivers, wells, lagoons, lakes and harbours.
9. Works ancillary to or consequent on a scheme.
10. Making any provisions necessary for—
  - (a) adjusting and altering the boundaries and areas of any lands, roads, rights of way or traces;
  - (b) effecting such exchanges of land or cancellation of existing subdivisions as may be necessary or convenient for the purposes aforesaid.
11. Providing for the lapse of planning approval for building or development not carried out within a specified period.
12. Any other matter (not hereinbefore mentioned) necessary or incidental to a scheme or its administration.

The mention of particular matters in this Schedule shall not be held to prejudice or affect the generality of any other matter.

**History:** Cap. 30; S.I. 135/1968, s. 2.

### **Cross References**

Building Rules.

Companies Act, Cap. 110.

Local Governments Act, Cap. 243.

Town and Country Planning Ordinance, 1951 Revision, Cap. 105.