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Acts

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No. 12—The National Records and Archives Act. 2001.
No. 13—The Local Governments (Amendment) Act. 2001.

General Notice No. 214 of 2001.

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 Christopher Munyamasoko who is stated to be a holder of Bachelor of Laws of University of Dar-es-salaam having been awarded a Degree on the 29th day of November, 1997 and to have been awarded a Diploma in Legal Practice by the Law Development Centre on the 21st day of January, 2000 for the issue of a Certificate of Eligibility for entry of his name on the Roll of Advocates for Uganda.

Kampala, J. NASSUNA.
8th June, 2001. *Acting Secretary, Law Council.*

General Notice No. 215 of 2001.

THE COMPANIES ACT.

(Cap. 85).

IN THE MATTER OF NOBLE BUILDERS (U) LTD.

NOTICE OF WINDING UP ORDER WITH DATES OF FIRST MEETING.

(Under s. 239 (b) of the Companies Act and r. 40 (1) (c) & (d) of the Companies (Winding up Rules) S.I 85-1).

Winding up Order made on 7th June, 2001. Date and place of first meetings:

Contributories: 18th day of June, 2001
At 9:00 a.m at the office of the Official Receiver located on Uganda House 9th Floor, Room 7.

Creditors: 18th day of June, 2001
At 9:30 a.m at the office of the Official Receiver located on Uganda House 9th Floor, Room 7.

JULIET NAGAWA
for Official Receiver and Provisional Liquidator.

General Notice No. 216 of 2001.

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 may 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 thinks 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, Parliamentary Buildings, P.O. Box 7151, Kampala.

(21) APPLICATION NO. 23982 IN PART "A".

(52) Class 30.

(54)

G L O O P S

(53)

(59)

(64)

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

(73) *Name of applicant*— Mars, Incorporated.

(77) *Address*— 6885 Elm Street, Mclean, Virginia, U.S.A.

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

(22) *Date of filing application*— 14th February, 2001.

(21) APPLICATION NO. 24060 IN PART "A".

(52) Class 9.

(54)

FUJITSU

(53)

(59)

(64)

(57) *Nature of goods*— Communications equipment, namely, telephone sets, telephone switching apparatus, routers, facsimile apparatus, modems, digital data transmission apparatus, radio and television transmitting and receiving apparatus, and radar apparatus; electric wires; communication cables and optical fibers; controls for heating and air conditioning equipment, machine tools and robots; remote control and telemetering apparatus; electronic computers and data processing equipment namely, computer programs, monitors, keyboards, printers, scanners, magnetic disc units, and peripherals and terminals for use in data processing systems; cash registers and dispensers; semiconductor devices, namely integrated circuits, semiconductor memories, and microprocessors; electric and electronic parts and components, namely relays, connectors, switches and batteries; projection apparatus, namely liquid crystal display projector, cameras, namely, digital camcorders and charge coupled device cameras; sound-recorded and image-recorded optical-discs, magneto-optical discs, magnetic discs and magnetic tapes; and apparatus for games adapted or used with television receivers.

(73) *Name of applicant*— Fujitsu Limited.

(77) *Address*— 1-1, Kamikodanaka 4-Chome, Nakahara-Ku, Kawasaki-Shi, Kanagawa 211-8588, Japan.

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

(22) *Date of filing application*— 4th April, 2001.

(21) APPLICATION NO. 23105 IN PART "A".

(52) Class 12.
(54)

Shatterprufe 

(53)
(59)
(64)

(57) *Nature of goods*— Vehicles, apparatus for locomotion by land, air or water; glass and glass products included in the class; automotive glass; windscreens; parts, fittings, components and accessories for all the foregoing.

(73) *Name of applicant*— The Trustees for the Time Being of the Baker Street Trust.

(77) *Address*— 20 Baker Street Rosebank Johannesburg 2196 Republic of South Africa.

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

(22) *Date of filing application*— 9th March, 2000.

(21) APPLICATION NO. 24063 IN PART "A".

(52) Class 11.
(54)

(53)
(59)
(64)


FUJITSU

(57) *Nature of goods*— Electric lamps, air conditioners, room coolers, air circulators, ventilators, air cleaners, electric fans, electric refrigerators, hot-water heaters, filters for air conditioning apparatus, electric freezers, air driers, electric heating apparatus, and parts and fittings for the aforesaid goods.

(73) *Name of applicant*— Fujitsu Limited.

(77) *Address*— 1-1, Kamikodanaka 4-Chome, Nakahara-Ku, Kawasaki-Shi, Kanagawa 211-8588, Japan.

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

(22) *Date of filing application*— 4th April, 2001.

(21) APPLICATION NO. 23321 IN PART "A".

(52) Class 9.
(54)

CRIMINAL MINDS

(53) *Disclaimer*— Registration of this Trade mark shall give no right to the exclusive use of the word "CRIMINAL" or of the word "MINDS" each separately and apart from the mark.

(59)
(64)

(57) *Nature of goods*— Photographic, cinematographic and optical apparatus and instruments; apparatus and instruments for the recording, transmission, broadcasting, reception, storage, display or reproduction of sound, images and data; computers, computer programs, computer software, computer chips, apparatus and instruments for the encoding and decoding of electrical signals; remote control units; smart cards; encoded cards; aerials; satellite dishes; cables; optical fibres; switches; adapters; connectors; plugs; sockets and outlets; junction boxes; tapes, discs and cartridges all bearing or for the recording of data, sound or images; cinematographic films prepared for exhibition; audio and/video recordings; multi-media communication, recording transmission, broadcasting, storage, display, reception and reproduction devices, data processing equipment; computer software and apparatus and instruments for use in connection with the Internet; electronic publications; parts (and fittings) for all the aforesaid goods.

(73) *Name of applicant*— M-Net Interprop Holdings Limited.

(77) *Address*— 3rd Floor, Les Cascades, Edith Cavell Street, Port Louis, Mauritius.

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

(22) *Date of filing application*— 26th May, 2000.

(21) APPLICATION NO. 23322 IN PART "A".

(52) Class 16.
(54)

CRIMINAL MINDS

(53) *Disclaimer*— Registration of this Trade mark shall give no right to the exclusive use of the word "CRIMINAL" or of the word "MINDS" each separately and apart from the mark.

(59)
(64)

(57) *Nature of goods*— Printed publications; magazines; television, cable, radio and satellite programme listings; entertainment listings and reviews; photographs; stickers; posters; stationery; newspapers.

(73) *Name of applicant*— M-Net Interprop Holdings Limited.

(77) *Address*— 3rd Floor, Les Cascades, Edith Cavell Street, Port Louis, Mauritius.

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

(22) *Date of filing application*— 26th May, 2000.

(21) APPLICATION NO. 24059 IN PART "A".

(52) Class 9.

(54)

HandWyz

(53)

(59)

(64)

(57) *Nature of goods*— Computer software, including computer programs and programming material included in this class; computer programs and instruction manuals sold as a unit; computers, computing apparatus and equipment, data processing apparatus and equipment; word processing apparatus and equipment; keyboards, visual display units and printers all for use with the aforesaid apparatus and equipment; parts and fittings included in this class for all the aforesaid goods; electronic publications supplied on-line from data bases or from facilities provided on the Internet (including websites).

(73) *Name of applicant*— B-WYZ Applications Ltd.

(77) *Address*— 2nd Floor, Barkly Wharf, Caudan Waterfront, Port Louis, Mauritius.

(74) *C/o* M/s. Mugerwa & Masembe Advocates, 3rd Floor, Diamond Trust Building P.O. Box 7166, Kampala.

(22) *Date of filing application*— 2nd April, 2001.

(21) APPLICATION NO. 24198 IN PART "A".

(52) Class 4.

(54)



(53)

(59)

(64)

(57) *Nature of goods*— All goods included in class 4.

(73) *Name of applicant*— Caltex Oil (Uganda) Limited.

(77) *Address*— Plot 7 Seventh Street, Industrial Area, P.O. Box 7095, Kampala.

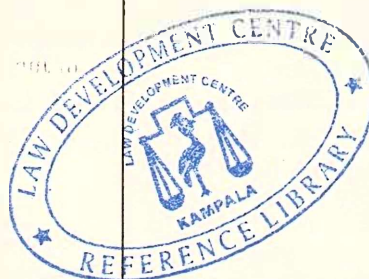
(74)

(22) *Date of filing application*— 14th June, 2001.

(21) APPLICATION NO. 24201 IN PART "A".

(52) Class 29.

(54)



RUNA



(53)

(59)

(64)

(57) *Nature of goods*— All goods included in class 29.

(73) *Name of applicant*— Muddu Awulira Enterprises Ltd.

(77) *Address*— P.O. Box 22575, Kampala.

(74)

(22) *Date of filing application*— 15th June, 2001.

(21) APPLICATION NO. 24167 IN PART "A".

(52) Class 30.

(54)

LONG GRAIN
PAKISTANI RICE

SWT-I

(53) *Disclaimer*— Registration of this Trade mark shall give no right to exclusive use of the phrases "LONG GRAIN" and "PAKISTAN RICE" except as represented.

(59)

(64)

(57) *Nature of goods*— Rice.

(73) *Name of applicant*— S.W.T Tanners Ltd..

(77) *Address*— P.O. Box 24610, Kampala.

(74)

(22) *Date of filing application*— 6th June, 2001.

(21) APPLICATION NO. 23106 IN PART "A".

(52) Class 19.

(54)

Shatterprufe



(53)

(59)

(64)

(57) *Nature of goods*— Building materials; glass and glass products and products of glass substitutes included in the class; laminated glass, including tinted heat absorbing laminated glass; windowpanes and panes of safety glass; timber and timber products included in the class; non metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal; parts, accessories, fittings and components for the foregoing.

(73) *Name of applicant*— The Trustees for the Time Being of the Baker Street Trust.

(77) *Address*— 20 Baker Street Rosebank Johannesburg 2196 Republic of South Africa.

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

(22) *Date of filing application*— 9th March, 2000.

(21) APPLICATION NO. 24170 IN PART "A".

(52) Class 34.

(54)



(53) *Disclaimer*— Registration of this Trade mark shall give no right to exclusive use of the letter "A", or of the letter "K" each separately and apart from the mark as a whole.

(59)

(64)

(57) *Nature of goods*— Cigarettes and all goods included in class 34.

(73) *Name of applicant*— Simba Distributors Ltd.

(77) *Address*— P.O. Box 9421, Kampala.

(74)

(22) *Date of filing application*— 12th June, 2001.

Kampala, FIONA BAYIGA,
15th June, 2001. Assistant Registrar of Trade Marks.

ADVERTISEMENTS

THE REGISTRATION OF TITLES ACT, 1964.

(Cap. 205).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Leasehold Register—Volume 281 Folio 17 Plot No. 37 School Road, Soroti.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Maniben of P. O. Box 43, Soroti, a special Certificate of Title under the above Volume and Folio, the Certificate of Title which was originally issued having been lost.

Kampala, ROBERT V. NYOMBI,
11th June, 2001. for Chief Registrar of Titles.

THE REGISTRATION OF TITLES ACT, 1964.

(Cap. 205).

NOTICE.

ISSUE OF SPECIAL CERTIFICATES OF TITLES.

Kyadondo Block 243 Plot 407, Area 0.12 Hectares at Luzira.
Kyadondo Block 243 Plot 408, Area 0.14 Hectares at Luzira.
Kyadondo Block 243 Plot 409, Area 0.12 Hectares at Luzira.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Godfrey Lukongwa Binaisa of P.O. Box 2750, Kampala, special Certificates of Titles under the above Block and Plots, the Certificates of Titles which were originally issued having been lost.

Kampala, OPIO ROBERT,
5th June, 2001. for Chief Registrar of Titles.

THE REGISTRATION OF TITLES ACT, 1964.

(Cap. 205).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Buwekula Block 166 Plot 12, Area 8.1 Hectares at Kambuye Estate.

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

Mityana, WILLIAM M. MUKALAZI,
8th November, 2000. for Chief Registrar of Titles.

IN THE MATTER OF THE BIRTHS AND DEATHS REGISTRATION ACT, 1970

AND

IN THE MATTER OF CHANGE OF NAME UNDER SECTION 11 OF THE ACT

DEED POLL—NOTICE OF CHANGE OF NAME

BY THIS DEED, I the undersigned, Francis Oranit, care of Mr. Alex Mackay Ariekin of Water Development Department P.O. Box 69, Tororo, an adult citizen of the Republic of Uganda by birth and who was formerly known as Stephen Oranit, do hereby wholly renounce, relinquish and abandon absolutely the use of my former name of Stephen and in place thereof do assume from the date hereof the name of Francis so that I may hereafter be called, known and distinguished by my assumed name of Francis in lieu of and not by my former name of Stephen.

And for the purpose of evidencing such change of name, I hereby declare that I shall at all times hereafter, in all records, deeds, documents and other writings and in all dealings, transactions, matters and things whatever, whether private or public and upon all occasions whatsoever use, subscribe and sign the said names of Francis Oranit as my names in lieu of and in substitution of my former names of Stephen Oranit so abandoned as aforesaid.

And I therefore, hereby expressly authorise and require all persons whomsoever, at all times, to designate, describe and address me by such assumed names of Francis Oranit.

In witness whereof I have hereunto subscribed my adopted name this 12th day of February, 1985.

FRANCIS ORANIT,
Renouncer.

ACTS SUPPLEMENT

to The Uganda Gazette No. 36 Volume XCIV dated 15th June, 2001.

Printed by UPPC, Entebbe, by Order of the Government.

Act 11

Animal Breeding Act

2001

THE ANIMAL BREEDING ACT, 2001

ARRANGEMENT OF SECTIONS.

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2. Commencement.
3. Interpretation.

LAW DEVELOPMENT CENTRE
REFERENCE LIBRARY

PART II—THE DIRECTOR OF ANIMAL RESOURCES.

4. Functions of the Director.
5. Additional functions of the Director.
6. Registration.

PART III—REGULATORY AND INSTITUTIONAL FRAMEWORK.

7. Permits for imports and exports of animal and fisheries breeds.
8. List of suitable breeds to be drawn and updated regularly.
9. Genetic materials.
10. Quality of semen and sperms.
11. Registration and regulation of breeders and their breeding stock.
12. Special activities of certain Commissioners in the Ministry.

PART IV—THE NATIONAL ANIMAL GENETIC RESOURCES
CENTRE AND DATA BANK

13. Establishment of the Centre and Data Bank.
14. Objects of the Centre.
15. Functions of the Centre.
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18. Tenure of office.
19. Functions of the Board.
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21. Meetings of the Board.

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25. Experts and consultants.

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27. Funds of the Centre.

Other Financial Affairs of the Centre.

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- 4. ~~Offence of falsifying official record.~~
- 5. ~~Offence of altering documents and marks.~~
- 6. ~~Additional penalties.~~
- 7. ~~Offences by bodies of persons.~~

LAW DEVELOPMENT CENTRE
REF. 11.157.210.100

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- 2. Validity of proceedings not affected by defects.
- 3. Protection of Board members and employees.
- 4. Annual reports of Centre.
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- 7. Exemption.
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- 11. Repeal of Cap. 222.

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Second Schedule— Meetings of the Board of Directors.

Third Schedule— List of breeds of Livestock and fish that may be imported into Uganda.

Fourth Schedule— List of prohibited hereditary defects in livestock and fish for importation into Uganda.

Fifth Schedule— Required performance parameters of animals fish for collection of semen and sperm.

Sixth Schedule— Live spermatozoa in dose of semen and number in a brood stock.

Seventh Schedule— Fees payable on registrations, etc.

LAW DEVELOPMENT
REFERENCE LIBRARY

THE ANIMAL BREEDING ACT, 2001

An Act to establish the National Animal Genetic Resources Centre and Data Bank, to provide for the promotion, regulation and control, marketing, import and export, and quality assurance of animal and fish genetic materials and generally to provide for the implementation of the national breeding policy in Uganda; to repeal and replace the Branding of Stock Act; and to provide for other matters connected with the foregoing.

DATE OF ASSENT: 25th May, 2001.

Date of Commencement: See section 2.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.

1. This Act may be cited as the Animal Breeding Act, 2001.

Short title.

2. This Act shall come into force on such day as the Minister shall by statutory instrument appoint; and the Minister may appoint different dates for different provisions of this Act.

Commence-
ment.

3. In this Act, unless the context otherwise requires —

Inter-
pretation.

“Accounting Officer” means the Permanent Secretary in the Ministry responsible for animal Industry;

“animals” means all livestock, camels, donkeys, rabbits, poultry other ruminating and pseudo-ruminating animals, fish and any other animal that the Minister may by statutory instrument so declare;

“Animal Breeder” means a person or group of persons engaged in breeding activities and registered with the Ministry;

“Animal or Fish Breeding Specialist” means a person or class of persons academically qualified and recognised as an animal geneticist by the Ministry;

“Animal Production Officer” means any person or class of persons certified and declared to be an animal production officer by the Ministry;

“approved laboratory” or “testing station” means a laboratory in Uganda or any other country designated by the Board to carry out the tests provided for under this Act;

“Aquaculturist” means an officer who has undergone training in aquaculture and is recognised by the Ministry;

“Board” means the Board of Directors of the Centre;

“cattle” means bulls, cows, oxen, heifer and calves;

“centre” means the National Animal Genetic Resources Centre and Data Bank established under section 13;

“collection” means a quantity of semen and ova taken from a donor at any time;

“consignment” means a quantity of semen or sperm covered by a single certificate;

"country of collection" means a country in which semen or ova is collected including Uganda;

"currency point" has the meaning assigned to it in the First Schedule to this Act;

"Director" means the Director of Animal Resources in the Ministry responsible for agriculture, animal industry and fisheries (MAAIF);

"disease" means cattle plague (rinderpest), anthrax, pleuropneumonia, trypanosomiasis, tuberculosis, foot and mouth disease, mad cow disease, rabies, sheep pox, sheep scab, goat scab, goat pox, swine erysipelas, glands farcy, mange (scabies) in swine, mules and donkeys, ulcerative lymphangitis, epizootic lymphangitis, black quarter, and in fish, worms, argulus species and parasites and any other disease that may be declared by the Minister by statutory instrument to be included in the term "disease" for the purposes of this Act;

"Executive Director" means the Executive Director referred to in section 22 of this Act;

"farmer" means any person, household or group of persons keeping or rearing animals;

"fingering" means fish seed ready to grow out systems;

"fish seed" means sperm, eggs, fry and fingerings;

"fry" means fish seed which has exhausted its yolk food;

"Minister" means the Minister responsible for animal industry and fisheries;

"Ministry" means the government Ministry responsible for animal industry and fisheries;

Statute No
9 of 1992.

“NARO” means the National Agricultural Research Organisation established by the National Agricultural Research Organisation Statute, 1992;

“Official Veterinarian” means a veterinary officer duly registered with the Veterinary Board and employed in government service;

“policy” means the National Animal Breeding Policy approved and adopted by government for implementation of the animal genetic improvement programme in Uganda;

“programme” means the Action Plan for the implementation of the National Animal Breeding Policy in Uganda formulated by the government as amended from time to time with the approval of government;

“poultry” means all domestic or domesticated fowls, ducks, geese, turkey, guinea fowl, pea-fowl, pheasants, pigeons, ornamental or caged birds, ostriches;

“semen” means the prepared or diluted ejaculate of a farm animal;

“semen collection centre” means an officially approved and supervised establishment situated in Uganda or any other country in which semen is produced for use in Artificial Insemination;

“stock” means cattle, sheep, goats, horses, mules, donkeys, swine, rabbits, guinea pigs, camels and poultry;

“strip” means artificially removed eggs and sperms from mature fish;

“Veterinary Officer” means any person or class of persons registered as a veterinary surgeon by the Veterinary Board.

PART II—THE DIRECTOR OF ANIMAL RESOURCES.

4. The Director shall have functions in animal genetics—

Functions of
the Director.

- (a) to ensure the effective and efficient implementation of the policy aimed at achieving a sustainable increase in the productivity of farm animals;
- (b) to ensure animal based national food security and socio-economic development;
- (c) to determine priorities for animal breeding and research in relation to the economic and social policies of the Government;
- (d) to ensure the effective and efficient implementation of all aspects of the programme;
- (e) to advise government and make such recommendations to government as he or she may consider necessary on the financial, human and other resource requirements for implementing the programme;
- (f) to promote optimum animal genetic resource management, conservation and sustainable use, commensurate with Uganda's needs and environmental protection;
- (g) to promote the production of farm animals and their products for export;
- (h) to promote and encourage optimal utilisation of the adapted and resistant indigenous breeds, and the development and use of animal genetic resources that are relatively more tolerant to disease and environmental stress;

- (i) to formulate and enforce regulations and guidelines relating to the regulation of breeding, processing of semen and other genetic materials, storage, distribution, marketing, import and export and use in the public and private sector and;
- (j) to provide standards for herd recording, progeny testing stud book and pedigree certification;
- (k) to do any other thing incidental to and related to the foregoing.

Additional
functions of
the Director.

5. In carrying out of the functions under section 4 of this Act the Director shall carry out the following additional functions—

- (a) develop, promote and regulate animal breeding and reproduction, and co-ordinate and monitor the appropriate use of genetic resources in Uganda;
- (b) establish and identify the animal and fish breeds needed to ensure that improved animal production is met as economically as possible;
- (c) promote, control and regulate the importation, exportation, sale and distribution of animal breeds and trade in genetic materials which shall include semen, ova, eggs and embryo;
- (d) develop and formulate regulations governing artificial insemination and embryo transfer techniques regarding qualifications and required standards;
- (e) promote and encourage scientific knowledge and conservation of animal breeds and genetic materials;
- (f) promote, encourage and regulate training and schools specialised in animal breeding and genetic resource management;

- (g) approve applications by animal breeders and breeding centres or places where breeding shall be permitted; and issue permits.
- (h) register and certify all animal breeds, breeders and breeding centres;
- (i) mobilise resources for animal breeding;
- (j) publish the Animal Breeding and Production Bulletin and any other information materials; and
- (k) perform any other function that is connected to the objects and purposes of this Act or may be directed to be performed by the Minister.

6. (1) The Commissioner, Animal Production and Marketing in the Ministry shall be responsible for registration of animal genetic resources and related activities. Registration.

(2) The functions referred to in subsection (1) of this section include the following—

- (a) the registration and certification of all breeds and animal genetic resources in Uganda;
- (b) the registration and certification of animal breeders or associations or both;
- (c) the registration and certification of artificial insemination technicians and inovulators;
- (d) registration and issue of licences for animal breeding training schools and institutes;
- e. registration and issue of animal brands;
- f. performance of any other function as may be recommended by the Minister.

(3) The Commissioner, Animal Production and Marketing may delegate any of his or her functions under this Act and may at any time revoke or vary the delegation; except that no such delegation shall be deemed to divest the Commissioner of any of his or her functions.

(4) The Commissioner, Fisheries Resources shall register fish breeding and related activities.

PART III—REGULATORY AND INSTITUTIONAL FRAMEWORK.

Permits for imports and exports of animal and fisheries breeds.

List of suitable breeds to be drawn and updated regularly.

7. No imports or exports of animal breeds and genetic material shall be done without first obtaining a permit from the Commissioner, Livestock Health and Entomology.

8. (1) The list in the Third Schedule to this Act shall be the official list of suitable breeds for wide-spread use.

(2) The list will be updated regularly by the Executive Director.

(3) Any breed not appearing on the list shall only be allowed into the country for restricted use on designated locations and experimental stations or specialised production units approved by the Director.

(4) All imports and exports shall be sanctioned by the Director based on verified documentary evidence of the material being free of the disease agents and prohibited hereditary defects as specified in the Fourth Schedule to this Act.

Genetic materials.

9. (1) A sample of all genetic materials namely—

- (a) semen;
- (b) ova;
- (c) eggs; and
- (d) embryos.

shall be submitted to a national depository for examination and future reference.

(2) All new genetic materials shall conform to the national bio-safety standards as set by the Uganda National Council of Science and Technology (UNCST) and the Uganda National Bureau of Standards (UNBS).

(3) A satisfactory genetic impact statement shall be provided by the promoter to the Centre and other designated offices.

(4) All genetic material developed in Uganda shall be patented and protected under the provisions of the National and International Intellectual property rights.

(5) Imported and locally produced genetic material shall be strictly screened to conform to quality and performance standards established by the Director.

(6) The seller of animal genetic material to be used for breeding purposes, shall show proof of the quality of the product to the prospective buyer, by indicating the performance and parameters of the animals in issue which parameters shall conform to the performance parameters contained in the Fifth Schedule to this Act.

10. For the avoidance of doubt, the prescribed minimum amount of spermatozoa in a dose of semen shall be the one specified in the Sixth Schedule of this Act.

Quality of
semen and
sperms.

11. (1) The Commissioner, Animal Production and Marketing shall establish a system of record keeping, breed registration, and registration and regulation of breeders and their breeding stock, for effective information dissemination.

Registration
and
regulation of
breeders and
their
breeding
stock.

(2) The following shall register with the Commissioner, Animal Production and Marketing on payment of the prescribed fee contained in the Seventh Schedule to this Act—

(a) inseminators;

(b) semen collection premises;

(c) importers and exporters of germplasm;

- (d) breed associations and breed societies;
- (e) animals and their brands;
- (f) breeding farms;
- (g) breeders;
- (h) embryo transfer technicians;
- (i) premises for embryo transfer;
- (j) inovulators;
- (k) training institutes relevant to animal breeding;
- (l) hatcheries;
- (m) animal genetic engineering premises; and
- (n) any other thing or transaction deemed necessary under this Act.

(3) Applications for—

- (a) registration as an inseminator, embryo transferor or inovulator;
- (b) registration of premises as centres;

shall be in accordance with the regulations made under section 48 to this Act.

(4) The Director shall review and approve national quality and performance standards with regard to animal genetic resources.

Special
activities of
certain
Commissioners in the
Ministry

12. (1) The Commissioner, Animal Production and Marketing, shall have the following responsibilities—

- (a) overall policy guidance on animal production;
- (b) training of staff and farmers;
- (c) monitoring of animal production activities;
- (d) encouraging formation of animal products marketing groups or associations; and

(e) compiling and disseminating market information especially of animal products.

(2) The Commissioner, Livestock, Health and Entomology shall, in addition to his or her other functions under the Ministry carry out the following activities—

(a) control of endemic and epidemic disease in livestock;

(b) supervise the establishment and maintenance of disease-free zones; and

(c) supervise ethical performance of veterinary practitioners.

(d) issue import and export permits for animal breeds and genetic materials.

(3) The Commissioner, Fisheries Resources, shall have the following responsibilities—

(a) overall policy guidance on fish production;

(b) training of staff and farmers;

(c) monitoring of fish production activities;

(d) encouraging formation of fish products marketing groups or associations;

(e) compile and disseminate market information of fish products; and

(f) issue import and export permits for fish breeds and genetic materials.

PART IV—THE NATIONAL ANIMAL GENETIC RESOURCES
CENTRE AND DATA BANK.

Establish-
ment of the
Centre and
Data Bank.

13. (1) There is established a body called the National Animal Genetic Resources Centre and Data Bank which shall be a body corporate with perpetual succession and a common seal and shall be capable of—

(a) acquiring and holding property;

(b) suing and being sued;

(c) doing all acts and things that corporate bodies may lawfully do or suffer to be done.

(2) The Centre shall operate on a commercial basis in discharging its functions unless otherwise directed and funded by Government.

(3) The Centre shall be under the general policy direction of the Board.

Objects of
the Centre.

14. The objects of the Centre are to—

(a) play a leading role in the gradual commercialisation of—

(i) breeding activities including procurement and distribution of semen and associated equipment;

(ii) training of artificial insemination technicians

(iii) training of Embryo transfer technicians;

(iv) training of farmers in fish breeding techniques;

(v) liquid nitrogen production and distribution and

(vi) cryo-preservation of semen and embryos; and their distribution;

(b) to carry out any other activities incidental or conducive to the foregoing.

15. (1) The Centre shall, for the attainment of its objects specifically carry out the following commercial activities—

Functions of
the Centre.

(a) production, procurement and sale of semen, eggs, ova, embryos and their associated equipment;

(b) management of the Centre farms for production and selection of superior dams and sires;

(c) production and sale of founder brood stock of fisheries resources;

(d) open nucleus breeding scheme and reproduction extension services to farmers on the farms of the Centre and offer for sale properly bred and recorded good quality livestock to farmers;

(e) rearing of sire studs for production and sale of semen;

(f) production, procurement and sale of liquid nitrogen and associated equipment; and

(g) procurement and sale of other breeding and reproduction equipment.

(2) The following activities shall be undertaken by the Centre as shall be directed and funded by Government or other funding agents—

(a) serve as a National Animal Genetic Data Bank;

(b) serve as a National Central Livestock Registry;

(c) serve as the National Animal Genetic Resources Evaluation Centre and Laboratory;

- (d) serve as a national gene depository and examination Centre for Genetic materials;
- (e) quarantine and evaluation of imported genetic material;
- (f) offer and conduct specialised training to technicians dealing in Breeding;
- (g) train staff and farmers in aspects of animal and fish breeding;
- (h) monitor breeding activities;
- (i) collaborate in research on genetic improvement and characterisation of breeds and production environments;
- (j) encourage the formation of Breeders' Associations;
- (k) develop guidelines and implement a field oriented breeding extension service for field workers and farmers;
- (l) foster the development of Breed Societies;
- (m) provide guidance on breeding and multiplication of improved breeds;
- (n) promote herd recording and performance testing on farms;
- (o) promote the use of improved natural national breeding especially in areas where artificial insemination is not available; and
- (p) any other function that may be deemed necessary by the Minister.

16. The patent rights in any discoveries, inventions and improvements, apparatus and machines effected by persons engaged by the Centre in the discharge of their functions, shall vest in the Centre but the Centre may make any such patents available for use in the public interest on such terms as the Board may determine.

Patent rights.

PART V—THE BOARD.

17. (1) The governing body of the Centre shall be a Board of Directors appointed by the Minister.

The Board.

(2) The Board shall consist of the following—

(a) a Chairperson appointed by the Minister;

(b) Director responsible for Animal Resources;

(c) two prominent and knowledgeable breeders one from the animal sector and the other from the fisheries sector;

(d) four farmers' representatives one from each region;

(e) Officer-in-charge NARO breeding programme;

(f) a representative of the Ministry responsible for finance;

(g) a representative of the artificial insemination technicians nominated by the Uganda National Association of Artificial Insemination Technicians; and

(h) the Executive Director referred to in section 22 of this Act.

18. (1) The Chairperson and the persons appointed under paragraphs (c) and (d) of section 17(2) shall hold office as members for three years and shall be eligible for reappointment for one further term.

Tenure of office.

(2) An appointed member may be removed from office by the Minister due to inability to perform the functions of his or her office, whether arising from infirmity of body or mind or for any other cause.

(3) Any member of the Board other than the Chairperson or a person being on the Board by virtue of his or her office may be removed by the Minister on the recommendation of the Chairperson on the ground that he or she—

(a) has absented himself or herself from three consecutive meetings of the Centre without notification;

(b) is or is to be out of Uganda for a continuous period of twelve months or more.

(4) The appointment of any person representing any other person or organisation or authority on the Board may at any time be revoked by that other person or the organisation or authority.

(5) Where a person is removed or where the appointment of a person is revoked under this section the person or organisation or authority who or which appointed that person may appoint another person qualified in place of the person removed or whose appointment is revoked.

Functions of
the Board.

19. The functions of the Board shall be—

(a) to formulate and review the policy and strategic plan of the centre;

(b) to provide guidance to the Executive Director and the staff of the Centre;

(c) to approve the appointment of technical and professional staff on the advice of the Executive Director;

(d) to monitor and evaluate the performance of the Centre against budgets and plans;

(e) to establish and approve rules and procedures for the appointment, discipline, termination and other terms and conditions of service of staff;

(f) to perform any other duties assigned to it under this Act.

20. The Centre shall pay to members and also to persons co-opted to any meeting of the Board, such sitting, subsistence, travelling and other allowances as the Minister may on the recommendation of the Board determine.

Remuneration of members of the Board.

21. The Second Schedule to this Act shall apply to meetings of the Board.

Meetings of the Board.

PART VI—MANAGEMENT AND STAFF OF THE CENTRE.

22. (1) There shall be an Executive Director of the Centre who shall be appointed by the Minister on the recommendation of the Board.

The Executive Director.

(2) The Executive Director shall be a qualified animal scientist.

(3) The Executive Director shall be appointed on contract for a period of five years, which may be renewed by the Minister on the recommendation of the Board.

(4) The Executive Director shall hold office upon such terms and conditions as shall be specified in his or her contract of appointment.

23. (1) The Executive Director shall be the Chief Executive Officer of the Centre.

Functions of the Director.

(2) The Executive Director shall be the Secretary to the Board of Directors.

(3) The Executive Director shall keep the seal of the Board under lock and key and shall be the accounting officer for the Centre.

(4) The Executive Director shall from time to time in writing, submit reports on matters affecting the affairs of the Centre as shall be required of him or her by the Board.

(5) In addition to any other function prescribed by this Act, the Executive Director shall, subject to the general control of the Centre, be responsible for the funds and properties of the Centre and for the day to-day administration of the affairs of the Centre and for the control of all employees of the Centre.

Other
employees
of the
Centre.

24. The Board shall appoint other employees to facilitate the proper running of the Centre under terms and conditions of service determined by the Board.

Experts and
consultants.

25. The Centre may, on such terms as the Board may determine, engage the services of experts and consultants in respect of any part of the functions of the Centre in which they are considered to have special competence.

PART VII—FINANCIAL PROVISIONS.

Financial
year of the
Centre.

26. The financial year of the Centre shall be the twelve months beginning on the 1st day of July and ending on the 30th day of June in the following year.

Funds of the
Centre.

27. (1) The funds of the Centre shall consist of—
- (a) moneys appropriated by Parliament for the purposes of the Centre;
 - (b) loans from government or from any person or organisation within or outside Uganda;
 - (c) grants, gifts and donations that may be received by the Centre from sources within or outside Uganda; and
 - (d) profits from the commercial activities of the Centre

(2) All income and moneys of the Centre shall be deposited to the credit of the Centre in a bank approved by the Board.

Other Financial Affairs of the Centre.

28. The Centre shall be financially autonomous and self accounting and shall perform its functions in a commercial manner and in accordance with existing financial regulations and accounting principles in the public service.

Financial
status of the
Centre.

29. (1) The Centre shall within a period of three months before the end of each financial year, cause to be prepared and submitted to the Board for approval and onward transmission to the Minister, estimates of the income and expenditure of the Centre for the following financial year.

Estimates of
the Centre.

(2) No expenditure shall be made out of the funds of the Centre unless the expenditure has been approved by the Board under subsection (1) of this section.

30. (1) The Centre may, with the prior approval of the Board, borrow by way of overdraft or otherwise, such sums as may be required for meeting current obligations of the Centre or for discharging its functions under this Act.

Borrowing
powers.

(2) Subject to article 159 of the Constitution, a loan or credit facility obtained by the Centre under this section may, with prior approval of the Board and Minister be guaranteed by Government.

31. Any funds of the Centre not immediately required for any purpose under this Act shall be invested in such manner as the Board may determine.

Investment
of surplus
funds of the
Centre.

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

Accounts of
the Centre.

(2) The Centre 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 Centre during the financial year comprising of—

(a) the balance sheet, a statement of income and expenditure and a statement of surplus and deficit; and

(b) any other information in respect of the financial affairs of the Centre.

Audit of the
Centre.

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

(2) Within three months after the expiry of each financial year, the statement of accounts described in subsection (1) of this section shall be submitted to the Auditor-General for auditing.

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

(4) The Auditor-General shall, within three months after receipt of the statement of accounts under subsection (2) of this section, audit the accounts and deliver to the Centre a copy of the audited accounts of the Centre together with his or her independent opinion.

(5) The Board shall, as soon as possible, after receiving the audit report of the Auditor-General under subsection (4) of this section, forward it together with the Auditor-General's opinion, to the Minister.

(6) The Auditor-General shall also deliver to the Minister, a copy of the audited accounts together with his or her independent opinion.

PART VIII—OFFENCES AND PENALTIES.

Sales of
substandard
genetic
material.

34. (1) Any registered or authorised person who—

(a) sells any prescribed breed or genetic material that does not conform to the standard of growth and purity prescribed for that breed; or

(b) sells for breeding any breed or genetic material that does not conform to the standard tests of the Centre,

commits an offence and is liable on conviction, to a fine not exceeding fifty currency points or imprisonment not exceeding one year or both.

(2) The court which convicts any person of an offence under subsection (1) may, in addition to any other penalty that it may impose, order the forfeiture or destruction without compensation of the substandard breed or genetic material found in the possession or under the control of that person.

35. (1) Any person who sells for breeding, any breed or genetic material under a description other than its patent name, commits an offence and is liable on conviction to a fine not exceeding fifty currency points or imprisonment not exceeding one year or both.

Sales of genetic material under different name.

(2) In this section, "patent name" means the name given to a specific variety of breed or genetic material by its originator or discoverer.

36. Any person who—

Tampering with samples.

(a) tampers with any prescribed genetic material so as to procure any sample of that genetic material, to be taken for the purpose of this Act, and the sample does not correctly represent the bulk from which that sample was taken; or

(b) otherwise tampers with any sample taken under this Act; or

- (c) with intent to deceive, causes or permits to be sent to any genetic testing laboratory to be tested, for the purposes of any prescribed genetic material which to his or her knowledge does not conform to the bulk from which it was taken,

commits an offence and is liable on conviction to a fine not exceeding fifty currency points or imprisonment not exceeding one year or both.

Altering
official
record.

37. Any person who, without authority alters or defaces or removes—

- (a) any register, roll, index, or other official marking maintained under regulations made under this Act; or
- (b) any entry appearing in any register roll, index or other official record;

commits an offence and is liable on conviction to a fine not exceeding fifty currency points or imprisonment not exceeding one year or both.

Altering
documents
and marks.

38. Any person who without lawful authority—

- (a) alters or defaces any certificate, report, record, invoice, account or other document prescribed, issued, furnished or kept under this Act or under regulations made under this Act; or
- (b) alters or defaces any label, note, document, or mark placed upon any container under this Act or under any order, requirement, condition or regulations made under this Act; or
- (c) removes any label, note, document or mark from any container,

commits an offence and is liable on conviction to a fine not exceeding fifty currency points or imprisonment not exceeding one year or both.

39. (1) Where a person commits any offence under sections 35 to 38 of this Act, the court convicting the person of the offence may, in addition to any other penalty imposed on that person—

Additional penalties.

(a) suspend any licence or permit held by that person for a period not exceeding five years;

(b) cause any items in connection with which the offence is committed to be forfeited and destroyed or otherwise disposed of in a manner prescribed by the Minister.

(2) Where a person commits any of the offences referred to in subsection (1) a second or subsequent time, that person is liable on conviction, to a fine not exceeding one hundred currency points or imprisonment not exceeding two years or both.

40. (1) Any act or omission which if done by an individual would be an offence under this Act or under any regulations made under it, shall, if done by body corporate, be deemed to be an offence and any director, secretary and manager of the body corporate who is proved to have contributed by any act or omission to the commission of the offence, shall be deemed to have committed the offence.

Offences by bodies of persons.

(2) Where an offence under this Act or any regulations made under it is committed by a partner in a firm, every person who at the time of the commission of the offence was a partner in that firm or was purporting to act as such and who is proved to have contributed by any act or omission to the commission of the offence shall be deemed to have committed the offence.

(3) A director, secretary, manager, partner or other person shall not be taken to have committed an offence under sub-section (1) or (2) of this section, if he or she proves that the offence was committed without his or her consent or connivance and that he or she exercised all such diligence to prevent the

commission of the offence as he or she ought to have exercised having regard to the nature of his or her functions in that capacity and to all the circumstances of the case.

PART IX—MISCELLANEOUS.

Common
seal of
Centre.

41. (1) The common seal of the Centre 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 Centre shall be authenticated by the signatures of at least two of the following that is to say, the Chairperson, the Executive Director and another member authorised by the Board.

(3) A contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under seal, may be entered into or executed without seal on behalf of the Board.

Validity of
proceedings
not affected
by defects.

42. The validity 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 or by the fact that any person sat or voted at any meeting who was not entitled to do so.

Protection
of Board
members
and
employees.

43. A member of the Board or an employee of the Centre shall not in his or her personal capacity be liable to any civil or criminal proceeding in respect of any act done or omission made in good faith in the performance of his or her duties under this Act.

Annual
reports of
Centre.

44. (1) The Executive Director shall cause to be prepared for the Centre, within six months after the end of each financial year, and submitted to the Minister through the Board, a report of the activities of the Centre in respect of that financial year and the report shall include its achievements during the financial year and its future plans.

(2) The annual report shall be accompanied by the Auditor-General's report on the accounts of the Centre referred to in section 33 of this Act.

45. The Minister shall, as soon as possible after receiving the annual report and the audit reports submitted to him or her under sections 33 and 44 of this Act, cause them to be laid before Parliament.

Minister's
report to
Parliament.

46. A notice or document required to be served on the Centre may be served by leaving it at the office of the Executive Director or by sending it by pre-paid registered post to the Executive Director.

Notices to
Centre.

47. The Minister may, on the recommendation of the Board, by statutory instrument, exempt any person or class of persons from any provision of this Act.

Exemption.

48. (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.

Regulations.

(2) The Minister shall make regulations for the registration and issuance of codes for the identification of stock and any other related matter.

(3) Regulations made under this section may prescribe—

- (a) penalties for the contravention of the regulations being a fine not exceeding one hundred currency points or imprisonment not exceeding two years or both;
- (b) in the case of a continuing contravention, an additional fine not exceeding two currency points for every day on which the offence continues; and
- (c) a requirement that the court convicting an offender shall direct the forfeiture of anything used in connection with the offence.

Powers of
Minister to
amend
Schedules.

49. (1) The Minister may, with the approval of the Cabinet, by statutory instrument, amend the First Schedule to this Act.

(2) The Minister may, by statutory instrument on the recommendation of the Director amend the Second, Third, Fourth, Fifth, Sixth and Seventh Schedule of this Act.

Transfer of
assets and
liabilities.

50. (1) All property and assets, including land, except such property and assets that the Minister may specify by statutory order, which immediately before the commencement of this Act, were vested in or were in the possession of or used by the Artificial Breeding Centre, Entebbe shall vest in the Centre subject to all interests, liabilities, charges, obligations and trusts affecting them.

(2) The Minister may transfer to the Centre the assets belonging to Government, which by virtue of this Act and in his or her opinion, are necessary for the performance of the functions of the Centre.

(3) The Centre shall, in respect of the assets transferred to it under subsection (2) of this section, have all rights and be subject to all liabilities attaching to those assets.

Repeal of
Cap. 222.

51. The Branding of Stock Act is repealed.

SCHEDULES.

FIRST SCHEDULE

SECTION 3.

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

SECOND SCHEDULE.

SECTION 21

MEETINGS OF THE BOARD OF DIRECTORS.

Meetings of
the Board.

1. (1) The Board of the Centre shall ordinarily meet for the discharge of business at least four times in a year at such times, and places as the Chairperson may determine.

(2) The Chairperson shall also summon a special meeting of the Board upon a request made in writing by the Executive Director or any five other members of the Board of the Centre who shall specify the matters intended to be considered at the meeting.

(3) The Executive Director shall, where the Chairperson is absent, summon a meeting of the Board if not less than one-third of the members of the Board, request him or her to do so.

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

(5) The Chairperson shall preside at all meetings of the Board at which he or she is present and in his or her absence, a member elected by members present from among their number, shall preside.

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

(7) The Board may co-opt any person who is not a member to attend any of its meetings as an advisor or consultant 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.

(8) The Board may, subject to the provisions of this Schedule, regulate its own procedure.

Minutes of
the Board.

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

(2) The minutes shall be submitted to the Board of the Centre 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 Executive Director in the presence of the other members.

THIRD SCHEDULE

SECTION 8

LIST OF BREEDS OF LIVESTOCK AND FISH THAT MAY BE
IMPORTED IN UGANDA

(A) List of Breeds of Cattle that may be imported into Uganda

(i) Exotic Bos Taurus

(a) Dairy

Holstein - Friesian

Friesian

Ayrshire

Guernsey

Jersey

Swedish Red

(b) Beef

Aberdeen Angus

Hereford

Chalorais

Red Poll

South Devon

Beef Shorthorn

(c) Dual Purpose - Beef and Milk

Simmental

Montbeliarde

Brown Swiss

Red Poll

Red Dane

Norwegian Red

Dairy Shorthorn

N'Dama

(ii) Exotic Bos Indicus

(a) Dual Purpose - Beef and Milk

Hariana

Ongole

Red Sindhi

Gir

Kenana

Butana

Australian Milking Zebu

Tharpakar

Sahiwal

- (b) Beef
- Boran
- Tswana
- Tuli
- Nguni
- Brahman
- Africander
- Bonsamara

(B) List of breeds of goats that may be imported into Uganda

- (i) Dairy
 - Anglo-Nubian
 - Toggenburg
 - Saanen
 - Alpine
- (ii) Meat
 - Boer
 - Anglo-Nubian
 - Galla

(C) List of breeds of sheep that may be imported into Uganda

- Merino
- Romney Marsh
- Corriedale
- Suffork
- Dorper
- Horro
- Menz
- Red Masai

(D) List of breeds of pigs that may be imported into Uganda

- Large white
- Wassex Saddleback
- Landrace

(E) List of breeds/strains of chicken that may be imported into Uganda

Rhode Island Red
Shaver
Hubbard
Isobrown
White leghorn
Boran Brown
Zambian
Ross

(F) List of fish that may be imported into Uganda

- (i) Food fish
 - Common Carp (*cyprinus carpio*)
 - Black Bass
 - Eel (*Anguila anguila*)
 - Cray fish (*Procampros clarkii*)
 - Paenoes
- (ii) Sport fish
 - Trout

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FOURTH SCHEDULE

SECTION 5

LIST OF PROHIBITED HEREDITARY DEFECTS IN LIVESTOCK
AND FISH FOR IMPORTATION INTO UGANDA.LIVESTOCK SEMEN OR OVA BEING IMPORTED INTO
UGANDA PROHIBITED HEREDITARY DEFECTS IN COUNTRY
OF ORIGIN OR FOR EXPORT

Kind of Animal	Hereditary Defect
1. Cattle	Abnormal skull (nasal openings fused) Absent dewclaws Agnathia (abnormal lower jaw) Dermatosparaxis Dwarfism Cryptorchidism 5 Hermaphroditism Impacted molars Congenital ichthyosis (diffuse hyperkeratosis and abnormal carnification of the skin resulting in thick, horny scales) Congenital porphyrinuria (pink tooth) Spastic paresis Viable hypotrichosis Deformed limbs Hereditary laminitis Flexed pasterns Bowed pasterns Prognathism Skew face Deviated penis Scow tail Screw tail Muscular hypertrophy Digital anomalies Multiple eye defects
2. Goats	Abnormal skull (nasal openings fused) Agnathia Dwarfism Hermaphroditism Impacted molars

	<p>Conformational defects</p> <p>Congenital ichthyosis (diffuse hyperkeratosis and abnormal carnification of the skin resulting in thick, horny scales)</p> <p>Congenital porphyrinuria (pink tooth)</p> <p>Cryptorchidism</p> <p>Viable hypotrichosis</p> <p>Deformed limbs</p> <p>Flexed pasterns</p> <p>Bowed pasterns</p> <p>Prognathism</p> <p>Skew face</p> <p>Deviated penis</p> <p>Scow tail</p> <p>Screwtail</p> <p>Muscular hypertrophy</p> <p>Digital anomalies</p> <p>Multiple eye defects</p> <p>Shortened jaw</p>
3. Horses	<p>Kyphosis</p> <p>Deformed forelegs</p> <p>Wobbles</p>
4. Sheep	<p>Abnormal skull (nasal openings fused)</p> <p>Agnathia</p> <p>Dwarfism</p> <p>Hermaphroditism</p> <p>Impacted molars</p> <p>Conformational defects</p> <p>Congenital ichthyosis (diffuse hyperkeratosis and abnormal carnification of the skin resulting in thick, horny scales)</p> <p>Congenital porphyrinuria (pink tooth)</p> <p>Cryptorchidism</p> <p>Viable hypotrichosis</p> <p>Deformed limbs</p> <p>Flexed pasterns</p> <p>Bowed pasterns</p> <p>Prognathism</p> <p>Skew face</p> <p>Deviated penis</p> <p>Scow tail</p> <p>Screwtail</p> <p>Muscular hypertrophy</p> <p>Digital anomalies</p> <p>Multiple eye defects</p> <p>Shortened jaw</p>

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5. Pigs	Diverticulosis or ileitis Spilt ears Stringhalt Hermaphroditism Kinky tail Congenital bent legs Cryptorchidism Melanotic skin tumours Eye defects (microphthalmia or protruding eyes) Polydactyl Syndactyly Scrotal hernia Thickened forelimbs
6. Poultry	Frizzled feathers Baratum Dwarfism Silky feathers (Hypohyrodism) Cracked Beaks
7. Fish	Sickle back Dwarfism Hermaphroditism Deformed fins Eye defects
8. Ostriches	Dwarfism

FIFTH SCHEDULE

SECTION 9

REQUIRED PERFORMANCE PARAMETERS OF ANIMALS
AND FISH FOR COLLECTION OF SEMEN AND SPERM

Kind and breed of animal	Required parameters
1. Beef cattle breeds	Inter-calving period of mother Scrotal form and circumference Own weaning index and those of sibs and half-sibs Birth weight
2. Dairy breeds (cattle)	Mother, grandmother and great-grandmothers (mother's Side) particulars in respect of: (i) milk, butterfat and protein production (ii) linear classification for general appearance and udder (iii) calving intervals Father and grandfather (mother's side) tested
3. Dairy breeds (smallstock)	Mother and both grandmothers particulars in respect of- (i) within herd indices for milk, butterfat and protein production (ii) linear classification for general appearance and udder (iii) parturition intervals, (iv) scrotal form and circumference,
4. Meat breeds (small stock)	Interparturition period of mother Scrotal form and circumference Own weaning index and those of sibs and half-sibs
5. Merino	Performance tested indices for body weight, clean fleece mass, fibre thickness and fold count
6. Done merino	Breeding values for body weight, clean fleece mass, fibre thickness
7. Pigs	Within herd performance tested indices

8. Food fish	<i>Female</i> Brood stock - Breeding value for body weight Breeding cycle Egg output Hatchability Hatching weight <i>Male</i> Sperm number
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SIXTH SCHEDULE

SECTION 10

LIVE SPERMATOZOA IN A DOSE OF SEMEN AND NUMBER
IN A BROOD STOCK

Kind of Animal	Minimum Amount
1. Cattle	10 million
Goats	
(a) Unfrozen semen	
(i) for cervical insemination	80 million
(ii) for laparoscopic insemination	10 million
(b) Frozen semen	
(i) for cervical insemination	80 million
(ii) for laparoscopic insemination	10 million
3. Horses	
(a) Unfrozen semen	100 million
(b) Frozen semen	200 million
4. Sheep	
(a) Unfrozen semen	
(i) for cervical insemination	80 million
(ii) for laparoscopic insemination	10 million
(b) Frozen semen	
(i) for cervical insemination	80 million
(ii) for laparoscopic insemination	20 million
5. Pigs	2,000 million
6. Fish	10 million sperm/ml
7. Food fish brood stocks	200 males to 200 females
(i) Artificial Breeding system	
(ii) Natural Breeding system	500 males to 500 females

SEVENTH SCHEDULE

SECTION II

FEES PAYABLE FOR APPLICATION OF REGISTRATION OF
INSEMINATORS, SEMEN COLLECTION PREMISES,
IMPORTATION AND EXPORT OF ANIMAL GERMLASM,
REGISTRATION OF BREED SOCIETIES

Purpose	Amount in currency points
Application for registration as an inseminator, embryo transfer technician, inovulator.	3 currency points
2. (i) Application for registration of premises as a centre; where Centre means Centre for semen, embryo or ova, collection or AI sub-centre	10 currency points
(ii) Centre for fish sperm collection	25 currency points
3. Application for approval of an animal for the collection of semen meant for widespread commercial use.	8 currency points
4. Application for renewal of:	
(a) registration as an inseminator, embryo transfer technician or inovulator.	1.5 currency points
(b) registration as a centre for semen, embryo etc.,	5 currency points
(c) fish seed collection	21 currency points
(d) approval of an animal for the collection of semen	4 currency points
5. Late submission of application for renewal	5 currency points
6. Application for approval for the sale of semen	4 currency points
7. Application for an authorisation to import an animal, semen, ova or eggs into the Republic; where Republic means Republic of Uganda	1% of Cost price

8.(i) Application for a certificate of a registration as a livestock breeders' Society.	1 currency point
(ii) Application for a certificate of registration as a fish breeder's Society	3 currency points
(iii) Application to register brand code	3 currency points
9. Appeal against a decision or action	0.5 currency points
10. (i) Inspection of the register	0.1 currency point.
(ii) A copy of any particular recorded in the register .	0.1 currency points
(iii) A certificate in respect of particulars recorded in the register	0.1 currency points

ACTS SUPPLEMENT

to The Uganda Gazette No. 36 Volume XCIV dated 15th June, 2001.

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Act 12

*National Records and
Archives Act*

2001

THE NATIONAL RECORDS AND ARCHIVES ACT, 2001.

ARRANGEMENT OF SECTIONS.

PART I—PRELIMINARY.

Section.

1. Short title.
2. Interpretation.
3. Reckoning of time.



PART II—ESTABLISHMENT AND FUNCTIONS OF A
NATIONAL RECORDS AND ARCHIVES AGENCY.

4. Establishment of a National Records and Archives Agency.
5. Functions of the National Records and Archives Agency.
6. National Records and Archives Agency Advisory Committee.

PART III—RESPONSIBILITIES OF THE CREATORS OF
PUBLIC RECORDS FOR THEIR PROPER MANAGEMENT.

7. Current records.
8. Semi-current records.
9. Public corporations and parastatal organisations.
10. Abolition or privatisation.

PART IV—RESPONSIBILITIES OF THE DIRECTOR FOR
THE MANAGEMENT OF PUBLIC RECORDS AND ARCHIVES.

11. Current records.
12. Semi-current records.
13. Archives.
14. Private records.

Section.

PART V—LOCAL GOVERNMENT RECORDS AND
ACCESS TO ARCHIVES.

15. Local governments records and archives.
16. Other places of deposit for public archives.
17. Access to public archives.
18. Copyright.
19. Legal validity.
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21. Export of historical documents.
22. Penalty for removal, destruction or mutilation of public records and archives.
23. Illegal export of historical documents.

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26. Estimates.
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28. Audit.
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PART VII—GENERAL.

30. Annual Report.
31. Regulations.
32. Power of Minister to amend Schedules.
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First Schedule
Currency Point

Second Schedule
Meetings of the Advisory Committee

LAW DEVELOPMENT CENTRE
REFERENCE LIBRARYLAW DEVELOPMENT CENTRE
REFERENCE LIBRARY

THE NATIONAL RECORDS AND ARCHIVES ACT, 2001.

An Act to provide for the rationalised management of all Government and other public records and archives under one single authority, for the preservation, utilisation and disposal of such records and archives, for the repeal of the Records (Disposal) Act, and for other connected matters.

DATE OF ASSENT: 7th June, 2001

Date of commencement: 15th June, 2001.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.

1. This Act may be cited as the National Records and Archives Act, 2001. Short title.

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

“Advisory Committee” means the National Records and Archives Agency Advisory Committee established by section 6;

“Agency” means the National Records and Archives Agency established by section 4;

“archival repository” means a building or part of a building in which archives are preserved and made available for consultation;

“archives” means records of enduring value selected for permanent preservation;

“competent authority” means for the purpose of section 17 (2) a person authorised to downgrade or declassify classified records the sensitivity of which has reduced or expired;

“currency point” has the meaning assigned to it in the First Schedule to this Act;

“current records” means records regularly used for the conduct of the current business of an institution or individual;

“Director” means the Director of the National Records and Archives Agency;

“heads of organs of State” means the Ministers or other persons responsible for directing organs of State;

“local governments” means local governments established under subsections (2) to (5) of section 4 of the Local Governments Act;

“Minister” means the Minister responsible for the administration of this Act;

“National Archives” means the principal archival repository in which the public archives of Uganda are preserved and made available for consultation;

“organ of State” means any institution, body or office established by or under the Constitution;

"place of deposit" means a place appointed as such under section 16 of this Act;

"private records and archives" means records and archives other than public records and archives as defined in this Act;

"public archives" means public records of enduring value selected for permanent preservation;

"public records" means records of an official nature belonging to the Republic of Uganda—

(i) created, received and maintained in any past, present or future organ of State;

(ii) created, received and maintained in any past, present or future public corporation or para-statal organisation;

(iii) created, received and maintained in any past, present or future local government;

(iv) in the custody of the Government Archivist at the time of coming into operation of this Act;

(v) declared to be public records by the Minister by regulations under section 31 of this Act;

"records" means recorded information regardless of form or medium created, received and maintained by any institution or individual under its legal obligations or in the transaction of its business and providing evidence of the performance of those obligations or that business;

"records centre" means a building or part of a building designated for the storage and provision of official access to semi-current records pending their eventual disposal;

“registry” means the place where current records are managed and maintained;

“retention and disposal schedule” means a document describing the recurring records of an institution or an administrative unit of that institution, specifying which records should be preserved permanently as having enduring value as archives and authorising on a continuing basis and after the lapse of prescribed retention periods or the occurrence of specific actions or events, the disposal by destruction or other means of the remaining records;

“semi-current records” means records required only infrequently for the conduct of current business and for the purposes of this Act, files and other assemblies of records on which no action has been recorded for five years shall be regarded as semi-current records.

Reckoning
of time.

3. (1) Any period of time specified by this Act shall run from the first day of January in the next year after that in which the records were created.

(2) Where records created on different dates are for administrative purposes kept together on one file or other assembly, all the records on that file or assembly shall be treated for the purposes of this Act as having been created when the latest of those records was created.

PART II—ESTABLISHMENT AND FUNCTIONS OF A NATIONAL RECORDS AND ARCHIVES AGENCY.

Establish-
ment of a
National
Records and
Archives
Agency.

4. (1) There is established a National Records and Archives Agency in this Act referred to as the “Agency”.

(2) The Agency shall be managed by a Director of Records and Archives in this Act referred to as “the Director”.

(3) The Director and the other staff of the Agency shall be officers in the public service of the Republic of Uganda and shall be appointed by the appropriate appointing authorities under the Constitution.

(4) The Director and any persons acting on his or her behalf or under his or her direction who require to have access to or custody of public records which are classified under the Official Secrets Act, shall satisfy any security requirements applicable to and take any oath of secrecy or official oath required to be taken by persons who normally have access to such public records. Cap. 311.

(5) The Agency shall have an official seal which shall be judicially noticed.

5. The functions of the Agency are—

- a*) to ensure that organs of State follow good practices in managing public records containing information in all media or formats, including those in electronic form;
- b* to establish records centres for the maintenance and provision of official access to semi-current records, one of which records centres shall meet minimum standards for housing classified documents up to and including secret level;
- c* to establish and implement procedures for the timely disposal of public records of no continuing value and for the transfer of public archives for preservation in the National Archives, in any other archival repository under the control of the Director or in a place of deposit established under section 16 of this Act;

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Functions of
the National
Records and
Archives
Agency.

- (d) to preserve and make available for consultation, public archives selected for preservation in the National Archives or in any other archival repository under the control of the Director.

National
Records and
Archives
Agency
Advisory
Committee.

6. (1) There shall be a National Records and Archives Agency Advisory Committee in this Act referred to as the Advisory Committee.

(2) The members of the Advisory Committee shall be—

- (a) a Chairperson appointed by the Minister;
- (b) the Director;
- (c) a Senior Finance Officer representing the Ministry responsible for finance;
- (d) an officer not below the rank of Senior State Attorney representing the Ministry responsible for justice;
- (e) a Senior officer of the Ministry responsible for local government;
- (f) four other members appointed by the Minister who have experience and ability in records management or archival research or such other experience or qualifications that would enable them to make a useful contribution to the work of the Advisory Committee.

(3) The Chairperson and the members referred to in paragraph (f) of subsection (2) shall serve for a term of three years and shall be eligible for re-appointment for one further term.

(4) A person who has served for two terms as an appointed member shall not be precluded from being appointed as Chairperson.

(5) The Advisory Committee shall be responsible for—

(a) advising the Minister on matters relating to the appraisal and disposal, information exchange, information export, deferment of transfer of information, extended closures of records and management of public records and archives generally;

(b) supporting the Director;

(c) any other matters specifically assigned to it by this Act or as the Minister may direct.

(6) The Second Schedule to this Act shall have effect in relation to meetings of the Advisory Committee.

(7) The Minister, in consultation with the Minister responsible for finance, may by regulation determine the allowances to be paid to the members of the Advisory Committee.

(8) The secretariat of the Advisory Committee shall be provided by the Agency.

PART III—RESPONSIBILITIES OF THE CREATORS OF PUBLIC RECORDS FOR THEIR PROPER MANAGEMENT.

7. Heads of organs of State shall be responsible for creating and maintaining adequate documentation of the functions and activities of their respective institutions through the establishment of good records keeping practices, including—

Current
records.

(a) the nomination of a senior officer in each organ of State to superintend the action taken there in respect of this Act;

(b) the creation and management of current records within appropriate registry systems;

- (c) the implementation of retention and disposal schedules issued in accordance with section 11 (d) and (e) of this Act;
- (d) the transfer of semi-current records into the custody of the Director, except insofar as they may remain classified as secret or top secret on grounds of—
 - (i) national security;
 - (ii) maintenance of public order; or
 - (iii) safeguarding the revenue.

Semi-
current
records.

8. Heads of organs of State shall be responsible for co-operation with the Director in the management of semi-current records and in particular for—

- (a) maintaining the integrity of all semi-current records returned temporarily under section 12(b) of this Act;
- (b) approving access, other than by authorised personnel of the Authority and of the organ of State which created them or its successor in function, or as provided for in section 16 (1) of this Act, to semi-current records in the custody of the Director;
- (c) maintaining semi-current records whose transfer has been deferred under section 7 (d) of this Act in conditions comparable to those provided by the Director in records centres under his or her control;
- (d) implementing retention and disposal schedules relating to semi-current records whose transfer has been deferred under section 7 (d) of this Act and transferring records of enduring value into the custody of the Director or to any other place of deposit appointed under section 16 of this Act not later than twenty years from their creation, except insofar as further deferment of transfer for a specified period may have been approved by regulations made under section 31 of this Act.

9. In respect of public records created, received and maintained by public corporations and parastatal organisations the responsibilities set out in sections 7 and 8 of this Act shall be those of the Chairpersons of the Boards of those corporations or organisations,

Public corporations and parastatal organisations.

AW DEVELOPMENT CENTRE
REFERENCE LIBRARY

10. Where any organ of State, public corporation or parastatal organisation is to be abolished or privatised, the head of that institution shall transmit to the Director a detailed list of all public records and archives in that institution, and shall transfer to a records centre or to an archival repository under the control of the Director those records that the Director may select for continuing retention or permanent preservation.

Abolition or privatisation.

PART IV—RESPONSIBILITIES OF THE DIRECTOR FOR THE MANAGEMENT OF PUBLIC RECORDS AND ARCHIVES.

11. The Director shall be responsible for the co-ordination of records management work in organs of State, with powers of inspection, and in particular for—

Current records.

- (a) providing professional assistance, advice and guidance on the establishment and management of records systems;
- (b) establishing and ensuring compliance with standards for the management of public records;
- (c) making arrangements for the necessary training of records staff in organs of State;
- (d) drawing up general retention and disposal schedules for approval and issue by the Minister on the advice of the Advisory Committee, which schedules shall be sufficient authority for taking the action specified at the due date;

- (e) agreeing with the heads of organs of State retention and disposal schedules relating to records specific to each such organ of State for approval and issue by the Minister, which schedules shall be sufficient authority for taking the action specified at the due date;
- (f) ensuring that the provisions of retention and disposal schedules are implemented;
- (g) authorising the disposal of public records other than as provided for by retention and disposal schedules.

semi-current
records.

12. The Director shall accept custody of semi-current records which have been scheduled for further retention and shall in particular—

- (a) maintain such records within a records centre and provide in the centre—
 - (i) separate and secure storage accommodation for the maintenance of semi-current records which continue to be classified as confidential, secret or top secret;
 - (ii) facilities for the consultation of semi-current records by duly authorised officers of the organ of State which created them or its successor in function.
- (b) return semi-current records temporarily from his or her custody to the organ of State which created them or to its successor in function for the purposes of current administration;
- (c) implement retention and disposal schedules in respect of semi-current records in his or her custody;

- (d) dispose appropriately of semi-current records which are in his or her custody and are covered by disposal schedules;
- (e) arrange the transfer of records of enduring value into his or her custody as archives or to such other place of deposit appointed under section 16 of this Act, not later than twenty years from their creation;
- (f) inspect and advise the Minister on the suitability of premises in which it is proposed that records whose transfer has been deferred under sections 7 (d) and 8 (d) above should be held.

13. (1) The Director shall be responsible for the preservation of all public archives other than any whose transfer have been deferred under section 8 (d) of this Act or which are held in a place of deposit appointed under section 16 of this Act, and shall in particular—

Archives.

- (a) establish and take charge of the National Archives and any branch archival repositories;
- (b) provide in the National Archives and in any other archival repositories under his or her control suitable conditions for the preservation and consultation of their holdings;
- (c) arrange and describe those holdings and provide appropriate guides, lists, indexes and other finding aids to facilitate access to them;
- (d) ensure that reasonable facilities are available to the public for inspecting and obtaining copies of public archives in the National Archives or any other archival repository under his or her control, insofar as those archives are open to inspection under section 17 of this Act;

- (e) prescribe rules to be observed by those wishing to consult public archives in the National Archives or any other archival repository under his or her control;
 - (f) ensure that reasonable facilities are available to duly authorised officers of the organ of State which created them or its successor in function for inspecting and obtaining copies of public archives in the National Archives or any other archival repository under his or her control;
 - (g) return public archives in the National Archives or any other archival repository under his or her control temporarily from his or her custody to the organ of State which created them or to its successor in function for the purposes of current administration
- (2) The Director may do all such things as appear to him or her necessary or expedient for maintaining the utility of the National Archives and any other archival repository under his or her control, and may in particular—
- (a) prepare publications, and sell them and other publications or objects related to public archives;
 - (b) arrange exhibitions and lend public archives for exhibitions elsewhere subject to conditions which he or she may specify; but loans outside Uganda may not be made except with the consent of the Minister on the advice of the Advisory Committee;
 - (c) dispose of public archives in his or her custody if it seems to him or her that they are not of enduring value, subject to the agreement of the head of the organ of State in which they were created or its successor in function and of the Minister on the advice of the Advisory Committee;

(d) enter into arrangements with other institutions for the joint management of conservation and restoration, reprographic or other technical facilities.

14. (1) Where it appears to the Minister that any private records, or any part of them are of national importance, and that it is in the public interest that they be acquired, he or she may, after consultation with the owner of the private records and subject to the following provisions of this section acquire them or any part of them and declare them to be public records, and thereafter the provisions of this Act relating to public records shall apply to them.

Private
records.

(2) The Minister shall after consultation with the Minister responsible for finance, and in accordance with article 26 of the Constitution pay full and fair compensation in respect of the private records so acquired.

(3) The amount of compensation shall be payable in such manner and in instalments as shall be determined by the Minister responsible for finance after consultation with the person entitled to the compensation.

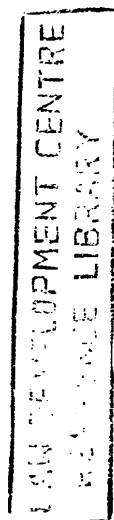
PART V— LOCAL GOVERNMENT RECORDS AND ACCESS TO ARCHIVES.

15. (1) Subject to the provisions of this section, the Chief Executive of each Local Government shall be responsible for the management of current records created, received and maintained by that local government in accordance with section 7 of this Act.

Local
governments
records and
archives.

(2) Section 7 (d) shall not apply to the Chief Executive and instead the Chief Executive shall be responsible for establishing records centres and managing semi-current records in accordance with section 12 of this Act.

(3) For the purposes of this section—



(2) The authority responsible for the public archives in a place of deposit shall prepare appropriate guides, lists, indexes and other finding aids to those archives and submit copies to the Director.

(3) If a place of deposit fails to maintain suitable facilities or to submit copies of its finding aids or ceases to be adequately funded, the Director may revoke its appointment and may direct the transfer to the National Archives or another archival repository under his or her control of those archives that he or she may select for permanent preservation.

17. (1) Subject to any written law prohibiting or limiting the disclosure of information in any public record or archive, public archives in the National Archives, in any other archival repository under the control of the Director or in a place of deposit appointed under section 16 of this Act shall be available for public inspection after the expiration of a period of thirty years from their creation, calculated in accordance with section 3 (2) of this Act; except insofar as a longer or shorter period is prescribed by the Minister by regulations made under section 31 of this Act at the request of the Minister or other head of the organ of State which created the archives or its successor in function.

Access to
public
archives.

(2) At the expiration of the period of thirty years prescribed in subsection (1), any public records selected for permanent preservation as archives and which are still classified as restricted, confidential, secret or top secret, shall be examined by a competent authority to ascertain whether their continuing classification is necessary and, if it is not, they shall be de-classified and cease to be subject to the Official Secrets Act, and shall become open to public inspection under subsection (1) of this section.

Cap. 311.

(3) A period of closure beyond thirty years may be prescribed under subsection (1) of this section only when there is a continuing need, after the examination prescribed in subsection (2) of this section, to maintain the security classification of public records or archives or otherwise to restrict public access on grounds of—

- (i) national security;
- (ii) maintenance of public order;
- (iii) safeguarding the revenue; or
- (iv) protection of the privacy of living individuals.

(4) Public records and archives to which members of the public had access before transfer into the custody of the Director or to a place of deposit appointed under section 16 of this Act shall continue to be open to public inspection irrespective of their age

Copyright.

18. (1) In making available for inspection or providing copies of public archives in his or her custody, the Director shall not be in breach of any private copyrights in any such public archive.

(2) The provision of copies of public archives by the Director does not involve the transfer of any copyrights in them to the recipients.

(3) The publication of facsimile copies, verbatim transcripts or literal translations of public archives in the custody of the Director in which copyright of the Government of Uganda subsists is prohibited except with the consent of the Director and subject to such conditions as he or she may require and to the payment of such fees as may be prescribed by regulations made under sections 25 and 31 of this Act.

Legal
validity.

19. (1) The legal validity of any public record shall not be affected by its removal under this Act to the custody of the Director or to a place of deposit appointed under section 16 of this Act.

(2) A copy of a public archive in the custody of the Director or of an extract from such an archive examined and certified as a true and authentic copy by an officer authorised by him or her and bearing the seal of the Agency shall be admissible as evidence in any proceedings without any further or other proof of it if the original archive would have been admissible as evidence in those proceedings.

20. Each organ of State shall deposit in the National Archives a copy of every publication which it issues, whether for sale or otherwise.

~~Official
Publications~~

21. (1) The export from Uganda of public records and archives and their photocopies is prohibited.

Export of
historical
documents.

(2) The export of other documents which relate to Uganda and are of historical or cultural value is prohibited except in accordance with the terms of a licence to export, issued by the Minister.

(3) The Minister may, at his or her discretion, refuse to issue a licence under this section if he or she considers that a document is of such historical or cultural value that its export would not be in the public interest.

(4) A licence issued under subsection (1) of this section shall specify each document to which the licence relates and contain such conditions as the Minister may prescribe.

(5) For the purposes of this section, the Minister may authorise the Director to establish a register of private records and archives within Uganda.

22. (1) Any person who, without proper authorisation, removes any public record or archive from an organ of State or from the National Archives or any other record centre or archival repository under the control of the Director, or from a place of deposit appointed under section 16 of this Act or who destroys any public record or archive except as provided for in sections 7 to 15 of this Act or who wilfully mutilates any public record or archive in an organ of State, in the National Archives or any other record centre or archival repository under the control of the Director or in a place of deposit appointed under section 16 of this Act, commits an offence and is liable on conviction to a fine not exceeding one hundred currency points or imprisonment not exceeding two years or to both.

Penalty for
removal,
destruction
or
mutilation
of public
records and
archives.

(2) Any public record or archive which has been removed without proper authorisation in the past or may be so removed in the future and which remains within the jurisdiction of the courts of Uganda may be reclaimed by the Agency.

(3) Any person who borrows any public record or archive material from an organ of state, or from the National Archives or any other centre or archival repository under the control of the Director or from a place of deposit appointed under section 16 of this Act, and refuses to return such borrowed item commits an offence and is liable on conviction to a fine not exceeding one hundred currency points or imprisonment not exceeding two years or both.

Illegal
export of
historical
documents.

23. (1) Any person who contravenes section 21 of this Act commits an offence and is liable on conviction to a fine not exceeding one hundred currency points or imprisonment not exceeding two years or both.

(2) The records, archives or historical documents to which an offence under subsection (1) is committed shall be put at the disposal of the Director who may take them into his or her custody and upon doing so the provisions of this Act relating to public records and archives shall have effect on any which are not already public records or archives.

PART VI—FINANCIAL PROVISIONS.

Funds.

24. The funds of the Agency consist of—

- (a) money from time to time appropriated by Parliament for the purposes of the Agency;
- (b) grants, gifts, donations and loans that may be received by the Agency from any source within or outside Uganda;
- (c) any moneys which may accrue to the Agency by way of sales, fees or other payments for services;

(d) any other moneys received by or made available to the Agency for the purpose of performing its functions under this Act.

25. (1) Fees may be charged for the supply of copies, the certification of copies and the provision of other services by the staff of the Agency. Fees.

(2) The fees shall be prescribed by the Minister by regulations made under section 31 of this Act; and the regulations may authorise the remission or reduction of the fees by the Director.

26. (1) The Director shall, not later than three months before the end of each financial year, prepare and submit to the Advisory Committee for its approval and recommendation to the Minister, estimates of income and expenditure of, the Agency for the next ensuing financial year, and may at any time, before the end of that financial year, prepare and submit to the Advisory Committee for approval and recommendation to the Minister, any estimates supplementary to the estimates of the current financial year. Estimates.

(2) No expenditure shall be made out of funds of the Agency unless that expenditure is part of the expenditure approved by the Minister under subsection (1) of this section.

27. (1) The Agency shall keep proper books of accounts of all its income expenditure and proper records in relation to them in a form approved by the Auditor General. Accounts.

(2) Subject to any directions given by the Minister, the Advisory Committee shall cause to be prepared in respect of each financial year, a statement which shall include a report on the performance of the Agency during that financial year; and the statement shall comprise—

(a) a balance sheet and a statement of income and expenditure of the Agency in respect of that financial year; and

(b) any other information in respect of the financial affairs of the agency as the Minister may require.

Audit.

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

(2) The Advisory Committee shall ensure that within two months after the close of each financial year, the statement of accounts described in section 27 of this Act is submitted for auditing.

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

(4) The Auditor General shall, within ~~one month~~ ^{two months} after receipt of the statement of accounts under subsection (2) of this section, audit the accounts and deliver to the Advisory Committee 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.

Financial
year of the
Agency.

29. The financial year of the Agency shall, in respect of the first accounting period be the period starting from the date of commencement of this Act and ending on the 30th June the following year, and in respect of any subsequent accounting period shall be the period of twelve months ending on the 30th June.

PART VII—GENERAL.

Annual
report.

30. (1) Within three months after the end of each financial year, the Director shall submit to the Minister a report on the activities of the Agency during that year which shall be published.

(2) The Minister shall cause the annual report to be laid before Parliament.

31. The Minister may and on the advice of the Advisory Committee make regulations for giving full effect to the provisions of this Act.

Regulations.

32. The Minister may, with the consent of the Cabinet, amend the Schedules to this Act by statutory instrument.

Power of
Minister to
amend
Schedules.

33. The Records (Disposal) Act, and any rules made under are repealed.

Repeal.
Cap. 42.

FIRST SCHEDULE.

SECTION 2

Currency Point

A currency point is equivalent to twenty thousand Uganda shillings.

SECOND SCHEDULE

SECTION 6 (6)

Meetings of Advisory Committee

1. (1) The Advisory Committee shall meet for the dispatch of business at least once in every quarter at such place and time as the Chairperson may appoint.

Meeting of
the
Advisory
Committee.

(2) A meeting shall also be called, upon a request in writing not less than half of all the members of the Advisory Committee specifying the subject intended to be discussed at the meeting.

(3) The Chairperson shall preside at every meeting of the Advisory Committee and in the absence of the Chairperson a member elected by the members present at the meeting from their number shall preside.

(4) Except where there is an emergency, notice of a meeting shall be given to each member at least five days before the day of the meeting.

2. The quorum at any meeting of the Advisory Committee shall be one third of the members of the Advisory Committee.

Quorum.

3. (1) Questions proposed at a meeting of the Advisory Committee shall be determined by a simple majority of the members present and voting and in the case of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his or deliberative vote.

Decisions of
the
Advisory
Committee.

(2) A decision may be made by the Advisory Committee without a meeting by circulation of the relevant papers among the members of the Advisory Committee and by the expression of the views of the majority of the members in writing; but any member is entitled to require that the decision is brought be considered at a meeting of the Advisory Committee.

4. (1) The Advisory Committee shall cause to be recorded and kept all minutes of its meetings in a manner prescribed by the Advisory Committee.

Minutes of
the
Advisory
Committee.

(2) The minutes recorded under subsection (1) shall be submitted to and confirmed by the Advisory Committee at its meeting next following that to which the minutes relate and on confirmation the minutes shall be signed by the Chairperson, and the person acting as Secretary in the presence of the other members present at that meeting.

(3) The Director shall be the custodian of the minutes of the Advisory Committee.

Residual
power of
Advisory
Committee
to regulate
its
proceedings

5. Subject to the provisions of this Schedule, the Advisory Committee may regulate its own proceedings and the proceedings of its committees.

ACTS SUPPLEMENT

to The Uganda Gazette No. 36 Volume XCIV dated 15th June, 2001.

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Act 13 *Local Governments (Amendment) Act* 2001

THE LOCAL GOVERNMENTS (AMENDMENT) ACT, 2001.

ARRANGEMENT OF SECTIONS.

1. Short title.
2. Amendment of section 2.
3. Amendment of section 3.
4. Amendment of section 5.
5. Amendment of section 7.
6. Amendment of section 11.
7. Amendment of section 12.
8. Amendment of section 15.
9. Amendment of section 17.
10. Amendment of section 19.
11. Amendment to section 24.
12. Amendment of section 25.
13. Amendment of section 26.
14. Amendment of section 28.
15. Amendment of section 48.
16. Amendment of section 51.
17. Insertion of section 51A.
18. Amendment of section 52.
19. Amendment of section 55.
20. Amendment of section 57.
21. Amendment to section 58.
22. Insertion of section 58A.
23. Amendment of section 59.
24. Amendment of section 60.
25. Amendment of section 69.
26. Amendment of section 70.

Section.

27. Amendment of section 73.
28. Amendment of section 81.
29. Amendment of section 86.
30. Amendment of section 89.
31. Amendment of section 90.
32. Insertion of section 91A.
33. Amendment of section 92.
34. Amendment of section 93.
35. Replacement of section 95.
36. Amendment of section 98.
37. Insertion of section 101A.
38. Amendment of section 106.
39. Amendment of section 112.
40. Amendment of section 117.
41. Amendment of section 118.
42. Amendment of section 129.
43. Amendment of section 130.
44. Repeal of section 135.
45. Amendment of section 152.
46. Insertion of section 161A and 161B.
47. Amendment to section 162.
48. Amendment of section 163.
49. Amendment of section 164.
50. Amendment of section 170.
51. Insertion of section 171A.
52. Amendment of section 172.
53. Replacement of section 173.
54. Insertion of section 174A.
55. Amendment of section 183.

LIBRARY

**THE LOCAL GOVERNMENTS (AMENDMENT)
ACT, 2001.**

An Act to amend the Local Governments Act, 1997.

DATE OF ASSENT: 7th June, 2001.

Date of commencement: 15th June, 2001.

BE IT ENACTED by Parliament as follows—

1. This Act may be cited as the Local Governments (Amendment) Act, 2001 and shall be read and construed as one with the Local Governments Act, 1997 in this Act referred to as the “principal Act”.

Short title.

Act No. 1
of 1997.

2. Section 2 of the principal Act is amended by replacing paragraph (c) as follows—

Amendment
of section 2.

(c) to establish affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of addressing imbalances which exist against them;

3. Section 3 of the principal Act is amended—

Amendment
of section 3.

- (a) by inserting the following definition in its appropriate alphabetical order—

“persons with disabilities” means persons having individual physical or mental impairment which in their individual capacities substantially limit one or more of the major life activities of those persons.

- (b) by replacing the definitions of “Speaker” with the following definition—

“Speaker” means the Speaker elected under section 12 or section 24A and “Deputy Speaker” shall be construed accordingly”;

- (c) by inserting the following definition in its appropriate alphabetical order—

“urban authority” includes a City Council, City Division Council, Municipal Council and Town Council;

Amendment
of section 5

4. Section 5 of the principal Act is amended—

- (a) by replacing paragraph (b) with the following—

“(b) a City Division shall be equivalent to a Municipality”

- (b) by adding a new paragraph (c) as follows—

“(c) a Municipal Division and a Town shall be equivalent to a sub-county.”

Amendment
of section 7.

5. Section 7 of the principal Act is replaced with the following new section—

“Local
Governments
to be bodies
corporate

7. (1) Every Local Government shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name and may, subject to the provisions of the Constitution, do enjoy or suffer anything that may be done, enjoyed or suffered by a body corporate.

(2) Notwithstanding the provisions of subsection (1) of this section, no execution or attachment or process in such nature shall be issued out of any court for enforcing payment by a Local Government of any money or costs against its fixed assets and statutory transfers provided the execution or attachment may be made against any other property after six months from the date of judgement, order or decree."

6. Section 11 of the principal Act is amended by making the existing provision subsection (1) and inserting the following new subsection—

Amendment
of section
11.

"(2) A member of Parliament may attend meetings of a Local Council in his or her constituency."

7. Section 12 of the principal Act is amended—

Amendment
of section
12.

(a) in subsection (6) by inserting after paragraph (d), the following new paragraph—

"(e) failure without reasonable excuse to call two consecutive meetings of the Council."

(b) by inserting immediately after subsection (6), the following new subsection—

"(6A) For purposes of removing the Speaker a notice in writing signed by at least one third of all the members of the Council shall be submitted to the Chairperson stating their grounds and that they intend to pass a resolution to remove the Speaker.

(6B) Where a notice is submitted to the Chairperson under subsection (6A) no person shall withdraw his or her signature from the notice.

(6C) A notice made under subsection (6A) shall be submitted to the Minister or his or her representative by the Clerk to Council and the Minister, or his or her representative shall, within thirty days of receipt of the notice, convene or cause the convening of a meeting for the removal and election of a Speaker”.

- (c) by replacing subsection (8) with the following—

“(8) A Chief Magistrate shall preside at first election of the Speaker following general elections of District Local Councils”.

- (d) by inserting the following new subsection after subsection (8) as follows—

“(8A) The Speaker shall preside at the election and removal of a Deputy Speaker”.

- (e) by adding after subsection (10), the following new subsections—

“(11) A Speaker and Deputy Speaker shall be on full time service of the Council and shall resign a public office immediately upon election as such or upon the coming into force of this Act.

(12) A Speaker or Deputy Speaker shall be paid emoluments and allowances in accordance with the First Schedule to this Act, and shall not hold any office of profit or emolument likely to compromise his or her office.”

Amendment
of section
15.

8. Section 15 of the principal Act is amended—

- (a) by inserting after subsection (1), the following new subsection—

“(1A) Notwithstanding the provisions of subsection (1), the seat of a District Chairperson shall fall vacant if—

- (a) the holder resigns in writing addressed to the Speaker;
 - (b) the holder without reasonable cause or notification of the Speaker, fails to attend four consecutive meetings of the Council;
 - (c) the holder is found guilty of the violation of the Leadership Code and punishment imposed includes the vacation of office;
 - (d) the holder accepts appointment to a public office;
 - (e) the holder is sentenced to death or to imprisonment exceeding six months without the option of a fine;
 - (f) the holder has been convicted of an offence involving moral turpitude within the preceding six years; or
 - (g) circumstances arise which disqualify the holder from occupying the office under any other law.”
- (b) by inserting after subsection (2), the following new subsection—
- “(2A) For the avoidance of doubt, where a petition has been submitted to the Speaker under subsection (2) of this section, no person shall withdraw his or her signature supporting the petition.”
- (c) in subsection (3) by replacing the expression “Chief Justice” with “Minister”;
- (d) by replacing subsection (4) with the following subsection—

“(4) The Minister shall, within fourteen days after receipt of the notice under subsection (3), constitute a Tribunal consisting a judge as head of the Tribunal and two other persons all of whom the Minister shall appoint in consultation with the Chief Justice to investigate the allegations.”

(e) by inserting after subsection (4), the following new subsection—

“(4A) A person shall not be eligible for appointment as a member of the Tribunal unless that person—

- (a) is a person of high moral character and proven integrity; and
- (b) possesses considerable experience and demonstrated competence and is of high calibre in the conduct of public affairs.”

(f) by replacing subsection (18) with the following—

“(18) The provisions of subsections (1) to (17) shall apply to the removal of the Chairperson of the lower Local Government Council except that—

- (a) the notice under subsections (2) and (7) shall be submitted to the District Council Speaker who shall convene and preside over the Council meeting under subsection (1) within fourteen days after the receipt of the report of the Tribunal or Medical Board for the removal of the Chairperson;
- (b) wherever “Chief Justice” appears shall be substituted by “Chief Magistrate;”
- (c) under subsection (4), the Justice of the High Court shall be substituted by “Magistrate not below Grade 1”;

9. Section 17 of the principal Act is amended—

Amendment
of section
17.

(a) by adding after subsection (2), the following new subsection—

“(2A) Notwithstanding the provisions of subsection (2), the number of the members of the Executive Committee shall not exceed one-third of all the members of the Council.”

(b) by adding at the end of subsection (4) the following expression—

“and another for persons with disabilities and the elderly.”

10. Section 19 of the principal Act is amended by inserting after subsection (5) the following new subsections—

Amendment
of section
19.

“(5A) Where both the Chairperson and the Vice-Chairperson are unable to perform the functions of the office of Chairperson, the Speaker shall perform those functions until the Chairperson or the Vice-Chairperson assumes office or until a new Chairperson is elected.

(5B) Before performing the functions of the office of Chairperson under subsection (5A) the Speaker shall take and subscribe the oaths specified in the Eighth Schedule to this Act.

(5C) A person holding an office on the Executive Committee immediately before the Speaker assumes the functions of Chairperson shall continue to hold such office until the Chairperson, the Vice-Chairperson or a new Chairperson as the case may be assumes office.

(5D) A Speaker assuming the functions of the Chairperson under subsection (5A) shall not have powers to fill any vacancy on the Executive Committee.

(5E) During the period the Speaker is acting as Chairperson, the Deputy Speaker shall act as Speaker.”

Amendment
to section
24.

11. The principal Act is amended by inserting after subsection (5) of section 24 the following new subsection—

“(6) There shall be two elderly persons a male and a female above the age of fifty five years on every lower local government council who shall be nominated by the respective Executive Committees for approval by their respective councils.”

“Speaker and
Deputy
Speaker of a
lower local
Government
Council

24A (1) A sub-county, Municipal, Town, City Division and Municipal Division Council shall have a Speaker and Deputy Speaker elected by the Council from among members of the Council.

(2) The Speaker and Deputy Speaker shall be elected through a secret ballot.

(3) The Returning Officer shall convene and preside at a meeting for the election of Speaker under this section.

(4) At the election of Speaker and Deputy Speaker the person who gets a majority of votes of all the members of the Council shall be declared elected Speaker or Deputy Speaker respectively.

(5) If during the election of Speaker or Deputy Speaker only one name is nominated, that person shall be declared elected Speaker or Deputy Speaker respectively.

(6) The provisions of subsections (6), (6A), (7), (9) and (10) of section 12 shall apply to the lower Local Government Speaker and Deputy Speaker.

(7) The provisions of subsection (6C) of section 12 shall apply for the removal of a lower Local Government Speaker and Deputy Speaker except that the Minister or his or her representative shall be substituted by the Returning Officer.

(8) The Speaker and Deputy Speaker under this section shall be part time and shall only be paid allowances in accordance with the First Schedule.

12. Section 25 of the principal Act is amended—

Amendment
of section
25.

(a) by deleting the expression “Council and” appearing in subsection (1), paragraph (b);

(b) by inserting after paragraph (e), the following new paragraph—

“(f) report to the Council the state of affairs of the respective area of jurisdiction, at least once in six months.

(c) by adding after subsection (3), the following subsections—

“(4) Where both the Chairperson and the Vice-Chairperson are unable to perform the functions of the office Chairperson, the Speaker shall perform those functions until the Chairperson or the Vice-Chairperson assumes office or until a new Chairperson is elected.

(5) Before assuming office of Chairperson under subsection (4) the Speaker shall take and subscribe the oaths specified in the Eighth Schedule to this Act.

(6) A person holding an office on the Executive Committee immediately before the Speaker assumes the functions of Chairperson under subsection (4) shall continue to hold office until the Chairperson, Vice-Chairperson or a new Chairperson assumes office.

(7) A Speaker assuming the functions of the Chairperson under subsection (4) shall not have power to fill any vacancy on the Executive Committee.

(8) During the period the Speaker is acting as Chairperson, the Deputy Speaker shall act as "Speaker".

Amendment
of section
26.

13. Section 26 of the principal Act is amended by—

(a) inserting after subsection (2), the following new subsection—

"(2A) Notwithstanding the provisions of subsection (2), the members of the Executive Committee shall not exceed one-third of all the members of the Council."

(b) adding at the end of subsection (4) the following—

"and another for persons with disabilities and the elderly"

Amendment
of section
28.

14. Section 28 of the principal Act is amended by replacing subsection (4) with the following new subsection—

"(4) For the avoidance of doubt, a member of the Village, or Sub-county Council shall resign his or her office on the Village or Sub-county Executive Committee if elected a Chairperson or Vice-Chairperson of the Parish, Ward or County Council as the case may be."

Amendment
of section
48.

15. Section 48 of the principal Act is amended by adding after subsection (3), the following new subsections—

“(4) The Chairperson or a member of the Executive Committee may be removed from office by the relevant Council supported by two thirds of the members of the Council on any or all of the following grounds—

- (a) abuse of office;
- (b) corruption;
- (c) incompetence;
- (d) misconduct;
- (e) failure or refusal without justifiable reason to implement lawful Council decisions; and
- (f) in the case of a Chairperson, failure to call a Council meeting for more than three months without reasonable cause.

(5) For the purposes of removing a member from office under subsection (4), the notice in writing signed by not less than one third of all the members of the Council shall be submitted by the Village or Parish Council to the Clerk at the Sub-county with a copy to the Returning Officer—

- (a) stating that they intend to pass a resolution of the Council to remove the member from office on any or all of the grounds set out in that subsection; and
- (b) setting out the particulars of the charge supported by the necessary documents, where applicable, on which it is claimed that a member be removed from office.

(6) The notice referred to in subsection (5) shall be sent to the Returning Officer at least twenty-one days before the date of the meeting in which the resolution for the removal of the member from office is to be made.

(7) The Returning Officer shall, within fourteen days, acknowledge receipt of the notice and make arrangements for the meeting in which the Council intends to remove the member from office.

(8) The Returning Officer shall preside at the removal of a member of an Executive Committee of a Village, Parish or County Council.

(9) The member of the Executive Committee who is the subject of a resolution for removal shall be given an opportunity to defend himself or herself against the accusations before a vote is taken on the resolution by the Council.

(10) The Returning Officer shall, after ascertaining that the provisions of this section have been complied with, declare the office on the Executive Committee which the person removed was occupying to be vacant and make arrangements for election of another person to the office."

Amendment
of section
51.

16. Section 51 of the principal Act is amended by adding a new paragraph (c) as follows—

"(c) make a report to the respective Council on the state of affairs of the administrative unit, at least once in a year."

Insertion of
section
51A.

17. The principal Act is amended by inserting after section 51, the following new section—

Performance
of functions
in absence of
Chairperson

51A.(1) Where the Chairperson and the Vice-Chairperson of an administrative unit are unable to perform the functions of the Chairperson, the Assistant Returning Officer shall convene the administrative Council for the purposes of presiding over the elections of a person from the Council to perform the functions of the Chairperson.

(2) Before assuming office, a person elected under subsection (1) shall take and subscribe the oaths if any, specified for that office.

(3) A person holding an office on the Executive Committee immediately before a person assumes the functions of Chairperson under subsection (1) shall continue to hold office until the Chairperson, Vice-Chairperson or a new Chairperson assumes office.

(4) A person assuming the functions of the Chairperson under subsection (1) shall not have power to fill any vacancy on the Executive Committee."

18. Section 52 of the principal Act is amended by deleting the expression "other than *ex-officio* members, shall be paid allowances in accordance with the First Schedule but".

Amendment
of section
52.

19. Section 55 of the principal Act is amended by inserting after subsection (2), the following new subsection—

Amendment
of section
55.

"(2A) In appointing the members of the District Service Commission under subsection (2), the District Council shall ensure that at least one third is reserved for women and at least one member of the Commission shall be a person with disability."

20. Section 57 (1) of the principal Act is amended by adding after paragraph (c), the following paragraph—

Amendment
of section
57.

"(d) has a minimum qualification of Advanced Level Certificate or its equivalent plus a Diploma from a recognised institution."

21. Section 58 of the principal Act is amended by deleting the expression "in accordance with the First Schedule" appearing in the last line.

Amendment
to section
58.

22. The principal Act is amended by inserting, after section 58, the following new section—

Insertion of
section
58A.

"Salaries
allowances
and other
expenses of a
District
Service
Commission
to be charged
on the
Consolidated
Fund

58A. The salaries and allowances payable to the members of a District Service Commission and all other expenses of a District Service Commission shall be charged on the Consolidated Fund."

Amendment
of section
59.

23. Section 59(2) of the principal Act is amended by inserting a comma between the words "Public" and "Education" wherever they occur in it.

Amendment
of section
60.

24. Section 60 of the principal Act is amended by deleting subsection (3) of that section consequently any reference to it under any section is deleted.

Amendment
of section
69.

25. Section 69 of the principal Act is amended—

(a) in subsection (1) by—

(i) inserting the expression "any of" between the words "on" and "the";

(ii) recasting paragraph (d) as follows—

"(d) such physical or mental incapacity as would render the Chief Administrative Officer or Town Clerk incapable of performing the duties of Chief Administrative Officer or Town Clerk as the case may be";

(b) by replacing subsection (2) with the following—

"(2) Except for subsections (3), (4), (5), (6) and (18), section 15 shall apply to the removal of the Chief Administrative Officer or Town Clerk with such modifications as may be necessary and in particular—

- (a) before passing a resolution under subsection (1), the Council shall in writing, put its allegations to the Chief Administrative Officer or Town Clerk who shall have the right to defend himself or herself before the Council;
- (b) following the resolution of the Council, to remove the Chief Administrative Officer or Town Clerk, the Clerk to the Council shall forward the Council's decision together with the necessary supporting documents to the Chairperson of the District Service Commission who shall immediately interdict the Chief Administrative Officer or Town Clerk and require the Officer to submit his or her written defence to the District Service Commission within fourteen days of receipt of the letter of interdiction.
- (c) the District Service Commission shall conduct investigations into the allegations against the Chief Administrative Officer or Town Clerk and take further appropriate action;
- (d) the Chief Administrative Officer or Town Clerk shall, during investigations under paragraph (c), have a right to appear and defend himself or herself before the District Service Commission;
- (e) on receipt of the letter of interdiction, the Chief Administrative Officer; or Town Clerk shall handover to his or her deputy; or where there is no Deputy Chief Administrative Officer or Deputy Town Clerk, the Chairperson with the approval of the Executive Committee, shall recommend to the District Service Commission to appoint one of the heads of Department to act;

(f) where the Chief Administrative Officer or Town Clerk is dissatisfied with the decision of the District Service Commission he or she may appeal to the Public Service Commission."

Amendment
of section
70.

26. Section 70(3) of the principal Act is amended in paragraph "f" by replacing "the Secretary" with "Clerk".

Amendment
of section
73.

27. Section 73(1) of the principal Act is amended by recasting it as follows—

"(1) There shall be such number of Deputy or Assistant Resident District Commissioners in a District as the President may determine."

Amendment
of section
81.

28. Section 81 of the principal Act is amended by adding after subsection (4), the following new subsection—

"(5) Notwithstanding anything contained in the provisions of this Act, the Minister may, by statutory instrument, and in consultation with the Minister responsible for finance, declare the scale or rate of Graduated Tax to be levied by Local Governments throughout the country."

Amendment
of section
86.

29. Section 86 of the principal Act is amended—

(a) by inserting after subsection (1), the following new subsections—

"(1A) Where a Division fails to remit fifty percent of its revenue under subsection (1), the City or Municipal Council shall take appropriate measures to make full recovery of the revenue due to it, which may include but not limited to withholding any monies that may be due to the Division from the Central Government or any other source.

(1B) The City or Municipal Council may, with the concurrence of a Division in its area of jurisdiction, collect revenue on behalf of the Division.

(1C) Where the City fails to remit revenue referred to under subsection (1B), the Division Council shall retain revenue due to the City to make full recovery of the revenue due to it.

(1D) The Town Council's revenue shall be collected by the respective Town Council";

(b) by adding after subsection (6), the following new subsections—

"(7) Notwithstanding the provisions of subsection (6), disbursement of funds to any Council shall be upon accountability for previous release to that Council.

(8) A lower Local Government Council shall share equally with the respective higher Local Government the costs for printing of Graduated Tax tickets, licences, books of accounts and receipt books, provided the costs do not include salaries."

30. Section 89 of the principal Act is amended—

Amendment
of section
89.

(a) by inserting after subsection (1), the following new subsection—

"(1A) At least one third of the members of the Local Government Public Accounts Committee shall be women;

(1B) A person shall not be appointed a member of the Local Government Public Accounts Committee unless that person—

(a) is of a high moral character and proven integrity;

(b) has a minimum qualification of Advanced Level Certificate or its equivalent.

(b) by adding the following expression at the end of subsection (9)—

“and report on actions taken or to be taken on the recommendations to persons listed in section 88, subsection (3)”.

(c) by inserting after subsection (9), the following new subsection—

“(9A) A Local Government Public Accounts Committee shall have powers to recommend to Police, arrest of suspects in respect of cases involving corruption or abuse of authority of public office.”;

(d) by replacing subsection (10) with the following—

“(10) The expenses of the Local Governments Public Accounts Committees are charged on the Consolidated Fund.”

Amendment
of section
90.

31. Section 90 the principal Act is amended in subsection (1) by inserting the word “or” at the end of paragraph (c) and replacing the semi-colon at the end of paragraph (d) with a full stop and deleting the word “or” at the end thereof.”

Insertion of
section
91A.

32. The principal Act is amended by inserting after section 91, the following new section—

“Account-
ability

91A (1) In accordance with section 65, the Chief Administrative Officer shall be the accounting officer in charge of a District and shall be accountable to the District Council for the funds in that District.

(3) At least one third of the members of the District Tender Board shall consist of women and at least one member of the Tender Board shall be a person with a disability.”

(b) by inserting after subsection (3), the following new subsection—

“(3A) There shall be a Secretary to the District Tender Board who shall be appointed by the District Service Commission and shall be at the rank Assistant Chief Administrative Officer or above.”;

(c) by inserting after subsection (4), the following new subsection—

“(4A) All expenses of a District Tender Board including salaries and emoluments of the members shall be charged on the Consolidated Fund.”

(d) by inserting after subsection (8), the following new subsection—

“(9) A Tender Board shall in its operations, be independent and shall not be subject to the direction or control of any person or authority.”

Amendment
of section
93.

34. Section 93 of the principal Act is amended in subsection (1) by inserting a new paragraph (c) as follows—

“(c) has a minimum qualification of advanced level certificate or its equivalent.

Replacement
of section
95.

35. Section 95 of the principal Act is replaced as follows—

“(1) Notwithstanding the provisions of subsection (1) of section 92, an urban authority may establish its own Tender Board.

(2) An Urban Authority Tender Board shall consist of five members including the Chairperson all of whom shall be appointed by the Council on the recommendation of the Executive Committee.

(3) At least two of the members of the Urban Authority Tender Board shall be women.

(4) The provisions of subsections (3) to (8) of section 92, section 93 and 94 shall apply to an Urban Authority Tender Board with such modifications as may be necessary except that the quorum shall be three members.

(5) An Urban Authority Tender Board established under subsection (1) of this section shall not commence operations until the next following financial year.

(6) An urban authority which establishes its own Tender Board under this section shall meet the expenses of the Tender Board.

36. Section 98 of the principal Act is amended—

Amendment
of section
98.

(a) in subsection (1) by adding after paragraph (c), the following new paragraph—

“(d) establish minimum National Standards of service delivery in the sectors under its jurisdiction;” and

(b) in subsection (2) by adding after paragraph (b), the following new paragraph—

“(c) compile and disseminate National Standards as they apply to Local Governments.”

37. The principal Act is amended by inserting after section 101, the following new section—

Insertion of
section
101A.

“Financing
of services
during take-
over period

101A. (1) During the period in which the President has taken over the administration of a District, the decentralized services in the area of jurisdiction of that Local Government Council shall be financed by direct appropriation from the national budget to a District vote held by the Chief Administrative Officer.

(2) The conditional grants shall during the period under subsection (1) be utilized under the supervision of the Permanent Secretary responsible for local governments.”

Amendment
of section
106.

38. Section 106 (1) of the principal Act is amended—

(a) by replacing paragraph (a) with the following paragraph—

“(a) shall appoint one presiding officer and such number of polling assistants as the Electoral Commission may determine;”
and

(b) in paragraph (c) by replacing “four” with “at least three”.

Amendment
of section
112.

39. Section 112(3) of the principal Act is amended by replacing paragraph (g) with the following new paragraph—

“(g) attaches to his or her nomination paper a list of names of fifty registered voters from each of at least two thirds of the electoral areas and each voter shall have appended to that list his or her signature, physical address and voters registration number as specified in Form EC 1 of the Seventh Schedule.”

Amendment
of section
117.

40. Section 117 of the principal Act is amended by inserting after subsection (3), the following new subsection—

“(3A) For the avoidance of doubt, a public officer employed by a Local Government shall not be a councillor of that Local Government or another Local Government or lower Local Government.”

Amendment
of section
118.

41. Section 118 of the principal Act is amended—

(a) by replacing subsection (2) with the following new subsection—

“(2) The election of women Councillors shall be by universal adult suffrage through a secret ballot using one ballot box for candidates at each polling station”; and

(b) by deleting subsection (3) of that section.

42. Section 129 (1) of the principal Act is amended by replacing that subsection with the following new subsection—

Amendment
of section
129.

“(1) Voting at every election for Local Government Councils shall be by secret ballot using one ballot box at each polling station for candidates contesting for the same post.”

43. Section 130 (5) of the principal Act is amended by adding after paragraph (b), the following new paragraph—

Amendment
of section
130.

“(c) betrays the trust of the voter with a disability under this section.”

44. Section 135 of the principal Act is repealed.

Repeal of
section 135.

45. Section 152 of the principal Act is amended—

Amendment
of section
152.

(a) in subsection (1) by replacing—

“fifteen currency points” and “three years” with
“twenty currency points” and “five years”
respectively;

(b) in subsection (2) by replacing “three years” with
“five years”.

46. The principal Act is amended by inserting after section 161, the following new sections—

Insertion of
section
161A and
161B.

“Elections of
Village and
Parish
Chairperson to
be by secret
ballot

161A. The elections of the Village and Parish
Chairpersons shall be by secret ballot.

Nomination
and approval
of Executive
Committee
Members

161B. Members of the Executive Committee at the Village and Parish level shall be nominated by the Chairpersons with the approval of their respective Councils”.

Amendment
to section
162.

47. Section 162 is amended by replacing subsections (1) and (2), as follows—

“(1) The presiding officer shall call for nominations for the office of Chairperson at Village and Parish to be filled.

(2) The nomination of a candidate for elections of a Chairperson at the Village and Parish level shall be orally proposed by an eligible voter and seconded by another voter who is present and shall be submitted to the presiding officer at any time before the election commences.”

Amendment
of section
163.

48. Section 163 of the principal Act is amended by deleting subsections (2) to (8).

Amendment
of section
164.

49. Section 164 of the principal Act is amended by deleting subsections (3) and (4).

Amendment
of section
170.

50. Section 170 of the principal Act is amended by replacing the expression beginning with the words “the date of” at the end of the third line up to the end of the section with the expression “from the date of the expiry of the term of of. of the outgoing Executive Committee”.

Insertion of
section
171A.

51. The principal Act is amended by inserting immediately after section 171, the following new section—

“Local
Council
elections not
to coincide
with
Presidential
and
Parliamentary
elections

171A. Elections of all Local Government and Administrative Unit Councils shall take place at least sixty days before the expiry of the term of the existing Councils, but shall not coincide with Presidential or Parliamentary elections”.

52. Section 172 of the principal Act is amended—

Amendment
of section
172.

(a) by inserting the following new subsection after subsection (1)—

1A. Any Clerk to the Council who fails to report to the Electoral Commission within one month from the date the office fell vacant, commits an offence and shall be liable on conviction to a fine not exceeding five currency points or to a term of imprisonment not exceeding three months or both.

(b) by replacing in subsection (3) the expression “District Clerk” with “Clerk to the Council.”

53. Section 173 of the principal Act is replaced with the following—

Replace-
ment of
section 173.

“For any issue not provided for under this Part of the Act, the Presidential Elections Act and the Parliamentary Elections Act in force shall apply to the elections of Local Councils with such modifications as may be deemed necessary by the Electoral Commission”.

54. The principal Act is amended by inserting immediately section 174, the following new section—

Insertion of
section
174A.

Unexempted
persons to be
accountable

174A. A person who is not exempted from liability under section 174 and who directs or concurs in the use of public funds contrary to existing legal rules or instructions shall be accountable for any loss arising from that use and shall be required to make good the loss even if that person has ceased to hold office.”

55. Section 183 of the principal Act is amended by adding after subsection (2), the following new subsection—

Amendment
of section
183.

“(3) Where a person is elected to represent a Parish or is elected Chairperson or member of the Executive Committee of the Parish which is later divided to create another Parish, that person shall be allowed to continue serving or representing the Parish in which he or she resides and elections shall accordingly be held in the other Parish.”

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