



THE REPUBLIC OF UGANDA
Registered at the
General Post Office for
transmission within
East Africa as a
Newspaper

The

Uganda Gazette



THE REPUBLIC OF UGANDA

Published
by
Authority

Vol. XCVIX No. 14

3rd March, 2006

Price: Shs. 1000

CONTENTS	PAGE
The Control of Private Security Organisations—Notice	101
The Mining Act—Notices	101
Bank of Uganda—Notice	102
The Trade Marks Act—Registration of applications	103-106
Advertisements	107-108

SUPPLEMENTS

Statutory Instruments

- No. 11—The Access to Information (Commencement) Instrument, 2006.
No. 12—The National Environment (Audit) Regulations, 2006.

General Notice No. 62 of 2006.

SECURITY PLUS (U) LTD. NOTICE

PURSUANT to the provisions of Regulation 15(2) of the Control of Private Security Organisations 1997 (Statutory Instrument No. 13 of 1997) the general public is hereby notified that the duly recognised and operations personnel of Protectorate S.P.C. shall don a Uniform described as beneath:

The descriptions are as follows:

1. Security Officer
 - Blue cap with badge with a Silver Logo
 - White shirt with blue badge with a Silver Logo
 - Blue clip on tie
 - Navy blue trouser
 - Black Belt
 - Black pair of boots
 - Navy blue raincoat
2. Emergency Response Officers
 - Black cap with a red badge (Yellow badge for Supervisor)
 - Black shirt with a red badge (Yellow badge for Supervisor)
 - Black clip on tie
 - Black trouser
 - Black belt
 - Black pair of boots
 - Navy blue raincoat

Dated at Kampala this 1st day of March, 2006.

PATRICK M. WATTABA,
General Manager.

General Notice No. 63 of 2006.

THE MINING ACT, 2003 (The Mining Regulations, 2004)

NOTICE OF GRANT OF A MINERAL DEALERS' LICENCE

IT IS HEREBY NOTIFIED that a Mineral Dealers' Licence Number 0018 has been granted in accordance with the provisions of Section 69 and Section 70 to Hima Cement Ltd of P.O. Box 37, Kasese for a period of one calendar year, ending the 31st December, 2006.

The holder is dully authorised to trade in industrial minerals at Centre Court premises, Ternan Avenue, Plot 4, Kampala City.

DATED at Entebbe, this 31st day of January, 2006.

KYAKONYE FRED,
*for Commissioner for Geological Survey
and Mines Department.*

General Notice No. 64 of 2006.

THE MINING ACT, 2003 (The Mining Regulations, 2004)

NOTICE OF GRANT OF A MINERAL DEALERS' LICENCE

IT IS HEREBY NOTIFIED that a Mineral Dealers' Licence Number 0019 has been granted in accordance with the provisions of Section 69 and Section 70 to Hima Cement Ltd of P.O. Box 37, Kasese for a period of one calendar year, ending the 31st December, 2006.

The holder is dully authorised to trade in non precious metals at Centre Court premises, Ternan Avenue, Plot 4, Kampala City.

DATED at Entebbe, this 31st day of January, 2006.

KYAKONYE FRED,
*for Commissioner for Geological Survey
and Mines Department.*

General Notice No. 65 of 2006.



PUBLIC NOTICE

NOTICE OF INTENTION TO ISSUE A LICENCE FOR TRANSPORTATION OF WASTE

THE NATIONAL ENVIRONMENT (WASTE MANAGEMENT) REGULATIONS, 1999 REGULATION 7(1) (C)

TAKE NOTICE that application for Licence for Transportation of Wastes has been received by the National Environment Management Authority (NEMA) from BIN IT SERVICES LTD of P.O. Box 5837, Kampala.

The transportation of waste will take place from homes and institutions to Kitezi Landfill located in Kitezi, Mpererwe, Wakiso District.

NEMA will proceed to grant the Licence for Transportation of Waste if no objections are received at NEMA Offices or at the District Environment Office, Kampala City Council within thirty (30) days from the date of publication of this notice.

Dated at Kampala this 1st day of November, 2005.

ARYAMANYA-MUGISHA HENRY,
*Executive Director, National Environment
Management Authority (NEMA).*

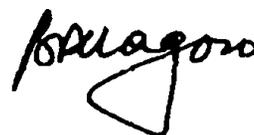
General Notice No. 66 of 2006.

BANK OF UGANDA
STATEMENT OF ASSETS AND LIABILITIES
AS AT 30 SEPTEMBER 2005

	Sept. 2005 <i>U Shs (m)</i>	June 2005 <i>U Shs (m)</i>
ASSETS		
FOREIGN		
Cash and Cash equivalents	1,963,334	1,967,146
Investments Held for trading	390,464	363,766
Investments Available for sale-Afrexim	745	696
IMF Quota	<u>487,706</u>	<u>458,338</u>
Total Foreign Assets	2,842,249	2,789,946
DOMESTIC		
Advances to Commercial Banks and other Institutions	108,633	108,996
Domestic Investments	200,000	200,486
Stocks, Receivables and prepayments	38,497	34,814
Staff Loans and advances	11,491	10,097
Prepaid Operating Lease Rentals	8,258	8,355
Property, Plant and Equipment	76,246	78,359
Advances to Government	<u>1,194,103</u>	<u>1,070,913</u>
Total Domestic Assets	1,637,228	1,512,020
TOTAL ASSETS	<u>4,479,477</u>	<u>4,301,966</u>
LIABILITIES		
FOREIGN		
International Monetary Fund Accounts	487,724	458,354
Special Drawing Rights Allocation	79,427	74,644
Other foreign liabilities	<u>822</u>	<u>822</u>
Total Foreign liabilities	567,973	533,820
DOMESTIC		
Currency in Circulation	719,815	698,503
UCBL Sales proceeds	25,406	25,406
Commercial Bank Deposits	319,937	296,289
International Bank for Reconstruction and Development	2,249	2,249
Government Deposits	2,342,322	2,363,462
Employee Benefits	1,468	1,468
Other Liabilities	<u>75,082</u>	<u>68,776</u>
Total domestic liabilities	3,486,279	3,456,153
TOTAL LIABILITIES	4,054,252	3,989,973
SHAREHOLDERS' FUNDS		
Share Capital	20,000	20,000
Earmarked Funds	28,792	28,800
Reserves	<u>376,433</u>	<u>263,190</u>
	425,225	311,990
TOTAL SHAREHOLDERS' FUNDS AND LIABILITIES	<u>4,479,477</u>	<u>4,301,966</u>



Governor



for Executive Director Finance

General Notice No. 67 of 2006.

THE MONEY LENDERS ACT CAP. 273.

THE MONEY LENDERS (LICENCES AND CERTIFICATES) RULES—S.I. 264-2

NOTICE.

Under R 31(2) B 1

TAKE NOTICE THAT the application of Ronald Sentongo of P.O. Box 1411, Kampala for a certificate to carry on Money-Lending Business at Plot 214, Kafumbe Mukasa Road, Kisenyi Kampala shall be heard on the 10th day of March, 2006 at 9:00 O'clock in the forenoon in the Chief Magistrate's Court of Mengo at Mengo, Kampala.

Dated this 1st day of March, 2006.

MUBIRU-MUSOKE, MUSISI & CO. ADVOCATES,
Counsel for the Applicant.

General Notice No. 68 of 2006.

THE TRADE MARKS ACT.

(Cap. 83).

NOTICE.

NOTICE IS HEREBY GIVEN that any person who has grounds to oppose the registration of any of the marks advertised herein 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, Amamu House, Plot No. 5B George Street, P.O. Box 6848, Kampala.

(21) APPLICATION NO. 27337 IN PART "A".
(52) Class 9.
(54)

TradePlus

(53)
(59)
(64)
(57) *Nature of goods*— Electric and electronic apparatus, equipment and hardware for use in relation to banking, financial, insurance and general commercial transactions including such transactions conducted via telephone or the Internet; software enabling electronic or telecommunication connection to the Internet or to computer databases; automated teller machines (ATM's), cash/currency dispensing machines and electronic fund transfer/point of sale (eftpos) terminals; magnetic or encoded cards, credit/debit cards and smart cards and readers and scanner for such cards.

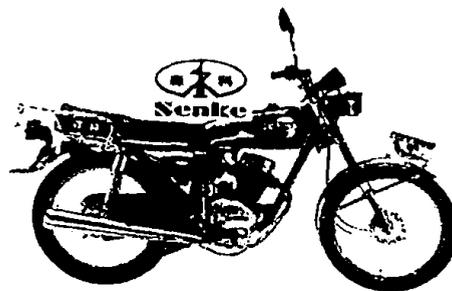
(73) *Name of applicant*— The Standard Bank of South Africa Limited.

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

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

(22) *Date of filing application*— 27th January, 2005.

(21) APPLICATION NO. 28416 IN PART "A".
(52) Class 12.
(54)



(53)
(59)
(64)

(57) *Nature of goods*— Motor bikes.

(73) *Name of applicant*— Dura Motors Limited.

(77) *Address*— P.O. Box 7662, Kampala.

(74)

(22) *Date of filing application*— 23rd January, 2006.

(21) APPLICATION NO. 28516 IN PART "A".
(52) Class 5.
(54)



(53)
(59)
(64)

(57) *Nature of goods*— Baby diapers.

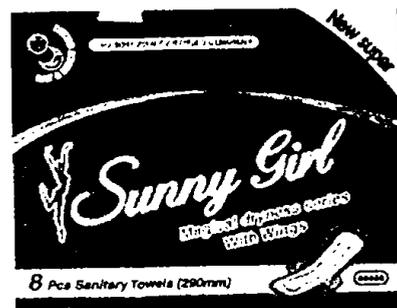
(73) *Name of applicant*— Glesta Investments Limited.

(77) *Address*— P.O. Box 11662-00100 Nairobi Kenya.

(74) *C/o* Kenneth Katarikawe Advocate, P.O. Box 7389, Kampala.

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

(21) APPLICATION NO. 28517 IN PART "A".
(52) Class 5.
(54)



(53)
(59)
(64)

(57) *Nature of goods*— Sanitary towels.

(73) *Name of applicant*— Glesta Investments Limited.

(77) *Address*— P.O. Box 11662-00100 Nairobi Kenya.

(74) *C/o* Kenneth Katarikawe Advocate, P.O. Box 7389, Kampala.

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

- (21) APPLICATION No. 28522 IN PART "A".
 (52) Class 16.
 (54)



uganda telecom
 It's all about U

- (53)
 (59) *Restriction to colours*— Yellow, green, processed blue and white.
 (64)
 (57) *Nature of goods*— All goods included in class 16.
 (73) *Name of applicant*— Uganda Telecom Limited.
 (77) *Address*— P.O. Box 7171, Kampala.
 (74)
 (22) *Date of filing application*— 27th February, 2006.

- (21) APPLICATION No. 28523 IN PART "A".
 (52) Class 16.
 (54)



uganda telecom
 It's all about U

- (53)
 (59) *Restriction to colours*— Black and white.
 (64)
 (57) *Nature of goods*— All goods included in class 16.
 (73) *Name of applicant*— Uganda Telecom Limited.
 (77) *Address*— P.O. Box 7171, Kampala.
 (74)
 (22) *Date of filing application*— 27th February, 2006.

- (21) APPLICATION No. 28527 IN PART "A".
 (52) Class 16.
 (54)

It's all about U

- (53)
 (59) *Restriction to colours*— Processed blue and white.
 (64)
 (57) *Nature of goods*— All goods included in class 16.
 (73) *Name of applicant*— Uganda Telecom Limited.
 (77) *Address*— P.O. Box 7171, Kampala.
 (74)
 (22) *Date of filing application*— 27th February, 2006.

- (21) APPLICATION No. 28526 IN PART "A".
 (52) Class 16.
 (54)

It's all about U

- (53)
 (59) *Restriction to colours*— Black and white.
 (64)
 (57) *Nature of goods*— All goods included in class 16.
 (73) *Name of applicant*— Uganda Telecom Limited.
 (77) *Address*— P.O. Box 7171, Kampala.
 (74)
 (22) *Date of filing application*— 27th February, 2006.

- (21) APPLICATION No. 28525 IN PART "A".
 (52) Class 16.
 (54)

It's all about U

- (53)
 (59) *Restriction to colours*— Processed blue and white.
 (64)
 (57) *Nature of goods*— All goods included in class 16.
 (73) *Name of applicant*— Uganda Telecom Limited.
 (77) *Address*— P.O. Box 7171, Kampala.
 (74)
 (22) *Date of filing application*— 27th February, 2006.

- (21) APPLICATION No. 28524 IN PART "A".
 (52) Class 16.
 (54)



- (53)
 (59) *Restriction to colours*— Processed blue, yellow, green and white.
 (64)
 (57) *Nature of goods*— All goods included in class 16.
 (73) *Name of applicant*— Uganda Telecom Limited.
 (77) *Address*— P.O. Box 7171, Kampala.
 (74)
 (22) *Date of filing application*— 27th February, 2006.

- (21) APPLICATION No. 28341 IN PART "A".
 (52) Class 3.
 (54)

Colgate

- (53)
 (59)
 (64) *Association*— To be associated with the following:
 3372, 9231, 11087, 11376, 11547, 14197, 14201, 14204, 14263, 14917, 14918, 15106, 1720131, 22798, 22799, 24305, 24587, 25563, 2562223, 26224, 27121, 27271, 27305, 27570 & 28570.
 (57) *Nature of goods*— Toothpaste.
 (73) *Name of applicant*— Colgate Palmolive Company.
 (77) *Address*— 300 Park Avenue New York, New York, U.S.A. 10022.
 (74) C/o Kasirye, Byaruhanga & Co. Advocates P.O. Box 10946, Kampala.
 (22) *Date of filing application*— 21st December, 2005.

- (21) APPLICATION NO. 28490 IN PART "A".
 (52) Class 11.
 (54)

CYCLONE

ROOF VENTILATOR

- (53) *Disclaimer*— Registration of this Trademark shall give no right to the exclusive use of the words 'ROOF VENTILATOR' except as represented.
 (59)
 (64)
 (57) *Nature of goods*— Ventilator.
 (73) *Name of applicant*— Steelworks Limited.
 (77) *Address*— P.O. Box 25845, Kampala, Uganda.
 (74)
 (22) *Date of filing application*— 13th February, 2006.

- (21) APPLICATION NO. 27336 IN PART "A".
 (52) Class 9.
 (54)

PayPlus

- (53)
 (59)
 (64)
 (57) *Nature of goods*— Electric and electronic apparatus, equipment and hardware for use in relation to banking, financial, insurance and general commercial transactions including such transactions conducted via telephone or the Internet; software enabling electronic or telecommunication connection to the Internet or to computer databases; automated teller machines (ATM's), cash/currency dispensing machines and electronic fund transfer/point of sale (eftpos) terminals; magnetic or encoded cards, credit/debit cards and smart cards and readers and scanner for such cards.
 (73) *Name of applicant*— The Standard Bank of South Africa Limited.
 (77) *Address*— Standard Bank Centre, 6 Simmonds Street, Johannesburg, Gauteng, South Africa.
 (74) *C/o M/s Ssengendo Co. Advocates, P.O. Box 6914, Kampala, Uganda.*
 (22) *Date of filing application*— 27th January, 2005.

- (21) APPLICATION NO. 27979 IN PART "A".
 (52) Class 3.
 (54)

AVEDA HOUSE MARK

- (53)
 (59)
 (64)
 (57) *Nature of goods*— Cosmetics, toiletries, fragrances and all other goods included in class 3.
 (73) *Name of applicant*— Aveda Corporation.
 (77) *Address*— 4000 Pheasant Ridge Drive, Minneapolis, Minnesota 55449, United States of America.
 (74) *C/o M/s Ssengendo Co. Advocates, P.O. Box 6914, Kampala, Uganda.*
 (22) *Date of filing application*— 23rd August, 2005.

- (21) APPLICATION NO. 28085 IN PART "A".
 (52) Class 22.
 (54)



SAWAN

- (53)
 (59)
 (64)
 (57) *Nature of goods*— Fishing implements including nets, twines, P.E. ropes, P.E twine.
 (73) *Name of applicant*— Sawan India Overseas.
 (77) *Address*— D-191, Phase IV, Focal Point, Ludhiana 141 010, India.
 (74) *C/o M/s Ssengendo Co. Advocates, P.O. Box 6914, Kampala, Uganda.*
 (22) *Date of filing application*— 28th September, 2005.

- (21) APPLICATION NO. 28084 IN PART "A".
 (52) Class 12.
 (54)



SAWAN

- (53)
 (59)
 (64)
 (57) *Nature of goods*— Complete bicycles and bicycle spare parts, bicycle tyres and tubes.
 (73) *Name of applicant*— Sawan India Overseas.
 (77) *Address*— D-191, Phase IV, Focal Point, Ludhiana 141 010, India.
 (74) *C/o M/s Ssengendo Co. Advocates, P.O. Box 6914, Kampala, Uganda.*
 (22) *Date of filing application*— 28th September, 2005.

- (21) APPLICATION NO. 28083 IN PART "A".
 (52) Class 8.
 (54)



SAWAN

- (53)
 (59)
 (64)
 (57) *Nature of goods*— Agricultural implements including hoes, shovels, slashers, machetes, picks, all hand operated.

- (73) *Name of applicant*— Sawan India Overseas.
 (77) *Address*— D-191, Phase IV, Focal Point, Ludhiana 141 010, India.
 (74) *C/o M/s Ssengendo Co. Advocates, P.O. Box 6914, Kampala, Uganda.*
 (22) *Date of filing application*— 28th September, 2005.

- (21) APPLICATION NO. 28011 IN PART "A".
 (52) Class 30.
 (54)

WALU

Yamaly

- (53)
 (59)
 (64)
 (57) *Nature of goods*— Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee, flour and preparations made from cereals, bread, pastry and confectionery; biscuits, ices; honey, treacle; yeast, baking powder, salt, mustard, vinegar, sauces (condiments); spices; ice.
 (73) *Name of applicant*— Hayel Saeed Anam & Co.
 (77) *Address*— Taiz, P.O. Box 5302, Yemen.
 (74) *C/o M/s Ssengendo Co. Advocates, P.O. Box 6914, Kampala, Uganda.*
 (22) *Date of filing application*— 31st August, 2005.

- (21) APPLICATION NO. 27956 IN PART "A".
 (52) Class 4.
 (54)

V - POWER

- (53)
 (59)
 (64)
 (57) *Nature of goods*— Oils; greases; lubricants; fuels.
 (73) *Name of applicant*— Shell Brands International AG.
 (77) *Address*— Baarematte, 6340 Baar, Switzerland.
 (74) *C/o M/s Ssengendo Co. Advocates, P.O. Box 6914, Kampala, Uganda.*
 (22) *Date of filing application*— 17th August, 2005.

- (21) APPLICATION NO. 28010 IN PART "A".
 (52) Class 16.
 (54)

DUN & BRADSTREET

- (53)
 (59)
 (64)
 (57) *Nature of goods*— Printed matter, including books and printed publications; printed reports; computer reports; computer printouts; newspapers, hand books and manuals; all relating to financial matters; hand books on common stocks, reports on dividends declared, municipal and corporate bond records, active stock reports, manuals and supplements in the field of bank and finance, transportation, industrials, public utilities, municipals and governments; credit, financial,

marketing, sales and educational books, pamphlets, reports, magazines and leaflets concerning business and trade statistical credit information and company news and reviews; and for printed charts, graphs, tabulations of business information, market information and reference books, all containing company information or relating to company ownership.

- (73) *Name of applicant*— Dun & Bradstreet International
 (77) *Address*— 103 JFK Parkway, Short Hills, New Jersey 07078, United States of America.
 (74) *C/o M/s Ssengendo Co. Advocates, P.O. Box 6914, Kampala, Uganda.*
 (22) *Date of filing application*— 31st August, 2005.
 (21) APPLICATION NO. 28009 IN PART "A".
 (52) Class 12.
 (54)

THIS SIDE UP

KYMB

- (53)
 (59)
 (64) *Association*— To be associated with TM No. 265 :
 (57) *Nature of goods*— Ropeways for cargo or passenger handling; unloading tipplers (for tilting rail freight cars); mine-car pushers; mine-car power tractors; hydraulic actuators for land vehicles; cylinders for land vehicles; reduction gears for vehicles; hydraulic speed change gears for vehicles; power steering apparatus; pump-driven power steering apparatus; other power transmissions and gearings for land vehicles; shock absorbers for land vehicles; suspensions for vehicles; pumps for suspensions of land vehicles; front forks for two-wheeled motor vehicles; bicycles; spring shock absorbers used in the rear of two-wheeled motor vehicles and bicycles; shock absorbers used in the rear for two-wheeled motor vehicles and bicycles; disc brakes or brake pads for land vehicles; brake master cylinders; other components for land vehicles; hatch covers for ships; ram airships; boat davits for ships; landing gear for aircraft; landing gear wheels of aircraft; hydraulic system components for aircraft; control gears for aircraft; passenger control gears for trucks; dump trucks; control mixing vehicles; snowmobiles; clutches for automobiles; tyres for automobiles; inner tubes for automobiles; two-wheeled motor vehicles; air pumps for two-wheeled motor vehicles or bicycles; spokes of two-wheeled motor vehicles or bicycles; saddles of two-wheeled motor vehicles or bicycles; drive chains of two-wheeled motor vehicles or bicycles; adhesive rubber patches for repairing tyres or tubes of two-wheeled motor vehicles or bicycles; ramps for aircraft; door openers for aircraft; ram tensioners for ships; oil hydraulic system components for ships; casters for trucks.

- (73) *Name of applicant*— Kayaba Industry Co. Ltd (Koyogyo Kabushiki Kaisha).
 (77) *Address*— World Trade Center Building, 4-1, Hamamachi-cho 2-Chome, Minato-Ku, Tokyo, Japan.
 (74) *C/o M/s Ssengendo Co. Advocates, P.O. Box 6914, Kampala, Uganda.*
 (22) *Date of filing application*— 31st August, 2005.
 Kampala, KYOMUGASHO MERCY KEN
 27th February, 2006. Assistant Registrar of Trade

ADVERTISEMENTS

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 208 Plot 1468 Approx. 0.07 of a Hectare at Kawempe.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Benyamini Mivule Lutaya, P.O. Box 15134, Kibuye, Kampala, a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Kampala, EDWARD KARIBWENDE,
15th February, 2006. *Ag. Commissioner Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 248 Plot 95.

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

Kampala, VERONICA NAMUTEBI,
17th February 2006. *for Ag. Commissioner Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 211 Plot 834 at Kikaya.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Angelo Nsubuga Kizito of P.O. Box 6370, Kampala, a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Kampala, DDAMULIRA AHMED,
15th February 2006. *for Ag. Commissioner Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kibuga Block 14 Plot 880, Approx. 0.05 Hectares at Najjanankumbi.

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

Kampala, DDAMULIRA AHMED,
21st January 2006. *for Ag. Commissioner Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Busiro Block 255 Plot 19 Approx. 10.00 Hectares at Najemba.

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

Kampala, DDAMULIRA AHMED,
23rd July 2005. *for Ag. Commissioner Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Gomba Block 218 Plots 139, 140, 142, 143, & 144 at Wanjeyo Nakaye.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of George William Kijambu of P.O. Box 7210, Kampala, special Certificates of Titles under the above Block and Plots, the Certificates of Titles which were originally issued having been lost.

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

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Busiro Block 260 Plot 13 at Senge.

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

Kampala, DDAMULIRA AHMED,
27th February 2006. *for Ag. Commissioner Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Leasehold Register—Volume 11 Folio 2 Plot No. 23 Bazaar Road, Lira.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Kantaben wife of Ashabhai Dhoribhai Patel of P.O. Box 130, Lira, Uganda, a special Certificate of Title under the above Volume and Folio, the Certificate of Title which was originally issued having been lost.

Kampala, ATARO LOUELLA,
21st February, 2006. *for Ag. Commissioner Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Leasehold Register—Volume 793 Folio 17 Plot No. 475
Land at Namirembe.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Mohamed Musa of P.O. Box 407, Kampala, a special Certificate of Title under the above Volume and Folio, the Certificate of Title which was originally issued having been lost.

Kampala, KANYONYORE JOSEPH,
14th November 2005. *for Ag. Commissioner Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Leasehold Register—Volume 809 Folio 8 Plot No. 124 Land
at Mengo, Kampala.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Misusela Kyagaba of P.O. Box 4874, Kampala, a special Certificate of Title under the above Volume and Folio, the Certificate of Title which was originally issued having been lost.

Kampala, NAMUTEBI VERONICA,
17th February, 2006. *for Ag. Commissioner Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Mawokota Block 266 Plots 42, 63, 78, 79, 80, 81, 82, 83 at
Kayabwe.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Deziderio Kalebu Nsibambi and administrator of the estate of the late Petro Lutaya, P.O. Box 4553, Kampala, a special Certificate of Title under the above Block and Plots, the Certificate of Title which was originally issued having been lost.

Kampala, DDAMULIRA AHMED,
22nd September, 2005. *for Ag. Commissioner Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyaggwe Block 106 Plot 145 Area 0.94 Hectares at Bajo.

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

Mukono, DDAMULIRA AHMED,
13th January 2006. *for Ag. Commissioner Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Leasehold Register—Volume 772 Folio 11 Plots 40/42,
Nyonyintono Road, Katali Housing Estate, Kampala.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Charles Otuku of P.O. Box 49, Lira, a special Certificate of Title under the above Volume and Folio, the Certificate of Title which was originally issued having been lost.

Kampala, JOSEPH KANYONYORE,
21st February, 2006. *for Ag. Commissioner Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 265 Plot 5116 at Bunamwaya.

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

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

THE BIRTHS AND DEATHS REGISTRATION ACT,
[CAP 309]

AND

REGISTRATION OF DOCUMENTS ACT. [CAP. 81]

DEED POLL—NOTICE OF CHANGE OF NAME

Know ye all persons by this Deed Poll, that I Ramadhan Kyamulesire of C/o UPDF General Headquarters, P.O. Box 132, Bombo, a Ugandan Citizen by birth formerly and lately known as Arhamadhan Kyamulesire do hereby formally and absolutely renounce, abandon and relinquish the name or use of the name Arhamadhan Kyamulesire and in lieu thereof I hereby adopt and assume as from the 13th day February, 2006 the name of Ramadhan Kyamulesire as my proper full name.

And in pursuance of such change of name as aforesaid, I hereby declare that as from the said 13th day of February, 2006 and at all times hereinafter in all actions, deeds, occasions whatsoever shall use and be known by the said name of Ramadhan Kyamulesire.

And I hereby authorise and require all persons whatsoever to so describe me, designate me and address me at all times by such assumed and adopted name of Ramadhan Kyamulesire.

In witness whereof I have hereto subscribed and signed my adopted and assumed name of Ramadhan Kyamulesire.

Declared at Kampala this 13th day of February, 2006 by the said Ramadhan Kyamulesire.

RAMADHAN KYAMULESIRE,
Renouncer.

LAW DEVELOPMENT CENTRE
REFERENCE LIBRARY

STATUTORY INSTRUMENTS
SUPPLEMENT No. 5

3rd March, 2006

STATUTORY INSTRUMENTS SUPPLEMENT
to The Uganda Gazette No. 14 Volume XCVIX dated 3rd March, 2006
Printed by UPPC, Entebbe, by Order of the Government.

STATUTORY INSTRUMENTS

2006 No. 11.

The Access to Information (Commencement) Instrument, 2006.

(Under section 1(2) of the Access to Information Act, 2005, Act No. 6 of 2005)

IN EXERCISE of the powers conferred upon the Minister by section 1(2) of the Access to Information Act, 2005, this Instrument is made this 1st day of March, 2006.

1. This Instrument may be cited as the Access to Information (Commencement) Instrument, 2006. Title.

2. The 20th day of April, 2006, is appointed as the date on which all provisions of the Access to Information Act, 2005 shall come into force.

Appoint-
ment of
commence-
ment date
for Act No.
6 of 2005.

DR. JAMES NSABA BUTURO,
Minister of State for Information and Broadcasting.

STATUTORY INSTRUMENTS SUPPLEMENT

to The Uganda Gazette No. 14 Volume XCVIX dated 3rd March, 2006

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

S T A T U T O R Y I N S T R U M E N T S

2006 No. 12.

THE NATIONAL ENVIRONMENT (AUDIT) REGULATIONS, 2006

ARRANGEMENT OF REGULATIONS

Regulation

PART I—PRELIMINARY.

1. Title.
2. Interpretation.
3. Application of Regulations.

PART II—ENVIRONMENTAL AUDIT REPORTS

4. Registered environmental auditors to conduct audit.
5. Preparation of environmental audit report.
6. Content of environmental audit report.
7. Submission of environmental audit report.

PART III—ENVIRONMENTAL MANAGEMENT SYSTEMS.

8. Establishment of environmental management systems.
9. Facilities to have environmental management systems.
10. Powers of inspectors in relation to environmental management systems.
11. Guidelines for development of environmental management systems.

PART IV—ENFORCEMENT ENVIRONMENTAL AUDITS.

12. Petition for enforcement environmental audit.
13. Determination of enforcement environmental audit.
14. Audits by environmental inspectors.

Regulation

15. Powers of environmental inspector upon entry of facility.
16. Public involvement in enforcement environmental audits.
17. Enforcement environmental audit report.
18. Recommendations of environmental inspector.

PART V—VOLUNTARY ENVIRONMENTAL AUDITS.

19. Initiating voluntary environmental audits.
20. Effect of voluntary environmental audit report.
21. Privilege of voluntary environmental audit report
22. Burden of proof for privilege.
23. Submission of voluntary environmental audit report to Executive Director.

PART VI—ENVIRONMENTAL COMPLIANCE AGREEMENTS.

24. Environmental compliance agreement.
25. Repeat of violations within two years.

PART VII—MISCELLANEOUS.

26. Offences.
27. Appeals.

STATUTORY INSTRUMENTS

2006 No. 12.

The National Environment (Audit) Regulations, 2006.

(Under section 107 of the National Environment Act, Cap 153)

IN EXERCISE of the powers conferred upon the Minister responsible for the National Environment Act by section 107 of the National Environment Act and on the recommendation of the Policy Committee on the Environment and the Board of Directors of the National Environment Management Authority, these Regulations are made this 8th day of October 2004.

PART I—PRELIMINARY.

1. These Regulations may be cited as the National Environment (Audit) Regulations, 2006. Title.
2. In these Regulations, unless the context otherwise requires— Inter-pretation.
 - “Act” means the National Environment Act, Cap 153;
 - “Authority” means the National Environment Management Authority established by section 4 of the Act;
 - “enforcement environmental audit” means a compulsory environmental audit required by these Regulations;
 - “environmental audit” means a systematic, documented, periodic and objective evaluation carried out to determine how well a facility and its management and equipment are performing in conserving the environment and its resources; and to determine the compliance status with environmental regulatory requirements, the environmental management system and the overall environmental risk of the facility;

“environmental auditor” means a person certified and registered to conduct environmental audits in accordance with the National Environment (Conduct and Certification of Environmental Practitioners) Regulations, 2003;

“environmental audit report” means a report made on an environmental audit and includes an enforcement environmental audit report and a voluntary environmental audit report;

“environmental compliance agreement” means an agreement between the owner and the Authority as provided for by Part VI of these Regulations;

“environmental inspector” means an inspector appointed under section 79 of the Act;

“environment management system” means a documented system that defines the manner in which a facility manages its environmental activities by developing, implementing, reviewing and monitoring compliance to environmental regulations and requirements;

“Executive Director” has the meaning given to it by the Act and includes, for the purpose of these Regulations, an environmental inspector or any person who is duly authorised by the Executive Director to act on his or her behalf, or who has been delegated to perform the functions of the Authority under section 6(2) of the Act;

“facility” includes any activity or part of an activity, field, farm, garden, place, premises, project, vessel, ship, motor vehicle, aeroplane, means of communication, storage facility, factory, production-process or consumption-method which is the subject or potential subject of an environmental audit;

“operator” means any person operating or responsible for supervising or in charge of an activity or operation of a facility;

“owner” means, the proprietor, chief executive officer or overall manager of a facility;

“voluntary environmental audit” means an audit carried out by the owner or operator without the demand or direction of the Authority, a lead agency, a third party or an order of a court of law;

“voluntary environmental audit privilege” has the meaning given to it in regulation 21.

3. These Regulations apply to—

(a) the enforcement of section 3(3)(c) of the Act;

(b) all environmental audits required by section 22 of the Act;

(c) all environmental audits required by the National Environment (Environmental Impact Assessment) Regulations;

(d) voluntary environmental audits;

(e) such other environmental audits as may be required or prescribed.

Application
of
Regulations.

153-1.

PART II—ENVIRONMENTAL AUDIT REPORTS

4. (1) A person shall not carry out an environmental audit unless that person has been duly certified and registered in accordance with the National Environment (Conduct and Certification of Environmental Practitioners) Regulations, 2003.

Registered
environ-
mental
auditors to
conduct
audit.
S.I. No. 85
of 2003.

(2) Notwithstanding subregulation (1), an environmental inspector may carry out an enforcement environmental audit in the manner provided by regulation 14.

Preparation
of environ-
mental audit
report.

5. (1) An environmental audit report shall be prepared under the general direction of an environmental auditor who shall head a team of environmental auditors.

(2) Any changes in the scope of work during the preparation of the environmental audit report shall be agreed upon by the parties to the environmental audit.

Content of
environ-
mental audit
report.

6. (1) An environmental audit report shall include the following—

(a) the identity of the facility to be audited and its physical location;

(b) the identity of the owner or operator or of his or her representatives who will take part in the environmental audit and their specific roles;

(c) the person commissioning the environmental audit;

(d) the criteria, objectives, scope and methodology of conducting the environmental audit;

(e) the period covered by the environmental audit and the dates on which the audit was conducted;

(f) the names and composition of the environmental audit team, including their qualifications, specific skills and relevance to specific subject matter;

(g) a description of the client and the audited facility and the conditions pertaining in the facility before the environmental audit; including the control procedures and environmental compliance mechanisms in place;

(h) a summary of the environmental audit process and any obstacles encountered in conducting the audit;

(i) a description of the observable effects of the audited facility, including the exhibits;

- (j) a description of the environmental management system in place at the facility and the manner in which it operates;
- (k) consultations made with the members of the public affected or likely to be affected by the activities of the audited facility;
- (l) a statement of the confidential nature if any, of the contents of the information obtained or parts of the information;
- (m) a statement as to how far, in the opinion of the environmental audit team, the operation of the audited facility complies with the Act and with other relevant laws of Uganda, and the identity of persons liable for any violation;
- (n) the recommended remedial measures for restoring, eliminating or minimising the undesirable environmental impacts of the audited facility, including documents analysing any portions of the report;
- (o) identification of the gaps in knowledge and other limitations;
- (p) the resources required and the optimum time for introduction, monitoring and implementing the recommended remedial measures;
- (q) the findings of the environmental audit and a summary of any references to supporting evidence;
- (r) an implementation plan that addresses the correction of past environmental non-compliance, the improvement of current environmental compliance and prevention of future non-compliance; and

(s) any other matter which may be identified in the terms of reference agreed between the owner or operator of the facility and the environmental audit team and, where relevant—

(i) any matter determined by the environmental inspector, in the case of an environmental enforcement audit.

(ii) any matter agreed between the owner or operator of the facility and the Executive Director, in the case of a voluntary environmental audit; or

(2) Where these Regulations require the owner or operator to prepare and submit an environmental audit report to the Executive Director, the operator or owner shall prepare and submit the report in quadruplicate.

(3) An environmental audit shall be conducted in accordance with best available practices, taking into account advances in science and technology.

(4) An environmental audit report shall—

(a) be dated and signed by all the members of the environmental audit team;

(b) contain a declaration, dated and signed by all the members of the environmental audit team, stating that the audit was conducted in compliance with the National Environment (Conduct and Certification of Environmental Practitioners) Regulations, 2003, these Regulations and other relevant laws.

(5) An environmental auditor shall ensure that the environmental audit report contains all the matters required by subregulation (1).

S.I. No. 85
of 2003.

(6) An environmental auditor who fails to comply with subregulation (1) shall be in breach of the Code of Practice and Professional Ethics prescribed by the National Environment (Conduct and Certification of Environmental Practitioners) Regulations, 2003, and shall be subject to disciplinary action as prescribed by those regulations.

S.I. No. 85
of 2003.

(7) An environmental auditor is under a duty to disclose all facts pertinent to the environmental performance of the audited facility and to disclose the state of affairs found in the facility in the course of the audit.

7. An environmental audit report shall be submitted to the owner or operator of the facility within fourteen days after the completion of the audit.

Submission
of environ-
mental audit
report.

PART III—ENVIRONMENTAL MANAGEMENT SYSTEMS.

8. (1) Every owner or operator of a facility whose activities are likely to have a significant impact on the environment shall establish an environmental management system in accordance with these Regulations.

Establish-
ment of environ-
mental manage-
ment
systems.

(2) An environmental management system shall include, among other matters that the Executive Director may prescribe—

(a) a corporate environmental management policy, which shall include a commitment by the owner or operator of the facility to implement it;

(b) a plan for the implementation of the corporate environmental management policy;

(c) a mechanism for developing capabilities and support systems necessary to achieve the objectives of the corporate environmental management policy; and

(d) a mechanism for reporting, reviewing, monitoring and evaluating the environmental performance of the facility.

(3) A copy of the environmental management policy shall be displayed in a conspicuous place in the facility to which it applies.

(4) An owner or operator of a facility who fails to establish an environmental management system commits an offence and is liable, on conviction, to a fine of not less than three million shillings and not more than thirty million shillings, or to imprisonment for a term of not less than twelve months, or both.

Facilities to have environmental management systems.

9. (1) Without prejudice to regulation 8(1), the Executive Director may, from time to time, publish, by notice in the *Gazette* and in a newspaper with national circulation in Uganda, a list of categories or types of facilities that are required to have environmental management systems.

(2) The Executive Director may, in the notice referred to in subregulation (1), specify the name and location of every facility required to have an environmental management system, and the time frame for the establishment of the system.

Powers of inspectors in relation to environmental management systems.

10. An environmental inspector, acting within the powers prescribed by section 80 of the Act, may enter any facility to determine whether the facility has an environmental management system and whether it is functioning well.

Guidelines for development of environmental management systems.

11. The Executive Director may issue guidelines for the development of environmental management systems.

PART IV—ENFORCEMENT ENVIRONMENTAL AUDITS.

Petition for enforcement environmental audit.

12. (1) Any person desiring an enforcement environmental audit to be carried out on a facility may petition the Executive Director in writing to determine whether an enforcement environmental audit should be carried out.

(2) The petition referred to in subregulation (1) shall contain—

- (a) the name, signature and address of the petitioner;
- (b) the signatures of at least twenty persons in support of the petition, from persons who may or are likely to be affected by the operations of the facility;
- (c) the location of the facility complained of;
- (d) the reasons why the petitioner requires the facility to be the subject of an enforcement environmental audit; and
- (e) any other matter relevant to the petition.

(3) The Executive Director shall, upon receiving the petition, consult with the owner or operator and relevant lead agencies to determine whether an enforcement environmental audit should be carried out on the facility.

(4) The owner or operator, and each lead agency shall respond to the consultation required by subregulation (3) within twenty-one days after the date of communication by the Executive Director.

(5) This regulation does not affect the right of a person under the Constitution, to petition a court of law or the right to bring an action under the Act.

13. (1) The Executive Director shall, where he or she determines, in accordance with regulation 12(3), that—

- (a) there is sufficient public interest and sufficient cause to believe that a facility has or may have significant adverse impacts on the environment, order an environmental auditor to carry out the enforcement environmental audit, and the owner or operator shall bear the cost of carrying out the audit; and

Deter-
mination of
enforcement
environ-
mental
audit.

(b) there is sufficient public interest, order the owner or operator to carry out an enforcement environmental audit within a specified period determined by the Executive Director;

(c) there is no sufficient public interest for carrying out the enforcement environmental audit, reject the petition and give reasons in writing for the rejection.

(2) Where it is ordered that an enforcement environmental audit be carried out in accordance with subregulation (1)(a) or (b), the Executive Director shall determine the terms of reference for carrying out the audit.

Audits by
environ-
mental
inspectors.

14. (1) An environmental inspector may conduct or cause to be conducted an enforcement environmental audit on any facility where there is reasonable cause to believe that—

(a) the activities being carried out at the facility violate or are likely to violate the Act or Regulations made under the Act;

(b) the activities being conducted at the facility are likely to cause immediate danger and harm to human health, or have undesirable and irreversible impacts on the environment;

(c) a violation of any other law relating to the environment, other than one referred to in paragraph (a), is taking place.

(2) An environmental inspector shall—

(a) in the case of subregulation (1)(a) or (b), serve the operator or owner of the facility with notice in writing, at least forty-eight hours before conducting the environmental audit;

(b) in the case of subregulation (1)(c), serve the operator or owner of the facility with a notice in writing, requiring the operator or owner of the facility to carry out an environmental audit within a period determined by the inspector.

15. An Environmental Inspector may, upon entering a facility for the purpose of carrying out an enforcement environmental audit, and in addition to the powers prescribed by section 80 of the Act—

Powers of environmental inspector upon entry of facility.

- (a) order persons at the facility to assist in the carrying out of the audit;
- (b) have uninterrupted access to, and interview any staff employed at the facility;
- (c) examine, make copies of or retain all or any documents and records relating to the design, performance and effects of the activities conducted in the facility;
- (d) take samples and photographs and make audio or visual recordings; and
- (e) carry out any other activity necessary for the carrying out of the audit.

16. An environmental inspector may, in the conduct of an enforcement environmental audit, consult the members of the public affected or likely to be affected by the audited facility.

Public involvement in enforcement environmental audits.

17. (1) An environmental inspector shall on completion of an enforcement environmental audit, submit an enforcement environmental audit report to the Executive Director and the report shall comply with the requirements of regulation 6.

Enforcement environmental audit report.

(2) An environmental inspector shall, in making an enforcement environmental audit report—

- (a) discuss with the owner or operator, the environmental issues identified at the facility;
- (b) make available to the owner or operator, a draft report of the audit and require him or her to make written comments within seven days after receipt of the draft report; and
- (c) take into account the comments of the owner or operator and attach the comments as an annex to the final report.

Recommendations of environmental inspector.

18. An environmental inspector may, in the environment enforcement audit report, recommend—

- (a) where he or she suspects that the owner or operator has committed a criminal offence, that the owner or operator be prosecuted;
- (b) that the owner or operator enter into an environmental compliance agreement in accordance with regulation 24; or
- (c) that the owner or operator, in addition to entering into an environmental compliance agreement, execute a refundable performance deposit bond to guarantee environmental compliance in accordance with section 94 of the Act.

PART V—VOLUNTARY ENVIRONMENTAL AUDITS.

Initiating voluntary environmental audits.

19. (1) The operator or owner of a facility whose activities are likely to have a significant impact on the environment may, at any time, carry out a voluntary environmental audit of the facility to determine its compliance with the Act, these Regulations and other relevant laws.

(2) The owner or operator may seek technical advice from the Executive Director on how to conduct the voluntary environmental audit and the technical advice may include the scope and terms of reference for the audit.

(3) A voluntary environmental audit shall comply with the requirements of regulation 6.

20. (1) A voluntary environmental audit report is a confidential document belonging to the owner or operator and the owner or operator is not required to submit it to the Authority or to a lead agency.

Effect of voluntary environmental audit report.

(2) Notwithstanding subregulation (1), an owner or operator who wants to benefit from the compliance agreement regime provided for by regulation 24, may submit the voluntary environmental audit report to the Authority in accordance with regulation 23.

21. (1) A voluntary environmental audit report is a privileged report and is not admissible as evidence in any civil, criminal or administrative proceeding, except as provided by subregulations (2) and (3).

Privilege of voluntary environmental audit report

(2) The privilege for a voluntary environmental audit report provided for in subregulation (1) does not apply where—

(a) it is waived expressly or by implication by the owner or operator of the facility, or by a court;

(b) the report is released by the owner or operator to any buyer or seller or to a lead agency for purposes of negotiating, arranging or facilitating the sale, lease or financing of the facility, or a portion of the facility;

(c) information in the report relating to the facility is obtained from a document, communication, data, report or other information required to be collected, developed, maintained, reported or otherwise made available to the Authority or to a lead agency or from an independent source in accordance with any law, permit or order; or

(d) the information in the report is obtained by observation, sampling or monitoring by a lead agency or the Authority.

(3) A court or administrative tribunal shall require the disclosure of material for which the privilege referred to in subregulation (1) is asserted where the court or administrative tribunal determines that—

- (a) the privilege is asserted for a fraudulent purpose;
- (b) the material is not subject to the privilege;
- (c) the material shows evidence of non-compliance with any law; or
- (d) the material contains, in the case of criminal proceedings, evidence relevant to the commission of an offence under the laws of Uganda.

Burden of proof for privilege.

22. (1) A party asserting privilege of the voluntary environmental audit report under regulation 21 has the burden of proving the privilege, including adducing evidence of—

- (a) non-compliance with any law; and
- (b) proof that appropriate efforts to achieve compliance were promptly initiated and pursued with reasonable diligence.

(2) A party seeking disclosure of the contents of a voluntary environmental audit report under these Regulations has the burden of proving that the privilege is asserted for a fraudulent purpose.

Submission of voluntary environmental audit report to Executive Director.

23. (1) An owner or operator who wants to benefit from the compliance agreement regime provided for by regulation 24 shall, within thirty days after completion of the voluntary environmental audit, submit a voluntary environmental audit report to the Executive Director.

(2) In addition to the requirements of regulation 6, a voluntary environmental audit report shall be accompanied by a statement summarising the violations of the Act and of any other law, and an action plan indicating the manner in which the owner or operator proposes to correct the violations.

(3) The action plan referred to in subregulation (2) shall contain—

(a) actual actions and an exact time frame, acceptable to the Executive Director, for correcting the violations; and

(b) an undertaking that the owner or operator shall adopt an improved environmental management system or other measures, to avoid the recurrence of the violations disclosed in subregulation (2).

(4) The Executive Director may verify the contents of a voluntary environmental audit.

PART VI—ENVIRONMENTAL COMPLIANCE AGREEMENTS

24. (1) Upon the submission of a voluntary environmental audit report and the documents required by regulation 23(2), or where the comments of the owner or operator under regulation 19 indicate an intention by the owner or operator to comply with the law, the Executive Director may enter into an environmental compliance agreement with the owner or operator, specifying—

Environ-
mental
compliance
agreement.

(a) the measures required to bring the audited facility into compliance with the Act and these Regulations;

(b) the time frame within which the measures will be undertaken;

(c) the compensation to be paid to persons injured by the activities of the audited facility;

(d) the restoration measures that must be undertaken to redress environmental damage in accordance with Part IX of the Act;

(e) a refundable performance bond, if required, and the nature of the bond;

(f) the frequency of periodic reports to be submitted to the Executive Director; and

(g) any other matter which the Executive Director may consider necessary.

(2) An environmental compliance agreement made under this regulation has the same effect as an environmental improvement order within the meaning of sections 80 and 95 of the Act.

(3) Failure by an owner or operator of a facility who has entered into an environmental compliance agreement to comply with the agreement shall constitute a waiver of the voluntary environmental audit privilege provided for by regulation 21.

Repeat of violations within two years.

25. Where the owner or operator has entered into an environmental compliance agreement, the occurrence of a repeat violation at the audited facility within a period of two years shall constitute a waiver of the privilege referred to in regulation 21.

PART VII—MISCELLANEOUS

Offences.

26. (1) An operator or owner or a member of an environmental audit team who—

(a) fraudulently utters or presents an environmental audit report;

(b) fraudulently alters any report made under these Regulations;

(c) withholds information from an environmental inspector in the course of an audit; or

(d) knowingly makes a false environmental audit report, commits an offence contrary to section 97 of the Act and is liable, on conviction, to a fine of not less than one hundred and twenty thousand shillings and not more than twelve million shillings, or to imprisonment for a term of not less than twelve months, or both.

(2) A person who—

(a) withholds information from an environmental inspector; or

(b) knowingly gives false information to an environmental inspector or to the Executive Director,

commits an offence contrary to section 95 of the Act and is liable, on conviction, to a fine of not less than one hundred and twenty thousand shillings and not more than twelve million shillings, or to imprisonment for a term of not less than twelve months, or both.

27. A person aggrieved by the decision of the Executive Director or an environmental inspector may appeal to the High Court within a period of thirty days after the date on which the decision was communicated to him or her. Appeals.

COL. KAHINDA OTAFIIRE,
Minister of Water, Lands and Environment.