

THE REPUBLIC OF UGANDA

THE LOCAL GOVERNMENTS (AMENDMENT) ACT, 2005

PARLIAMENTARY PAPER
P.C. 10/18/2005/1

26 DEC 2005



THE REPUBLIC OF UGANDA

6 DEC 2005

I SIGNIFY my assent to the bill.

Yoweri Museveni
.....
President

Date of assent: *4/12/2005*
.....

Act *Local Governments (Amendment) Act* **2005**
THE LOCAL GOVERNMENTS (AMENDMENT) ACT, 2005

ARRANGEMENT OF SECTIONS

Section.

1. Amendment of section 1 of the principal Act.
2. Amendment of section 7 of the principal Act.
3. Amendment of section 10 of the principal Act.
4. Amendment of section 11 of the principal Act.
5. Amendment of section 14 of the principal Act.
6. Amendment of section 16 of the principal Act.
7. Amendment of section 23 of the principal Act.
8. Amendment of section 25 of the principal Act.
9. Insertion of new section 26A of the principal Act.
10. Amendment of section 45 of the principal Act.
11. Amendment of section 46 of the principal Act.
12. Insertion of the new section 48A of the principal Act.
13. Amendment of section 54 of the principal Act.
14. Amendment of section 55 of the principal Act.
15. Amendment of section 63 of the principal Act.
16. Amendment of section 65 of the principal Act.
17. Amendment of section 66 of the principal Act.
18. Amendment of section 80 of the principal Act.
19. Replacement of section 95 of the principal Act.
20. Amendment of section 97 of the principal Act.
21. Amendment of section 111 of the principal Act.

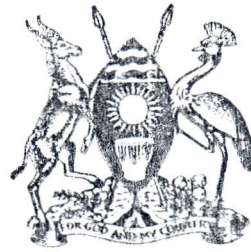
THE

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Section.

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22. Amendment of section 116 of the principal Act.
23. Amendment of section 118 of the principal Act.
24. Insertion of new section 119A of the principal Act.
25. Replacement of section 125 of the principal Act.
26. Replacement of section 126 of the principal Act.
27. Repeal of section 161A of the principal Act.
28. Replacement of section 170 of the principal Act.
29. Amendment of section 171 of the principal Act.
30. Repeal of section 171A of the principal Act.



THE REPUBLIC OF UGANDA

THE LOCAL GOVERNMENTS (AMENDMENT) ACT, 2005

An Act to make miscellaneous amendments to the Local Governments Act to make it conform to the amendments made to the Constitution; to define standard of education equivalent to advanced level; to repeal the reference to graduated tax; to provide for the appointment and discipline by the Public Service Commission of Chief Administrative Officers and their deputies, town clerks of cities and municipalities; to provide for the creation of municipalities and town boards; to reduce the number of secretaries on executive committees from five to three; to increase the term of office of local government councils from four years to five years; to provide for representation of the elderly on local government councils; to provide that where less than six months remain before the term of a council expires a by-election shall not be held to fill a vacancy which has occurred; to ensure that public officers and other government employees who wish to stand for election in the multiparty system resign before

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nomination; to provide for the deputy speaker of a district council to be part time; to provide for the reporting of vacancies in the local government councils to the Electoral Commission and the time within which to report such vacancies; and for other related matters.

DATE OF ASSENT:

Date of commencement:

BE IT ENACTED by Parliament as follows:

1. Amendment of section 1 of the principal Act

Section 1 of the Local Governments Act, in this Act referred to as the principal Act is amended by repealing subsection (2).

2. Amendment of section 7 of the principal Act

Section 7 of the principal Act is amended—

(a) by inserting immediately after subsection (2) the following—

“(2a) A district council may, with the approval of Parliament, create a municipality within its area of jurisdiction in accordance with paragraph 32 of the Third Schedule to this Act.”

(b) by inserting immediately after subsection (3) the following—

“(3a) A district council, acting on a request of a lower local government may, with the approval of the Minister, declare an area to be a town board.”

(c) by inserting immediately after subsection (9) the following—

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“(9a) Notwithstanding anything in this section, a local government or an administrative unit created within six months before a general election shall not be taken into account by the Electoral Commission for the purposes of the general election.”

3. Amendment of section 10 of principal Act

Section 10 of the principal Act is amended by inserting at the end of subsection (1) the following paragraph—

“(f) two elderly persons a male and female above the age of sixty years elected by the executive committees of the respective associations of the elderly.”

4. Amendment of section 11 of the principal Act

Section 11 of the principal Act is amended by substituting for subsections (11) and (12) the following—

“(11) A speaker shall be on full time service of the district council.

(12) A speaker of a district council 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.”

5. Amendment of section 14 of the principal Act

Section 14 of the principal Act is amended—

(a) by substituting for subsection (3) the following—

“(3) The speaker shall within twenty four hours after receipt of the notice referred to in subsection (2), cause a copy to be transmitted to the chairperson and the Minister.”; and

(b) by substituting for subsection (4) the following—

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“(4) The Minister shall evaluate the notice in consultation with the Attorney General and if satisfied that there are sufficient grounds for doing so shall, within twenty one days after receipt of the notice, constitute a tribunal consisting of a Judge of the High Court or a person qualified to be appointed a Judge of the High Court, as chairperson and two other persons all of whom shall be appointed by the Minister in consultation with the Chief Justice, to investigate the allegations.”

6. Amendment of section 16 of the principal Act

Section 16 of the principal Act is amended by substituting for subsection (2) (c) the following—

“(c) such number of secretaries, not exceeding three, as the council may determine.”

7. Amendment of section 23 of the principal Act

Section 23 of the principal Act is amended by substituting for subsection (6) the following—

“(6) There shall be two elderly persons a male and a female above the age of sixty years on every lower local government council who shall be elected by the respective executive committees of the associations of the elderly.”

8. Amendment of section 25 of the principal Act

Section 25 of the principal Act is amended by substituting for subsection (2) (c) the following—

“(c) such number of secretaries, not exceeding three, as the council may determine.”

9. Insertion of new section 26A of the principal Act

Immediately after section 26 of the principal Act there is inserted the following—

“26A. Censure of Member of executive committee of a lower local government council

(1) A council of a lower local government may, by resolution supported by more than half of all the members of the council, pass a vote of censure against a member of the executive committee of the lower local government council.

(2) Proceedings for censure shall be initiated by petition to the chairperson through the speaker, signed by not less than one-third of all the members of the council, to the effect that they are dissatisfied with the conduct or performance of the member of the executive committee and the speaker shall submit the petition to the chairperson.

(3) The chairperson shall, upon receipt of the petition, cause a copy to be given to the member of the executive committee in question.

(4) The motion for the resolution of censure shall not be debated until the expiry of fourteen days after the petition is sent to the chairperson.

(5) A member of the executive committee in respect of whom a vote of censure is debated under sub-section (1) is entitled to be heard during the debate”.

10. Amendment of section 45 of the principal Act

Section 45 of the principal Act is amended by substituting for sub-section (1) (b) the following—

“(b) in urban areas—

- (i) the parish or ward;
- (ii) the town board; and
- (iii) the village.”

11. Amendment of section 46 of the principal Act

Section 46 of the principal Act is amended by inserting immediately after subsection (2) the following—

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“(3) A town board shall consist of the Chief Administrative Officer as chairperson, the District Engineer, District Director of Health Services, District Planner and District Police Commander; and the Town Clerk of the town board, who shall be appointed by the District Service Commission shall be the Secretary”.

12. Insertion of new Section 48A of the principal Act

Immediately after section 48 of the principal Act there is inserted the following—

“48A. Functions of a town board

The town board shall perform such functions as the Minister may, by statutory instrument, prescribe.”

13. Amendment of section 54 of the principal Act

Section 54 of the principal Act is amended by substituting for subsection (2a) the following—

“(2a) In appointing the members of the District Service Commission under sub-section (2), the District Council shall ensure—

- (a) that the number of members of the District Service Commission, apart from the Chairperson, does not exceed four;
- (b) that at least one third of the members of the Commission are women and at least one member of the Commission is a person with disability.”

14. Amendment of section 55 of the principal Act

Section 55 of the principal Act is amended by inserting immediately after subsection (1), the following —

“(1a) Notwithstanding subsection (1), the appointment and disciplinary control of Chief Administrative Officers, Deputy Chief Administrative Officers and Town Clerks of cities and municipalities shall be effected by the Public Service Commission in accordance with article 200 of the Constitution”.

15. Amendment of section 63 of the principal Act

Section 63 of the principal Act is amended by substituting for subsection (1) the following—

“(1) There shall be a chief administrative officer for a every district who shall be appointed by the Public Service Commission.”

16. Amendment of section 65 of the principal Act

Section 65 of the principal Act is amended by substituting for subsection (1), the following—

“(1) An urban council other than a division council shall have a town clerk who shall, except in the case of a city or a municipality, be appointed by the District Service Commission upon a request by the relevant urban council.”

17. Amendment of section 66 of the principal Act

Section 66 of the principal Act is amended by inserting immediately after subsection (1) the following—

“(1a) The deputy chief administrative officer shall be appointed by the Public Service Commission.”

18. Amendment of section 80 of the principal Act

Section 80 of the principal Act is amended—

- (a) in subsection (1) by repealing the words “graduated tax”; and
- (b) by repealing subsection (5).

19. Replacement of section 95 of the principal Act

For section 95 of the principal Act there is substituted the following—

“95. Co-ordination, guidance, monitoring and inspection of local governments

The Ministry responsible for local governments shall be responsible for the guidance, inspection, monitoring and co-ordination of local governments to ensure compliance with the provisions of this Act and any other law.”