KM

BILLS SUPPLEMENT No. 3 **4th March, 2005.**

BILLS SUPPLEMENT

to the Uganda Gazette No. 12 Volume XCVIII dated 4th March, 2005.

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

Bill No. 3 *Uganda National Health Research Organisation Bill* **2005**

THE UGANDA NATIONAL HEALTH RESEARCH ORGANISATION BILL, 2005.

MEMORANDUM.

The object of this Bill is to provide for the establishment of the Uganda National Health Research Organisation for policy and ethical guidelines and national coordination and regulation of health research, to provide for the composition, objects, functions, powers and administration of the Organisation; to bring the Uganda Virus Research Institute, Uganda Cancer Institute, Natural Chemotherapeutical Research Institute and the Tropical Diseases Research Institute under the control and management of the Organisation and for other related matters.

JIM K. MUHWEZI (**MP**)
Maj. Gen. (**rtd**),
Minister of Health.

THE UGANDA NATIONAL HEALTH RESEARCH ORGANISATION BILL, 2005.

ARRANGEMENT OF CLAUSES

Clause.

Clause.

PART V—CONSTITUENT RESEARCH INSTITUTES

PART VI—FINANCES

PART VII—MISCELLANEOUS.

SCHEDULES

A Bill for an Act

ENTITLED

THE UGANDA NATIONAL HEALTH RESEARCH ORGANISATION ACT, 2005.

An Act to provide for the establishment of the Uganda National Health Research Organisation, its composition, objects, functions, powers, administration; to bring the Uganda Virus Research Institute, Uganda Cancer Institute, Natural Chemotherapeutic Research Institute, and the Tropical Diseases Research Institute under the control and management of the Organisation and for other related matters.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Short title and commencement

(1) This Act may be cited as the Uganda National Health Research Organisation Act, 2005.

(2) This Act shall come into force on the date appointed by the Minister by statutory instrument, and the Minister may appoint different dates for the commencement of different provisions of this Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"approved research" means health research approved by the Board under this Act;

"Board" means the Board established by section 8;

"Chairperson" means the Chairperson of the Board;

"constituent research institute" means a constituent research institute specified in Part 1 of the Third Schedule to this Act;

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

"Director General" means the head of the Organisation appointed under section 15(3);

"essential national health research" means priority research on a country-specific health problem;

"health" means the presence of physical, mental, social and spiritual well being, and not merely the absence of disease or infirmity;

"health research" means using scientific methods to generate new knowledge to deal with an identified health problem or curiosity;

"Minister" means the Minister responsible for health;

"national health research plan" means a periodic policy document describing research strategy, priorities and programmes of the Organisation;

"Organisation" means the Uganda National Health Research Organisation established by section 3;

"professional council" means the Medical and Dental Practitioners Council established by the Medical and Dental Practitioners Act; the Uganda Nurses and Midwives Council established by the Nurses and Midwives Act; the Allied Health Professionals Council established by the Allied Health Professional Act, and the Pharmacy Board established by the Pharmacy and Drugs Act;

"Secretary" means the Secretary to the Board;

"Uganda National Council of Science and Technology" means the Uganda National Council of Science and Technology established by the Uganda National Council of Science and Technology Act.

PART II—ESTABLISHMENT, COMPOSITION, OBJECTS, FUNCTIONS AND POWERS OF THE ORGANISATION.

3. Establishment of the Organisation

(1) There is established an Organisation to be known as the Uganda National Health Research Organisation.

(2) The Organisation shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.

(3) The Organisation may, for and in connection with its objects and functions under this Act, purchase, hold, manage and dispose of any property whether movable or immovable, and may enter into any contract and other transactions as may be expedient and do any other act or thing that in law may be done by a body corporate, subject to the provisions of this Act.

4. Composition of Organisation

The Organisation shall comprise—

(a) the Board;

(b) the Secretariat;

(c) the constituent research institutes; and

(d) any other institution which undertakes health or similar research.

5. Object of the Organisation

The object of the Organisation is to create a sustainable culture of health research by providing policy and ethical guidelines and national co-ordination and regulation of health research.

6. Functions of the Organisation

The functions of the Organisation are—

(a) to evolve, set up and enforce an ethical code of conduct for health research in Uganda;

(b) to identify, set up and enforce national health research policies and develop a National Health Research Plan for all health related research institutions in Uganda;

(c) to facilitate dialogue between the policy makers, researchers in different disciplines, health providers and communities in order to ensure that research is relevant to the needs of the people and that research findings are utilized by the relevant stakeholders;

(d) to facilitate consultations with policy and decision makers and researchers in different disciplines and communities in the identification of health research priorities which are consistent with the National Health Research Plan;

(e) to register, renew and co-ordinate different types of health research in Uganda and promote multi-disciplinary and inter-sectoral research collaboration in a bid to establish essential national health research which is consistent with the National Health Strategic Plan;

(f) to develop, strengthen and supervise health research institutes which at the commencement of this Act are under the Ministry responsible for health and any others which are established subsequently;

(g) to facilitate the Organisation's institutes, other Organisations and persons affiliated to the Organisation in the mobilization of resources for their approved research projects and the National Health Research Plan;

(h) to strengthen the national health research capacity in research institutions including the Ministry responsible for health, and the communities by building a quality human resource infrastructure which is capable of responding to the essential research demands of Uganda;

(i) to undertake any other health related research and relevant activities that are likely to assist in the implementation of the objects of the Organisation;

(j) to appraise scientifically and ethically and give approval to all research protocols related to health, before the commencement of any biomedical or other health related research;

(k) to monitor, evaluate and terminate any research in progress;

(l) to receive research findings and results and disseminate such findings as the Organisation deems fit;

(m) to perform and carry out duties aimed at improving health research in Uganda within the overall objects of the Organisation; and

(n) to carry out any other activity conducive or incidental to the attainment of the objects of the Organisation.

7. Powers of the Organisation

(1) The Organisation may—

(a) recommend to the Minister the establishment of health research institutes or any other appropriate research institutions;

(b) sponsor, promote and encourage health research activities undertaken by institutions, Organisations, agencies and individuals for the utilization of health research findings;

(c) issue or confer honours or rewards on researchers or any other person, groups of persons or institutions connected with health research as it may deem fit;

(d) acquire, develop and retain the human resource base in order to meet adequately the health research requirements; and

(e) supervise any research activity in the health sector.

(2) The Organisation shall exercise the powers under this section in respect of an institution or member affiliated to it and in so doing, it shall cooperate with the Uganda National Council for Science and Technology (UNCST).

PART III—THE BOARD OF THE ORGANISATION.

8. The Board

(1) The Organisation shall have a governing Board comprising—

(a) one representative nominated from faculties responsible for medicine or colleges of health science;

(b) one representative nominated from the faculty of social sciences of any of the universities in Uganda;

(c) two distinguished research scientists in matters of health who are at the level of principal research officer;

(d) two eminent persons from the community with a bias in human rights issues; and

(e) one representative of the traditional medical practitioners nominated by the practitioners.

(2) The following shall be ex-officio members of the Organisation—

(a) the Director General of Health Services;

(b) the Chairperson of the Uganda National Council for Science and Technology; and

(c) the Director General who shall be the Secretary to the Board, but who shall not have any voting powers.

(3) All members of the Board shall be appointed by the Minister.

(4) The Chairperson and Deputy Chairperson shall be elected by the members of the Board from among their number and shall be appointed by the Minister.

(5) The membership of the Board shall reflect gender equity, and in particular, of the members appointed under this section, at least one third shall be female.

9. Tenure of office of members of the Board

(1) For the avoidance of doubt, a member of the Board by virtue of an office held by that member, shall, upon ceasing to hold that office, cease to be a member of the Board but if otherwise qualified for appointment, is eligible for re-appointment to the Board.

(2) A member of the Board other than a person to whom subsection (2) of section 8 applies, shall hold office for three years and is eligible for re-appointment for one other term.

(3) Subject to subsection (1), a member of the Board shall vacate office—

(a) by tendering his or her resignation in writing to the Minister;

(b) on written recommendation of the body which he or she represents, revoking the nomination of the member; or

(c) by removal from office by the Minister on the recommendation of the Board for inability to perform the functions of his or her office arising from infirmity of body or mind or from any other cause.

(4) Where a member of the Board is removed or vacates office before his or her term of office expires, the Minister may appoint another person to hold office until the end of the term of that office.

(5) Where the Minister is satisfied that a member is temporarily absent for a period of one year due to a reasonable cause, the Minister may appoint a person qualified in terms of section 8 to act in that member's place during his or her absence.

10. Disqualification for membership of the Board

A person shall not be appointed a member of the Board if he or she—

(a) is of unsound mind;

(b) is not resident in Uganda;

(c) has been declared insolvent or bankrupt; or

(d) has been convicted of a criminal offence involving dishonesty or moral turpitude.

11. Meetings of the Board

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

12. Functions of the Board

(1) The functions of the Board are—

(a) to formulate policy of the Organisation;

(b) to make strategic plans of the Organisation;

(c) to authorise budgets and expenditures and approve the annual report and accounts of the Organisation;

(d) to monitor and evaluate the performance of the Organisation;

(e) to establish rules and procedures for appointment into the Organisation, discipline, termination and administration of its personnel including staffing and conditions of service of its employees;

(f) to be responsible for the supervision of the management of property, business, income and other financial matters of the Organisation; and

(g) to perform any other function that may be necessary for the proper implementation of this Act.

(2) In the carrying out of its functions under this section, the Organisation shall, wherever necessary, consult relevant statutory professional councils.

(3) The Board may delegate any of its functions under this Act to any member of the Board or to a committee of the Board or an official of the Organisation.

13. Committees of the Board

(1) The Board may appoint one or more committees to assist in the carrying out of its functions under this Act and may delegate to a committee such function as it may consider fit, subject to such conditions as it may determine.

(2) A committee appointed under this Act may comprise members of the Board or non-members or both.

(3) A committee may co-opt any resource person to any meeting of the committee except that the co-opted person shall have no right to vote on any matter coming for decision at the meeting.

(4) The Board may prescribe the procedure of any committee appointed by it.

14. Remuneration of the members of the Board

The Chairperson, Deputy Chairperson and other members of the Board and members of the committees of the Board shall be paid such remuneration or allowances as may be determined by the Minister in consultation with the Minister responsible for finance.

PART IV—SECRETARIAT OF THE ORGANISATION

15. Secretariat of the Organisation

(1) The Organisation shall have a Secretariat.

(2) The Secretariat shall be headed by a Director General.

(3) The Director General shall be appointed by the Board on such terms and conditions as shall be specified in his or her instrument of appointment.

(4) The Director General shall hold office for a term of four years and is eligible for reappointment.

(5) The Director General shall be a full time employee and the chief executive of the Organisation and is responsible for carrying out the day to day functions of the Organisation.

16. Functions of the Secretariat

The functions of the Secretariat are—

(a) to prepare for the approval by the Board, a National Health Research Plan including research strategies, priorities and programmes;

(b) to coordinate and monitor the implementation of research programmes and training activities;

(c) to establish, coordinate and review linkages of constituent research institutes with international Organisations and research institutions outside the Organisation or outside Uganda;

(d) to review research proposals for conformity with established ethical guidelines and health priority and for technical content;

(e) to provide clearance for publication and other forms of dissemination of research findings, in consultation with the Uganda National Council of Science and Technology;

(f) to make arrangements for periodic evaluation of constituent research institutes and the Secretariat for efficiency in relation to the functions of the Organisation;

(g) to take official custody of the seal of the Organisation; and

(h) to do such other things as may be necessary or desirable or expedient for the carrying out of the functions of the Organisation.

17. Other staff

(1) The Board may, on advice of the Director General, appoint other officers and staff of the Organisation as may be necessary for the effective performance of the functions of the Organisation.

(2) The employees appointed under this section shall hold office on such terms and conditions as may be specified in their instruments of appointment.

(3) The Board may under subsection (3) of section 12 delegate its functions under this section to the Director-General subject to such conditions as the Board may impose.

18. Employment of experts and consultants

The Board may, on the advice of the Director General, engage for the Organisation, the services of a consultant or an expert to perform any of the functions of the Organisation in connection with which the consultant or expert is considered to have special competence.

PART V—CONSTITUENT RESEARCH INSTITUTES

19. Constituent research institutes

(1) The Research Institutions specified in Part I of the Third Schedule, to be known as constituent research institutes shall form part of the Organisation.

(2) The Board may approve other institutions to be constituent research institutes under subsection (1).

(3) Where the Board has approved an institution to be a constituent research institute under this section, the Minister may, by statutory instrument made with the approval of Parliament, declare the institution to be a constituent research institute for the purposes of this Act.

(4) A constituent research institute shall have semi-autonomous status with regard to the management of resources which shall be in accordance with research programmes and budgets approved by the Board.

(5) Every private firm, individual, non-governmental organisation or public institution carrying out health related research in Uganda shall affiliate with the Organisation.

20. Functions of constituent research institutes

A constituent research institute shall—

(a) engage in health research which conforms to the mandate and mission specified in Part II of the Third Schedule to this Act;

(b) plan and develop research capacity for carrying out research which is essential for the development of health, health provision and to the overall development of Uganda;

(c) carry out research necessary for the improvement of health delivery, and, as much as possible, facilitate collaboration and maintain liaison with the Ministry and involve participation of communities;

(d) disseminate research findings so as to be able to contribute to health policy formulation and improvement of health care delivery;

(e) liaise with other research institutions carrying out health-related research within and outside Uganda;

(f) provide an annual report showing its activities, to the Director-General at the end of each financial year;

(g) ensure ethical clearance of all research prior to commencement and the clearance shall, to the extent applicable, make reference to international regulations on health research involving human subjects; and

(h) carry out any other function assigned by the Organisation.

21. Sourcing of funds by constituent research institutes

In the performance of its functions under this Act, a constituent research institute may, with the approval of the Board, solicit and accept funds for approved research.

22. Committees of constituent research institutes

(1) Each constituent research institute shall have a management committee consisting of—

(a) a Director;

(b) heads of departments; and

(c) any other officer that the management committee may deem necessary.

(2) A management committee shall assist the Director in the day to day carrying out of the activities of the constituent research institute and shall be accountable for resources allocated to the constituent research institute.

(3) The management committee shall hold a meeting at least quarterly and the Director or his or her designate shall preside at the meeting.

(4) The management committee shall develop a programme to ensure the development of capacity, especially, that of women in research.

(5) A constituent research institute may also establish such other committees as it may consider appropriate for its internal management.

23. Submission of annual estimates

The Director of a constituent research institute shall submit annual budgetary estimates of the institute to the Director- General, which shall include—

(a) payments for salaries, pensions, gratuity, and other items of remuneration;

(b) funding for health research activities;

(c) procurement, property maintenance, repair and replacement of equipment and other moveable property;

(d) maintenance of buildings;

(e) grants to the institute; and

(f) capital expenditure.

PART VI—FINANCES

24. Funds of the Organisation

(1) The funds of the Organisation shall consist of—

(a) monies appropriated by the Parliament;

(b) loans from any source;

(c) any money paid to the Organisation in the performance of its duties; and

(d) donations and endowments from Organisations and individuals.

25. Power to open and operate bank accounts

(1) The Board shall open and maintain such bank accounts as are necessary for the performance of the functions of the Organisation.

(2) The Board shall ensure that all money received by or on behalf of the Organisation is banked as soon as practicable after being received.

(3) The Board shall ensure that no money is withdrawn from or paid out of any of the Organisation's accounts without the approval of the Board.

26. Investment of surplus funds

Any funds of the Organisation not immediately required for any purpose under this Act may be invested in a manner which the Board may, after consultation with the Minister and the Minister responsible for finance determine.

27. Borrowing powers

The Board may, with the approval of the Minister given in consultation with the Minister responsible for finance, borrow money from any source as may be required for the discharge of the functions of the Organisation under this Act.

28. Estimates

(1) The Director General shall, within three months before the end of each financial year, cause to be prepared and submitted to the Board for its approval, estimates of the income and expenditure of the Organisation, and the operating plan for the next financial year.

(2) The Board shall, within two months, cause to be submitted to the Minister for his or her approval, the estimates of income and expenditure submitted by the Director General under subsection (1) as approved by the Board.

29. Financial year of the Organisation

The financial year of the Organisation is the period of twelve months beginning on the first day of July in each year and ending on the 30th day of June in the next calendar year.

30. Accounts

(1) The Director General shall cause to be kept, proper books of accounts and records of the transactions of the Organisation.

(2) Subject to any direction given by the Minister, the Director General shall cause to be prepared and submitted to the Minister and the Minister responsible for finance in respect of each financial year, a statement of accounts, which shall include—

(a) a balance sheet, a profit and loss account and a source and application of funds statement; and

(b) any other information in respect of the financial affairs of the Organisation as the Minister responsible for finance may, in writing require.

31. Audit

(1) The Auditor General or an auditor appointed by the Auditor General shall, in each financial year, audit the accounts of the Organisation.

(2) The Board shall ensure that within four months after the end of each financial year, a statement of accounts described in section 30 (2) is submitted to the Auditor General or an auditor appointed by the Auditor General for auditing.

(3) The Auditor General and any auditor appointed by the Auditor general shall have access to all books of accounts, vouchers and other records of the Organisation and is entitled to any information and explanation required in relation to those documents.

PART VII—MISCELLANEOUS.

32. Immunity from personal liability

(1) A member of the Board or a member of a committee of the Board shall not be personally liable for civil action for any act done or omitted to be done by him or her in good faith without negligence for the purpose of carrying into effect the provisions of this Act.

(2) An employee or other person acting on behalf of the Organisation, shall not be liable for any act done or omitted to be done by him or her in good faith for the purpose of carrying into effect the provisions of this Act.

33. Records of the Organisation

(1) Any discovery, invention of new formula, indigenous knowledge acquired or improvement on any apparatus or machine made by any person in the course of carrying out the objects and functions of the Organisation shall be recorded and kept by the Organisation.

34. Minister's power to make regulations

(1) The Minister may, on the advice of the Board, by statutory instrument, make regulations for the implementation of the provisions of this Act.

(2) Regulations made under subsection (1) may, without prejudice to the general effect of that subsection—

(a) regulate the operation of the constituent research institutes;

(b) prescribe in respect of any contravention of the regulations a penalty not exceeding imprisonment for two years or a fine not exceeding forty eight currency points or both.

35. Amendment of Schedules by the Minister

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

(2) The Minister may, by statutory instrument in consultation with the Board, amend the Second and Third Schedules to this Act.

36. Transitional provisions

(1) A person who on the commencement of this Act is serving in an office in a constituent research institute shall, subject to the review and approval of the Board, continue so serving and shall be deemed to have been duly appointed under this Act.

(2) An employee of a constituent research institute who is engaged by the Organisation shall receive from the Government of Uganda, a severance pay in accordance with regulation 23A and Schedule II to the Pensions Regulations as inserted by the Pensions (Amendment of First Schedule to Pension Act) regulations and those not engaged shall return to the respective parent ministries.

(3) An employee of a constituent research institute at the commencement of this Act shall be deemed to have retired with full benefits from the public service in accordance with any laws for the time being in force relating their service.

(4) The Board may, subject to such conditions and restrictions as it may impose, delegate any of its functions under this section to a committee of the Board, the Director General or any officer of the Organisation.

37. Vesting of assets and liabilities

(1) All property and assets, except property and assets that the Minister may by writing determine, which immediately before the commencement of this Act were vested in the constituent research institutes mentioned in this Act and which are required for the discharge of the functions of the Organisation shall vest in the Organisation subject to all interests, liabilities and trusts affecting that property.

(2) The Minister may, by statutory instrument, transfer to the Organisation, the assets belonging to the Government which by virtue of this Act are necessary for the performance of the functions of the Organisation.

SCHEDULES.

FIRST SCHEDULE

SECTION 2

A currency point is equivalent to twenty thousand shillings.

SECOND SCHEDULE

SECTION 11

MEETINGS OF THE BOARD

1. Meetings of the Board

(1) The Board shall meet at least once in every three months, or upon a request in writing to the Chairperson by five members of the Board and the time and place of the meeting shall be determined by the Chairperson.

(2) The Chairperson shall preside at all meetings of the Board at which he or she is present and in the absence of both the Chairperson and the Deputy Chairperson, the members present shall elect a chairperson from amongst themselves to preside.

2. Quorum

Four members of the Board shall form a quorum at every meeting of the Board.

3. Decisions of the Board

A decision of the Board shall be taken by a majority of the members present and voting and in the case of an equality of votes, the person presiding shall have a casting vote.

4. Notices for Board meeting

Notice of the time, place and agenda of every meeting of the Board shall be served by the Director General at least fourteen days before the date for ordinary meetings and in the case of an extra-ordinary meeting, the notice shall be served at least two days before the meeting.

5. Secretary to keep minutes

The Secretary to the Board shall keep or cause to be kept, minutes of all meetings of the Board.

6. Power to regulate its own procedure

The Board may regulate its own procedure during meetings, subject to the provisions of this Act.

THIRD SCHEDULE

PART I

SECTION 19

CONSTITUENT RESEARCH INSTITUTES

Uganda Virus Research Institute (UVRI);
Uganda Cancer Institute (UCI);
Tropical Diseases Research Institute (TDRI);
Natural Chemotherapeutic Research Institute (NCRI).

PART II

Section 20

Constituent Research Institutes	*Fields of Research:*
1. Uganda Virus Research Institute (UVRI)	To engage in health research pertaining to human infections and disease processes associated with or linked to viral aetiology and engage in any other research that may be prescribed by Uganda National Health Research Organisation.
2. Uganda Cancer Institute (UCI)	Human cancer causation, epidemiology, prevention and control including novel treatment.
3. Natural Chemotherapeutical Research Institute (NCRI)	Natural products and traditional methods in the treatment and control of human diseases.
4. Tropical Diseases Research Institute (TDRI)	Responsible for research in tropical diseases.

Cross References

Allied Health Professionals Act, Cap. 268
Medical and Dental Practitioners Act, Cap. 272
Nurses and Midwives Act, Cap. Cap. 274
Pharmacy and Drugs Act, Cap. 280
Uganda National Council of Science and Technology Act, Cap. 209

Finance

BILLS
SUPPLEMENT No. 12 **17th August, 2005.**

BILLS SUPPLEMENT

to the Uganda Gazette No. 51 Volume XCVIII dated 17th August, 2005.

Printed by UPPC, Entebbe by Order of the Government.

Bill No. 19 *Uganda National Roads Authority Bill* **2005**

THE UGANDA NATIONAL ROADS AUTHORITY BILL, 2005.

MEMORANDUM.

The object of this Bill is to establish the Uganda National Roads Authority for the purpose of managing the provision and maintenance of the national roads network in a more efficient and effective manner, to render advisory services to Government and for related matters.

Part I of the Bill, incorporating clauses 1 to 4 of the Bill, provides for preliminary matters, including the purpose of the Bill, principles that the Authority is required to take into account to achieve the purposes of the Bill and the interpretation of words and expressions used in the Bill.

Part II of the Bill, incorporating clauses 5 to 17, seeks to establish the Uganda National Roads Authority as a body corporate, and provides for the functions of the Authority, the major one being the management, maintenance and development of the national roads network. Part II also establishes the Board of Directors as the governing body of the Authority, provides for meetings of the Board, committees of the Board and the delegation of the functions of the Authority.

Part III of the Bill, in clauses 18 to 23, deals with the administration of the Authority and among other matters, provides for the appointment of an Executive Director and other officers of the Authority, appointment of consultants and for the immunity of the

officers and employees of the Authority from personal liability in respect of the exercise or performance in good faith of any powers or functions under the Bill.

Part IV in clauses 24 to 32 of the Bill provides for the funds of the Authority, empowers the Authority to open and maintain bank accounts and invest surplus funds, obliges the Executive Director to keep proper books of accounts and provides for the Auditor General to audit the accounts of the Authority.

Part V of the Bill, in clauses 33 to 38, deals with important miscellaneous matters, such as performance agreements, annual reports to be submitted to the Minister, the official seal of the Authority, service of documents on the Authority, regulations and amendment of the Schedules.

Part VI of the Bill; clauses 39 to 41, provides for transitional matters.

JOHN M. NASASIRA,
Minister of Works, Housing and Communications.

THE UGANDA NATIONAL ROADS AUTHORITY BILL, 2005.

ARRANGEMENT OF CLAUSES

Clause

PART IV—FINANCES

PART V—MISCELLANEOUS

PART VI—TRANSITIONAL

SCHEDULES

A BILL for an Act

ENTITLED

THE UGANDA NATIONAL ROADS AUTHORITY ACT, 2005

An Act to provide for the establishment and operation of the Uganda National Roads Authority for the purpose of managing the provision and maintenance of the national roads network in a more efficient and effective manner; to render advisory services to Government; and for related matters.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Commencement

This Act shall come into force on a date to be appointed by the Minister by statutory instrument.

2. Purpose of the Act

The purpose of this Act is—

(a) to facilitate the delivery of roads services;

(b) to create an environment that is conducive to the efficient and effective management of the national roads network and other services provided by the Authority;

(c) to promote the potential for the continuous improvement of the services provided by the Authority; and

(d) to establish the Uganda National Roads Authority.

3. Principles

The Authority shall, in achieving its purposes under section 2, take into account and give effect to the following principles—

(a) the provision of its services in the most economic, efficient and effective manner;

(b) the management of its affairs in a businesslike and cost-effective manner and in accordance with modern management practices and techniques and in particular, apply to its operations the best standards of financial management and accounting; and

(c) ensure that its operations are designed for the provision of the best services to its customers, while maintaining a high degree of responsiveness to their needs.

4. Interpretation

In this Act, unless the context otherwise requires—

"Authority" means the Uganda National Roads Authority established by section 5;

"Board" means the Board of Directors appointed under section 8;

"Chairperson" means the Chairperson of the Board appointed under section 8;

"currency point" means the value assigned to a currency point in the First Schedule;

"Executive Director" means the Executive Director of the Authority appointed under section 18, or a person authorised to act on his or her behalf;

"Minister" means the Minister responsible for roads;

"National Planning Authority" means the National Planning Authority provided for by the National Planning Authority Act 2002;

"national road" means a road maintained by the Government;

"national roads network" means the system of all roads maintained by the Government;

"road" means any highway and any other road to which the public have access and includes bridges over which a road passes.

PART II—UGANDA NATIONAL ROADS AUTHORITY

5. Establishment of Authority

(1) There is established the Uganda National Roads Authority.

(2) The Authority is a body corporate with perpetual succession and a common seal and may, for the discharge of its functions under this Act—

(a) acquire, hold and dispose of moveable and immovable property;

(b) sue and be sued in its corporate name; and

(c) do all acts and things as a body corporate may lawfully do.

(3) The Authority shall be under the general supervision of the Minister.

6. Functions of Authority

The functions of the Authority are—

(a) to be responsible for the management of the national roads network;

(b) to maintain and develop the national roads network;

(c) to advise the Government on policy matters concerning roads generally, and to assist in the co-ordination and implementation of the policy relating to roads;

(d) to contribute to the addressing of transport concerns in overall national planning through co-ordination with the relevant ministries, departments and agencies of Government;

(e) to collaborate with international organisations, intergovernmental organisations and agencies of other states and the private sector on issues relating to the development and maintenance of roads;

(f) to enter into agreements or other arrangements with any person for the provision of roads services, subject to such charges as may be agreed upon;

(g) to advise and assist the Minister, subject to such conditions as may be agreed upon, in regard to—

(i) any matter relating to the planning, design, construction and maintenance of roads, whether the roads are part of the national roads network or not; and

(ii) the exercise of any power or performance of any duty which the Minister may or is required to exercise or perform under this Act; and

(h) to perform any other function incidental or consequential to its functions under this Act or as may be conferred on it under this Act.

(2) The Authority shall, to the greatest extent possible, and consistent with this Act, consult and co-operate with departments, branches and agencies of the Government having duties, aims or objectives related to those of the Authority.

7. Powers of Minister

(1) The Minister may give directions in writing to the Authority with respect to the policy to be observed and implemented by the Authority, and the Authority shall comply with those directions.

(2) The Minister may, after consultation with the Authority, direct the Authority, in writing, to undertake a road project or programme that is not part of the national roads network, and which the Minister considers necessary and in the national interest for improving accessibility to, or within, any area in Uganda.

(3) The Authority shall comply with a direction given to it by the Minister under subsection (2), subject to the funding of the road project or programme from moneys provided by Parliament or from any other source agreed upon by the Minister and the Authority.

(4) The Minister shall cause a copy of any directions given to the Authority under this section to be published in the *Gazette.*

8. Board of Directors

(1) The Authority shall have a Board of Directors, which shall be the governing body of the Authority.

(2) The Board of Directors shall consist of not less than seven and not more than nine members appointed by the Minister with the approval of Cabinet.

(3) The members appointed under subsection (2) shall include—

(a) the Executive Director of the Authority, *ex officio;*

(b) the Permanent Secretary of the Ministry responsible for roads;

(c) the Permanent Secretary of the Ministry responsible for finance;

(d) a representative of the National Planning Authority;

(e) a representative of engineers nominated by a professional body of engineers;

(f) a representative of a road users organisation; and

(g) a maximum of three members from the private sector.

(3) The Minister shall appoint one of the members of the Board, other than the Executive Director, to be the Chairperson of the Board.

9. Qualifications of members of Board

(1) The members of the Board shall be persons of high moral character and proven integrity who are qualified in, and have had experience and shown capacity in management, business administration, financial management and roads matters.

(2) The Minister shall, in appointing the members of the Board, ensure that there is adequate representation of customer interests and a balance of skills, gender and experience among the members of the Board.

(3) The members of the Board shall hold office on terms and conditions specified in their instruments of appointment.

10. Disqualification for appointment

A person shall not be appointed to the Board who—

(a) has been convicted of an offence under this Act or of an offence involving dishonesty or fraud by a competent court in Uganda or elsewhere;

(b) is an undischarged bankrupt, or has made any assignment or arrangement with his or her creditors;

(c) has been convicted of an offence and sentenced to a term of imprisonment for six months or more by a competent court in Uganda or elsewhere; or

(d) is a Member of Parliament, a Minister or a member of a local government council.

11. Tenure of office of members of Board

(1) A member of the Board shall hold office for three years and is eligible for reappointment for one more term.

(2) A member of the Board may, at any time, resign his or her office by letter addressed to the Minister, giving notice of not less than one month.

(3) The Minister may, at any time, remove a member of the Board only—

(a) for inability to perform the functions of his or her office arising from infirmity of body or mind;

(b) for misbehaviour or misconduct;

(c) for incompetence;

(d) for absence without prior permission of the Chairperson, or without reasonable cause to the satisfaction of the Minister, for more than four consecutive meetings of the Board, or absence from Uganda for more than twelve months;

(e) for bankruptcy or insolvency;

(f) for conviction of a criminal offence, in Uganda or elsewhere, in respect of which the maximum penalty exceeds six months imprisonment without the option of a fine; or

(g) if information relating to the conduct of a member, which could have precluded his or her appointment if it had been made available to the Minister, is brought to the attention of the Minister.

(4) Where it appears to the Minister that there is cause to remove a member under subsection (3), the Minister shall notify the member concerned in writing and shall give the member an opportunity to submit his or her explanation to the Minister.

(5) A person removed under this section is not entitled to any benefits that may be payable to him or her under section 13.

12. Filling of vacancies of Board

Where a member is removed from office under section 11, the Minister may appoint another person qualified in terms of section 9 to replace the member, and to hold office for the remainder of the term of the previous member.

13. Remuneration of members of Board

The Chairperson and the members of the Board shall be paid such remuneration as may be specified in their instruments of appointment.

14. Functions of Board

(1) The Board is responsible for the general direction and supervision of the Authority.

(2) Without prejudice to the generality of subsection (1), the Board shall—

(a) oversee the operations of the Authority;

(b) advise the Minister on road-related policy and strategic issues;

(c) review and approve business and operating plans, budgets, reports and audited financial statements of the Authority;

(d) determine the objectives and general performance of the Authority as set out in—

(i) the business plan of the Authority;

(ii) the strategic plan of the Authority;

(iii) the annual plan of the Authority; and

(iv) the performance agreement;

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

(f) provide guidance to the Executive Director and staff of the Authority;

(g) review the management of the Authority; and

(h) perform any other function conferred by this Act or which may be necessary for the proper implementation of this Act.

(3) The Board is, in the performance of its functions, responsible to the Minister.

15. Meetings of Board and related matters

The Second Schedule has effect in relation to meetings of the Board and other matters provided for in that Schedule.

16. Committees of Board

(1) The Board may appoint committees of the Board—

(a) to inquire into and advise the Board on any matter concerning the functions of the Authority as the Board may refer to the committee;

(b) to exercise such powers or perform such functions of the Authority as the Board may delegate or refer to the committee under section 17.

(2) A committee appointed under subsection (1) shall consist of a Chairperson and other persons, whether members of the Board or not, as the Board may determine.

(3) The Board may require a committee appointed under this section to act jointly or in co-operation with any other committee.

(4) Members of a committee appointed under this section may be paid such allowances as the Board may, with the written approval of the Minister, determine.

(5) Subject to any direction given by the Board, a committee appointed under this section may regulate its own procedure.

17. Delegation of functions of Authority

(1) The Board may, by instrument of delegation, delegate to the Chairperson, a member of the Board, an officer of the Authority or to a committee established under section 16, any of the powers, duties or functions of the Authority under this Act.

(2) The terms and conditions regulating the exercise of the powers delegated under this section shall be contained in the instrument of delegation.

(3) A person aggrieved by the decision of a delegate in the exercise of powers under this section may appeal to the Board.

(4) A person shall, in the exercise of a delegated power under this section, comply with directions or guidelines as the Board may, from time to time, issue in writing.

PART III—STAFF OF THE AUTHORITY

18. Executive Director

(1) The Board shall have an Executive Director who shall be appointed by the Minister on the recommendation of the Board, on terms and conditions specified in his or her instrument of appointment.

(2) The Executive Director may not engage in paid employment outside the duties of his or her office, except with the written approval of the Minister.

(3) The Executive Director shall be a person of high moral character and proven integrity, with the relevant qualifications and experience relating to the functions of the Authority.

19. Functions of Executive Director

(1) The Executive Director is responsible for the day-to-day operations and administration of the Authority.

(2) Subject to this Act and to the general supervision and control of the Board, the Executive Director is responsible for—

(a) the implementation of the policies and programmes of the Authority and reporting on them to the Board;

(b) the proper management of the funds and property of the Authority;

(c) the organisation and control of the staff of the Authority;

(d) the development of an operating plan to guide the Authority in achieving its objectives;

(e) co-operation with other lead agencies and organisations in the roads sector;

(f) the development of an economic, efficient and cost effective internal management structure; and

(g) proposing and implementing the strategic plan, business plan and annual plan of the Authority;

(h) ensuring that the policies of the Authority are implemented and that the agreed objectives, targets and service standards are met;

(i) providing advice as required on all matters within the Authority's responsibility; and

(j) performing any other duty necessary for the implementation of this Act as may be assigned to him or her by the Board.

(3) The Executive Director is, in the performance of his or her functions, answerable to the Board.

20. Tenure of office of Executive Director

(1) The Executive Director shall hold office for three years and is eligible for re-appointment.

(2) The Executive Director shall cease to hold office if—

(a) he or she resigns;

(b) he or she is declared or becomes bankrupt or insolvent or has made an arrangement with his or her creditors;

(c) he or she is convicted of a criminal offence, in Uganda or elsewhere, in respect of which the maximum penalty exceeds six months imprisonment without the option of a fine;

(d) he or she is removed from office by the Board for—

(i) inability to perform the functions of his or her office arising from infirmity of body or mind;

(ii) misbehaviour or misconduct; or;

(iii) incompetence.

21. Other officers and staff of Authority

(1) The Board may, on the advice of the Executive Director, appoint other officers and staff of the Authority as may be necessary for the proper and efficient performance of the functions of the Authority.

(2) The employees appointed under this section shall hold office on such terms and conditions as may be determined by the Board and specified in their instruments of appointment.

(3) The Board shall regulate the manner of appointment, terms and conditions of service and the discipline of the staff appointed under this section.

22. Consultants

The Board may engage consultants to serve as individual expert advisers or as members of a committee of the Board established under section 16, as may be useful and appropriate for the Board to discharge its responsibilities.

23. Protection of members and employees from personal liability

A member of the Board or an employee of the Authority or a person acting on the directions of such a person is not personally liable for any act or omission done or omitted to be done in good faith in the exercise of the functions of the Authority.

PART IV—FINANCES

24. Funds of Authority

(1) The funds of the Authority shall consist of—

(a) money appropriated by Parliament for the purposes of the Authority;

(b) grants, gifts or donations from the Government or other sources made with the approval of the Minister and the Minister responsible for finance;

(c) revenue earned from activities of the Authority under this Act; and

(d) any other funds received by the Authority in the performance of its functions under this Act.

25. Duty to operate on sound financial principles

In the performance of its functions under this Act, the Authority shall have due regard to sound financial principles and shall conduct its business in a manner, that taking one transaction with another, and taking one year with another—

(a) its revenue is sufficient for meeting all charges, including interest on capital and loans properly chargeable to revenue;

(b) sufficient provision is made to provide for depreciation of assets; and

(c) where any loss or bad debt arises in respect of any transaction, provision is made in respect of other transactions, whether of a similar nature or otherwise, to offset the amount of that loss or debt.

26. Power to open and operate bank accounts

(1) The Board shall open and maintain such bank accounts as are necessary for the performance of the functions of the Authority.

(2) The Executive Director shall ensure that all money received by or on behalf of the Authority is banked as soon as practicable after being received.

(3) The Executive Director shall ensure that no money is withdrawn from or paid out of any of the Authority's bank accounts without the authority of the Board.

27. Borrowing powers

(1) The Board may, with the approval of the Minister given in consultation with the Minister responsible for finance, borrow money from any source as may be required for meeting its obligations or for the discharge of the functions of the Authority under this Act.

(2) The Authority may, with the prior approval of the Minister for the purpose of any borrowing under subsection (1), charge any asset or property of the Authority with the repayment of any money so borrowed.

28. Investment of surplus funds

Any funds of the Authority not immediately required for any purpose under this Act may be invested in a manner, which the Board may, with the approval of the Minister, after consultation with the Minister responsible for finance, determine.

29. Estimates

(1) The Executive Director shall, within three months before the end of each financial year, cause to be prepared and submitted to the Board for its approval, estimates of the income and expenditure of the Authority for the next financial year.

(2) The Board shall, within two months of receipt of the estimates referred to in subsection (1), cause to be submitted to the Minister for his or her approval, the estimates of income and expenditure as approved by the Board.

30. Financial year of Authority

The financial year of the Authority is the period of twelve months beginning on the 1st day of July in each year, and ending on the 30th day of June in the next calendar year.

31. Accounts

(1) The Executive Director shall cause to be kept, proper books of accounts and records of the transactions of the Authority.

(2) Subject to any direction given by the Minister, the Executive Director shall cause to be prepared and submitted to the Minister and the Minister responsible for finance in respect of each financial year, and not later than three months after the end of the financial year, a statement of accounts, which shall include—

(a) a balance sheet, an income and expenditure account and a source and application of funds statement; and

(b) any other information in respect of the financial affairs of the Authority as the Minister responsible for finance may, in writing, require.

32. Audit

(1) The Auditor General or an auditor appointed by the Auditor General shall, in each financial year, audit the accounts of the Authority.

(2) The Board shall ensure that within four months after the end of each financial year, a statement of accounts described in section 31(2) is submitted for auditing to the Auditor-General or an auditor appointed by the Auditor General.

(3) The Auditor General and any auditor appointed by the Auditor General shall have access to all books of accounts, vouchers and other records of the Authority and is entitled to any information and explanation required in relation to those records.

PART V—MISCELLANEOUS

33. Performance agreements

(1) A performance agreement shall be made between the Minister and the Authority concerning the management, by the Authority, of the national roads network and shall include all the activities that are necessary to develop and maintain the national roads in a satisfactory state.

(2) The performance agreement shall describe the key outputs that the Authority shall achieve during any financial year, and the key outputs shall be defined in terms of performance indicators and targets.

(3) The Minister may request for an independent report on the implementation of the performance agreement.

34. Annual and other reports

(1) The Board shall, not later than six months after the end of each financial year, make and submit to the Minister a report on the activities of the Authority during that financial year.

(2) The report referred to in subsection (1) shall include—

(a) particulars of activities, projects and programmes relating to—

(i) advice furnished or assistance rendered in terms of any agreement contemplated in section 6; and

(ii) the management of the national roads network;

(b) the extent to which any direction given by the Minister during that financial year has been carried out; and

(c) an assessment by the Authority of its achievements in relation to the performance agreement.

(3) The Authority shall submit to the Minister, together with the report referred to in subsection (1), the audited financial statements of the Authority, and the auditor's report on those statements.

(4) The Board shall also submit to the Minister, such other reports on its activities or on any other matter as the Minister may, from time to time, require.

(5) The Minister shall, not later than six months after receipt of the report submitted to him or her under subsection (1), table the report before Parliament.

35. Official seal of Authority

(1) The official seal of the Authority shall be in a form determined by the Board.

(2) The official seal shall, when affixed to any document, be authenticated by the signatures of the Executive Director and one other member of the Board and in the absence of the Executive Director, the person performing the functions of the Executive Director shall sign.

(3) An instrument or contract which, if executed or entered into by a person other than a body corporate would not require to be under seal may be executed or entered into on behalf of the Authority by—

(a) the Executive Director; or

(b) any member of the Board or any other person if that member of the Board or other person has been duly authorised by resolution of the Board to execute or enter into the instrument or contract as the case may be.

(4) Every document purporting to be an instrument or contract executed or issued by or on behalf of the Authority in accordance with this section shall be deemed to be so executed or issued until the contrary is proved.

36. Service of documents

Any notice or document may be served on the Authority by delivering it at the office of the Executive Director, or by sending it by pre-paid registered post to the Executive Director.

37. Regulations

(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.

(2) Notwithstanding the generality of subsection (1), regulations made under this section may provide for—

(a) the use, safety or maintenance of national roads;

(b) the erection of structures on or near, over, or under national roads;

(c) the fees to be charged under this Act;

(d) the drainage of streets, land, compounds and new buildings adjacent to national roads and deterrence of encroachment;

(e) the details to be included in the annual road programme;

(f) the removal, demolition or alteration of any projection or structure obstructing a national road or likely to cause danger or inconvenience to users of a national road or related facility;

(g) the towing or removal of any vehicle obstructing a national road;

(h) the employment and terms and conditions of service of staff of the Authority;

(i) the financial management and control of the affairs of the authority; and

(j) the transfer, to the Authority, of assets in accordance with section 39.

(3) Notwithstanding the Interpretation Act, regulations made under this section may prescribe, in respect of a contravention of the regulations, a penalty of a fine not exceeding two hundred currency points or imprisonment not exceeding twenty-four months or both, and in the case of a continuing offence, an additional fine not exceeding five currency points in respect of each day on which the offence continues.

38. Amendment of Schedules

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

(2) The Minister may, by statutory instrument, amend the Second Schedule.

PART VI—TRANSITIONAL

39. Transfer of assets and liabilities

(1) The Minister may, by statutory instrument, make regulations for the transfer to the Authority of the ownership or possession of assets belonging to the Government which, by virtue of this Act and in his or her opinion, are necessary for the performance of the functions of the Authority.

(2) Upon the commencement of a statutory instrument made under subsection (1) and without further assurance, the Authority shall, in respect of the assets transferred to it by the statutory instrument, have all the rights and be subject to all the liabilities attaching to those assets.

40. Employees

(1) The Authority shall, on the effective date of its operations, accept into its employment, every person who, immediately before the coming into force of this Act, was an employee of the Roads Agency Formation Unit within the Ministry of Works, Housing and Communications.

(2) An employee of the Roads Agency Formation Unit accepted into the employment of the Authority under subsection (1) shall serve until the expiry of his or her contract of service and the Board may, on the expiry of the contract, renew the contract.

(3) The Minister may, within the period immediately before the commencement of the operations of the Authority, appoint any person to render services to the Authority for a period not exceeding one year.

41. Existing laws

Any law in existence immediately before the coming into force of this Act relating to national roads shall have effect subject to such modifications as may be necessary to give effect to this Act.

SCHEDULES.

FIRST SCHEDULE

SECTION 4

CURRENCY POINT

One currency point is equivalent to twenty thousand shillings.

SECOND SCHEDULE

SECTION 15

MEETINGS OF THE BOARD AND RELATED MATTERS

1. Meetings of the Board

(1) The Chairperson shall convene every meeting of the Board at times and places as the Board may determine, and the Board shall meet for the discharge of business at least once in every three months.

(2) The Chairperson may, at any time, convene a special meeting of the Board and shall also call a meeting within fourteen days, if requested to do so in writing by five members of the Board.

(3) Notice of a Board meeting shall be given in writing to each member at least fourteen working days before the day of the meeting.

(4) The Chairperson shall preside at every meeting of the Board and in his or her absence, the members present may appoint a member from among themselves to preside at the meeting.

2. Quorum

(1) The quorum for a meeting of the Board is two-thirds of the members.

(2) All decisions at a meeting of the Board shall be by majority of the votes of the members present and voting and in case of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.

3. Minutes of meetings

(1) The Secretary shall cause to be recorded and kept, minutes of all meetings of the Board in a form approved by the Board.

(2) The minutes recorded under this paragraph shall be submitted to the Board 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 Secretary in the presence of the members present at the latter meeting.

4. Power to co-opt

(1) The Board may invite any person who, in the opinion of the Board, has expert knowledge concerning the functions of the Board, to attend and take part in a meeting of the Board.

(2) A person attending a meeting of the Board under this section may take part in any discussion at the meeting on which his or her advice is required, but shall not have a right to vote at that meeting.

5. Validity of proceedings not affected by vacancy

The validity of any proceedings of the Board or a committee of the Board shall not be affected by a vacancy in its membership or by any defect in the appointment or qualification of a member or by reason that a person not entitled, took part in its proceedings.

6. Disclosure of interest of members

(1) A member of the Board who is in any way directly or indirectly interested in a contract made or proposed to be made by the Board, or in any other matter which falls to be considered by the Board, shall, as soon as the relevant facts come to his or her knowledge, disclose the nature of his or her interest at a meeting of the Board.

(2) A disclosure made under subparagraph (1) shall be recorded in the minutes of that meeting.

(3) A member who makes a disclosure under subparagraph (1) shall not—

(a) be present during any deliberation of the Board with respect to that matter; or

(b) take part in any decision of the Board with respect to that matter.

(4) For purposes of determining whether there is a quorum, a member withdrawing from a meeting or who is not taking part in a meeting under subparagraph (3) shall be treated as being present.

7. Board may regulate its procedure

Subject to this Act, the Board may regulate its own procedure or any other matter relating to its meetings.

Cross References

Interpretation Act, Cap. 3.

National Planning Authority Act 2002, Act No. 15 of 2002