

PARLIAMENT LIBRARY

PO BOX 7178, KAMPALA

BILLS**SUPPLEMENT No. 9**

★

26 AUG 2020

★

26th June, 2020

ACC NO:.....

C **BILLS SUPPLEMENT**.....*to The Uganda Gazette No. 39., Volume CXIII, dated 26th June, 2020*

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

Bill No. 18*Physical Planners' Registration Bill***2020****THE PHYSICAL PLANNERS' REGISTRATION BILL, 2020****MEMORANDUM****1. POLICY AND PRINCIPLES**

The object of this Bill is to provide for the establishment of a Physical Planners' Registration Board, to provide for the powers and functions of the Board; to provide for the registration of physical planners; to provide for disciplinary procedures for errant physical planners and to provide for other related matters.

2. DEFECTS IN THE EXISTING LAW

Currently there is no legal framework regulating physical planners in Uganda, unlike other professionals such as lawyers, surveyors, engineers and doctors who have regulatory frameworks governing them. The absence of a legal framework has compounded the practice of preparation of arbitrary physical development plans, unethical planning practices and violation of minimum physical planning standards, rampant abuse and use of environmentally sensitive areas, degradation of the environment, encroachment on public areas such as open spaces and road reserves, depletion of natural resources and disorganised urban and rural development in the country.

Further, nonexistence of a legal framework raises a challenge of identifying qualified physical planners from "quack" planners who are

usually engaged in poor planning practices. Uganda was declared a planning area in 2010 by the Physical Planning Act, 2010 and therefore there is a need to regulate physical planners.

3. REMEDIES

This Bill is intended therefore to provide a legal framework to regulate the practice and activities of physical planners, to separate qualified planners from “quack” physical planners, to set and monitor the standards for physical planners, to organise urban development in the country, and to reap from the benefits of urbanisation process.

4. PROVISIONS OF THE BILL

PART I—INTERPRETATION

Part I of the Bill provides for the interpretation of words and phrases used in the Bill.

PART II—ESTABLISHMENT OF THE PHYSICAL PLANNERS' REGISTRATION BOARD

Part II of the Bill, comprising clauses 2-5, establishes the Physical Planners Registration Board as a body corporate with perpetual succession (clause 2), provides for the functions of the Board which include, to set, monitor and regulate standards for physical planners, to register all eligible persons to practice as physical planners, to verify qualifications and eligibility of persons seeking to register as physical planners (clause 3), provide for membership of the Board which shall consist of seven members appointed by the Minister for a term of three years renewable once only (clause 4) and meetings of the Board (clause 5).

PART III—REGISTRATION OF PHYSICAL PLANNERS

Part III of the Bill, comprising clauses 6-17 deals with registration of physical planners such as appointment of a Registrar, register of

physical planners and planning assistants, inspection of register upon payment of inspection fee, conditions and qualifications for registration, temporary registration of physical planners from foreign country to practice in Uganda and removal of name from the register on grounds of professional misconduct.

PART IV—DISCIPLINE OF PHYSICAL PLANNERS AND PLANNING ASSISTANTS

Part IV of the Bill in clause 18 provides for a Disciplinary Committee consisting of five members to discipline errant physical planners. Clauses 19, 20 and 21 provide for complaints made to the Disciplinary Committee against a physical planner, procedure to be followed by the Disciplinary Committee and decisions of the Disciplinary Committee, respectively.

Clauses 22 to 28 deal with appeals, against orders of the Disciplinary Committee, which shall lie to the High court, the power of the High Court on appeal which include referring the matter back to the Disciplinary Committee, with directions for its finding on any specified point; or confirming, setting aside or varying any order made by the Disciplinary Committee, a requirement that the order made by the Disciplinary Committee and the High Court be entered on the register, and that proceedings in courts of law shall not bar disciplinary proceedings under the Act.

PART V—FINANCES

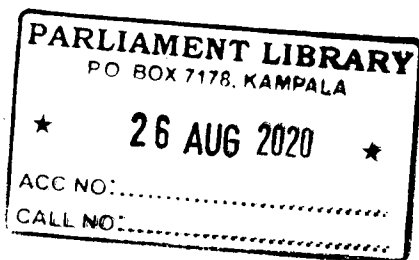
Part V of the Bill, comprising clauses 30-36, provides for financial matters of the Board including funds, opening bank accounts, estimates, financial year, accounts, audit and annual report.

PART VI—GENERAL

Part VI of the Bill, comprising clauses 37-47, deals with general matters such as alteration in register, power of the Board to constitute

committees, inspection of offices, professional Code of Ethics of physical planners, protection from liability of members and staff of the Board, requirement of registered physical planners to undergo continuing professional development, appeals from decisions of the Board, power of the Minister to make Regulations and transition period for qualified persons to register as physical planners.

HON. BETI KAMYA TURWOMWE
Minister of Lands, Housing and Urban Development.



THE PHYSICAL PLANNERS' REGISTRATION BILL, 2020**ARRANGEMENT OF CLAUSES****PART I—PRELIMINARY*****Clause***

1. Interpretation

PART II—PHYSICAL PLANNERS' REGISTRATION BOARD

2. Establishment of Physical Planners' Registration Board
3. Functions of the Board
4. Membership of the Board
5. Meetings of Board

PART III—REGISTRATION OF PHYSICAL PLANNERS

6. Registrar
7. Other officers and staff
8. Register of physical planners and planning assistants
9. Inspection of register
10. Proof of documents
11. Conditions and qualifications of registration
12. Approval for registration
13. Temporary registration
14. Certificate of registration and effect of registration
15. Removal of name from register
16. Restoration of name on register
17. Issue of practicing certificates and right to practice

**PART IV—DISCIPLINE OF PHYSICAL PLANNERS AND
PLANNING ASSISTANTS**

18. Disciplinary Committee
19. Complaints
20. Procedure of Disciplinary Committee
21. Decision of Disciplinary Committee

22. Appeal against order of Disciplinary Committee
23. Power of High Court
24. Orders to be noted on the register
25. Disciplinary powers as to planning assistant
26. Right of appeal of planning assistant
27. Offences and penalties with respect to employment of planning assistant against whom an order is in force
28. Order of the Disciplinary Committee to be received in evidence
29. Proceedings under this Part to be in addition to other remedies

PART V—FINANCES

30. Funds of the Board
31. Power to open and operate bank accounts
32. Estimates
33. Financial year of Board
34. Accounts
35. Audit
36. Annual report

PART VI—GENERAL

37. Alterations in the register
38. Committees
39. Inspection of offices
40. Professional Code of Ethics
41. Protection from liability of members and staff of the Board
42. Registered physical planner to undergo continuing education
43. Offences
44. Appeals from decisions of the Board
45. Regulations
46. Amendment of Schedules
47. Transition

SCHEDULES

SCHEDULE 1—CURRENCY POINT

SCHEDULE 2—MEETINGS OF THE BOARD

SCHEDULE 3—PROCEDURE OF THE DISCIPLINARY COMMITTEE

SCHEDULE 4—PROFESSIONAL CODE OF ETHICS

A Bill for an Act

ENTITLED

THE PHYSICAL PLANNERS' REGISTRATION BILL, 2020

An Act to provide for the establishment of a Physical Planners' Registration Board; to provide for the powers and functions of the Board, to provide for the registration of physical planners; to provide for disciplinary procedures for errant physical planners and for other related matters.

BE IT ENACTED by Parliament as follows—

PART I—PRELIMINARY

1. Interpretation

In this Act, unless the context otherwise requires—

“Board” means the Physical Planners' Registration Board established by section 2 of this Act;

“chairperson” means the chairperson of the Physical Planners' Registration Board;

“Committee” means the Disciplinary Committee established by section 18 of this Act;

“corporate member” means—

- (a) a person who has a degree in physical planning or other physical planning related qualification by whatever name called, recognised by the Board; and
- (b) a member of the Institute with at least one year's physical planning experience in Uganda;

“currency point” has the value assigned to it in Schedule 1 to this Act;

“Institute” means the Uganda Institute of Physical Planners incorporated under the Companies Act, 2012, registration number 203480 of 2015;

“member” means a member of the Physical Planners Registration Board;

“Minister” means the Minister responsible for physical planning;

“planning assistant” means a person who has a diploma in physical planning or other diploma in physical planning related qualifications, by whatever name called, recognised by the Board;

“registered physical planner” means a person whose name is duly entered in the register and for the purposes of Part IV of this Act includes—

- (a) any person permitted to practice under section 13; and
- (b) any person who carries out work of a nature normally performed by a registered physical planner or who is entitled to act or who purports to act as, or pretends to be, a registered physical planner;

“Registrar” means the registrar appointed by the Board under section 6 of this Act.

PART II—PHYSICAL PLANNERS' REGISTRATION BOARD

2. Establishment of the Physical Planners Registration Board

(1) There is established a Board to be known as the Physical Planners' Registration Board.

(2) The Board is a body corporate with perpetual succession and a common seal and may, for the purposes of discharging 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. Functions of the Board

The functions of the Board are—

- (a) to set, monitor and regulate standards for physical planners;
- (b) to register all persons eligible to practice as physical planners or planning assistants in accordance with this Act;
- (c) to verify the qualifications and eligibility of all applicants seeking registration with the Board;
- (d) to exercise, through the Disciplinary Committee, disciplinary control over physical planners and planning assistants;
- (e) to act as an authentication centre for qualified physical planners and planning assistants in consultation with the relevant degree or diploma awarding institution;
- (f) to set and regulate the conduct of professional examinations under this Act; and
- (g) to issue codes of practice to regulate the conduct of physical planners and planning assistants.

4. Membership of the Board

(1) The Board shall consist of seven members who shall be qualified physical planners appointed by the Minister on such terms and conditions as the Minister may prescribe in their instruments of appointment, as follows—

- (a) a chairperson who shall have experience of at least ten years in physical planning and who is a corporate member;
- (b) two persons from the public service who are corporate members;
- (c) three persons from the private sector one of whom shall be nominated by the Institute;
- (d) one person from the academia, who shall be a corporate member nominated by the Institute.

(2) At least one third of the members of the Board shall be women.

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

(4) A member of the Board may, in writing, addressed to the Minister, resign his or her office or may be removed by the Minister from office—

- (a) for abuse of office;
- (b) for inability to perform his or her functions arising from infirmity of body or mind;
- (c) for incompetence;
- (d) for failure to attend three consecutive meetings of the Board without reasonable grounds; or
- (e) on conviction of an offence involving moral turpitude.

(5) The members of the Board shall be paid such remuneration or other allowances as the Minister shall, in consultation with the Minister responsible for finance, determine.

5. Meetings of the Board

Schedule 2 applies to the meetings of the Board.

PART III—REGISTRATION OF PHYSICAL PLANNERS

Management and Staff of the Board

6. Registrar

(1) The Board shall appoint a registrar who shall hold office in accordance with the terms and conditions of his or her appointment.

(2) The registrar shall be the chief executive officer of the Board and shall be a full-time employee of the Board.

(3) The registrar shall—

- (a) keep and maintain the register of physical planners and planning assistants;
- (b) make necessary alterations and corrections in the register in relation to any entry as may be directed by the Board;
- (c) remove from the register—
 - (i) the name of any person ordered to be removed under this Act;
 - (ii) the name of a deceased physical planner or planning assistant;
 - (iii) any entry which may have been incorrectly or fraudulently made in the register; or
 - (iv) with the consent of the physical planner concerned, the name of the physical planner who has ceased to practice.

(4) The registrar shall be the secretary to the Board and shall be responsible for—

- (a) recording the minutes of the meetings of the Board and its committees; and
- (b) keeping custody of all records and documents of the Board.

(5) The registrar shall cease to hold office if—

- (a) he or she resigns;
- (b) he or she is declared or becomes insolvent or has made an arrangement with his or her creditors; or
- (c) he or she has been convicted of an offence and sentenced to imprisonment for six months or more by a competent court in Uganda or outside Uganda without the option of a fine.

(6) The registrar may be removed by the Board from office—

- (a) for abuse of office;
- (b) for inability to perform his or her functions arising from infirmity of body or mind;
- (c) for incompetence; or
- (d) for misbehaviour or misconduct.

7. Other officers and staff

(1) The Board may, on the advice of the registrar, appoint other officers and staff of the Board.

(2) The officers and staff appointed under this section shall hold office on such terms and conditions as the Board shall determine in their instruments of appointment.

*Registration of Physical Planners***8. Register of physical planners and planning assistants**

(1) The registrar shall keep and maintain a register of physical planners and planning assistants approved for registration by the Board.

(2) The register shall indicate against every physical planner or planning assistant registered—

- (a) his or her name;
- (b) the date of entry in the register;
- (c) his or her address;
- (d) his or her qualifications; and
- (e) any other particulars as the Board may direct.

(3) The registrar shall cause to be published in the Gazette, the name of every person entered or struck off the register as soon as is practicable.

(4) The registrar shall, after the 1st day of January and not later than the 31st day of March in each year, cause to be published in the Gazette, the up-to-date register maintained under this section.

(5) The register published under subsection (4) shall be prima facie evidence that a person named in the register is a registered physical planner or planning assistant.

9. Inspection of register

Any person may, during office hours and on payment of the prescribed fee, inspect the register or any document or entry in the register and may obtain from the registrar, a copy of, or an extract from the register.

10. Proof of documents

(1) In any legal proceedings, a document purporting to be a copy of, or an extract from the register or any document kept or published

by the registrar which is certified by the registrar to be a true copy or extract shall be admissible as *prima facie* evidence of the contents of the register or document.

(2) The registrar shall not, in any legal proceedings to which he or she is not a party, be compelled—

- (a) to produce the register or any document if its contents can be proved under subsection (1); or
- (b) to appear as witness to prove an entry in the register or the matters recorded in the register or any document, unless the court, for special cause, so orders.

11. Conditions and qualifications for registration

Subject to this Act, a person is entitled, on making an application to the Board in the prescribed form, and on the payment of the prescribed fee, to be registered and to have his or her name entered in the register—

- (a) as a registered physical planner, if—
 - (i) he or she is the holder of a bachelor's or postgraduate degree in urban planning, urban and regional planning, spatial planning, physical planning or other qualifications, by whatever name called, from a university or other institution recognised for the time being by the Board;
 - (ii) he or she is a corporate member; and
 - (iii) he or she has not less than two years practical experience and has passed the professional examination conducted by the Board;
- (b) as a planning assistant if—
 - (i) he or she is the holder of a diploma in urban planning, urban and regional planning, spatial planning, physical planning or other qualification, by whatever

name called, from a university or other institution recognised for the time being by the Board; and

- (ii) he or she has not less than two years practical experience obtained under the supervision of a registered physical planner and has passed the professional examination conducted by the Board.

12. Approval for registration

(1) An application made to the Board under section 11 shall be considered by the Board and if the Board is satisfied that the applicant is qualified, it shall approve the applicant for registration.

(2) Where the Board approves an applicant for registration under subsection (1), the Board shall authorise the registrar to enter the name of the applicant in the register.

(3) For the avoidance of doubt, the approval of an application under this section shall be done by the Board and shall not be delegated to any committee of the Board.

13. Temporary registration

(1) Where a person satisfies the Board—

- (a) that he or she is qualified under section 11 (a);
- (b) he or she is a corporate member in his or her country of origin or a corporate physical planner, by whatever name called, recognised by the Board and furnishing sufficient guarantee of academic knowledge and practical experience in physical planning;
- (c) that he or she is not ordinarily resident in Uganda; and
- (d) that he or she is, or intends to be resident in Uganda and engage in practice as a physical planner for the specific work for which he or she has been engaged,

the Board may direct the registrar to register that person either for a period not exceeding one year or for the period of the duration of the specific work which he or she has been engaged to do.

(2) An application for registration under this section shall be made in the prescribed form accompanied by the prescribed fee and documentary evidence of the applicant's work or employment immediately prior to his or her coming to Uganda and the Board may require the applicant to appear before it for the purposes of considering his or her application.

(3) For the avoidance of doubt, this Act applies to a person registered under this section, for the duration of his or her registration.

14. Certificate of registration and effect of registration

(1) The registrar shall issue a certificate of registration to every person registered under section 12 or 13.

(2) A person whose name has been entered in the register under sections 11(a), 12 or 13, shall, so long as his or her name remains in the register, and subject to section 17, be entitled to adopt and use the style and title "physical planner" and to offer his or her services to the public for gain or reward or by way of trade as a professionally qualified physical planner.

15. Removal of name from register

(1) The Board may direct that the name of a registered physical planner be removed from the register where it is satisfied that the registered physical planner has—

- (a) died;
- (b) failed to pay the prescribed fee within the stipulated time;
- (c) failed, within a period of six months from the date of a written inquiry sent by the registrar to his or her last known address, to notify the registrar in writing of his or her current address;

- (d) requested that his or her name be removed from the register;
- (e) had his or her name entered in the register by mistake or by reason of any false or misleading information;
- (f) had his or her qualification under section 11 withdrawn or cancelled by the institution through which it was acquired or awarded;
- (g) been adjudged bankrupt;
- (h) been found by the Disciplinary Committee to be guilty of professional misconduct; or
- (i) been convicted of an offence under this Act.

(2) Except in the circumstances specified in subsection (1)(a), a registered physical planner whose name is removed from the register shall be informed in writing by the registrar of the removal of his or her name from the register.

(3) The registrar shall cause to be published in the Gazette and in a newspaper of national circulation as soon as practicable, the name, address and qualifications of a person whose name is removed from the register under this section.

(4) Except in the circumstances specified in subsection (1)(a), whenever a registered physical planner's name is removed from the register, his or her practicing certificate shall immediately be deemed to be cancelled, and he or she shall return the practicing certificate to the registrar.

16. Restoration of name on register

(1) Where the name of a registered physical planner has been removed from the register under section 15, his or her name shall not be re-entered on the register, unless the Board otherwise directs.

(2) Where the name of a registered physical planner has been removed from the register under section 15, the Board may, either of its own motion or on the application of any person made in the prescribed form and in either case after holding an inquiry—

- (a) uphold the removal of the name from the register; or
- (b) direct that the name of the physical planner be restored on the register.

(3) A direction given by the Board under subsection (2) may include the date upon which restoration of the name on the register shall take effect and provide for the payment by the physical planner concerned of a fee, not exceeding the fee payable in respect of an application for registration.

17. Issue of practicing certificates and right to practice

(1) The registrar shall issue a practicing certificate to every physical planner whose name appears on the register and who applies for a certificate and pays the prescribed fee.

(2) A practicing certificate shall be in the prescribed form and shall be valid until the 31st day of December next after its issue.

(3) A practicing certificate issued under this Act may be renewed on application to the registrar and on payment of the prescribed fee.

(4) Subject to any regulations made under this Act, a registered physical planner who has a valid practicing certificate issued under this Act may practice as such in Uganda.

(5) A registered physical planner who is not in possession of a valid practicing certificate or whose practicing certificate has been suspended or cancelled and who practices as a physical planner, commits professional misconduct.

(6) In addition to any punishment prescribed under this Act, the client of a physical planner to whom subsection (5) relates, is entitled to a refund by the physical planner concerned of any fees paid to that physical planner by the client and to compensation in respect of any costs or loss incurred by the client as a result of the conduct of the physical planner.

PART IV—DISCIPLINE OF PHYSICAL PLANNERS AND
PLANNING ASSISTANTS

18. Disciplinary Committee

(1) There is established a committee of the Board to be known as the Disciplinary Committee which shall consist of—

- (a) a chairperson appointed by the Board from among its members who shall preside at all meetings of the Committee; and
- (b) four members appointed by the Board from among its members.

(2) The registrar shall be the secretary to the Disciplinary Committee.

(3) A member of the Disciplinary Committee shall hold office for as long as he or she is a member of the Board and shall be eligible for re-appointment.

(4) The quorum of the Disciplinary Committee shall be three members.

(5) During the absence or inability to act of the chairperson or any member of the Disciplinary Committee, the Board may nominate any member of the Board to act as the temporary chairperson of the Disciplinary Committee or as a temporary member of the Disciplinary Committee, as the circumstances require, during the period of such absence or inability to act.

(6) Members of the Committee shall be paid such remuneration and allowances as the Minister may determine.

19. Complaints.

(1) A person may make a complaint of professional misconduct against a physical planner to the Disciplinary Committee.

(2) The Secretary to the Disciplinary Committee shall, within 14 days of receipt of a complaint, refer the matter to the Disciplinary Committee, which shall fix a date for hearing the complaint.

(3) Whenever in the opinion of the Disciplinary Committee the complaint does not disclose any *prima facie* case of professional misconduct, the Disciplinary Committee may, at any stage of the proceedings, dismiss the complaint without requiring the physical planner to whom the complaint relates to answer any allegations made against that physical planner; but the Disciplinary Committee shall hear the complainant before dismissing the complaint under this subsection.

(4) The Disciplinary Committee shall give the physical planner against whom the complaint is made an opportunity to appear before it, and shall furnish him or her with a copy of the complaint, and of any document in support of the complaint.

20. Procedure of Disciplinary Committee

The Disciplinary Committee shall follow the procedure prescribed in Schedule 3 to this Act.

21. Decisions of the Disciplinary Committee

(1) The Disciplinary Committee may, after considering the evidence adduced, order that the complaint be dismissed or, if the Disciplinary Committee is of the opinion that a case of professional misconduct on the part of the physical planner has been made out, the Disciplinary Committee may make any of the following orders—

- (a) caution the physical planner;
- (b) suspension of the physical planner from practice for a specified period not exceeding two years;
- (c) strike off the name of the physical planner off the register;
or
- (d) payment of a fine by the physical planner not exceeding one hundred currency points.

(2) The Committee shall give a copy of its decision under subsection (1) to the complainant and the physical planner to whom the complaint relates.

22. Appeal against order of Disciplinary Committee

(1) A person aggrieved by an order of the Disciplinary Committee may appeal to the High Court against the order of the Committee.

(2) An appeal by an aggrieved person under this section shall—

- (a) be by notice of appeal to the High Court within fourteen days from the date of the decision of the Committee; and
- (b) be by filing with the High Court, a memorandum setting out the grounds of appeal within thirty days after the giving of the notice of appeal referred to under paragraph (a).

23. Power of High Court

(1) The High Court may, after hearing an appeal against the decision of the Disciplinary Committee—

- (a) refer the matter back to the Disciplinary Committee, with directions for its finding on any specified point; or
- (b) confirm, set aside or vary any order made by the Disciplinary Committee or substitute for it such order as it may consider fit.

(2) Every decision of the High Court made under this section shall be final and conclusive and shall not be subject to appeal to any other court.

24. Orders to be noted on the register

The registrar shall cause a note of the effect of a final order of the Disciplinary Committee or High Court to be entered in the register against the name of the physical planner concerned, and where the order so directs, shall strike off his or her name from the register.

25. Disciplinary powers as to planning assistants

(1) A person may apply to the Disciplinary Committee for an order directing that a registered physical planner shall not, in connection with his or her practice, take into or retain in his or her employment or remunerate any person who, being or having been a planning assistant to the registered physical planner—

- (a) has been convicted of an offence involving fraud or deceit;
- (b) has been a party to any act or default of a registered physical planner in respect of which a complaint has been made against that registered physical planner to the Disciplinary Committee; or
- (c) has so conducted himself or herself while employed as a planning assistant to a registered physical planner that had he himself or she herself been a registered physical planner, the conduct might have formed the subject of a complaint against him or her to the Disciplinary Committee.

(2) The Disciplinary Committee may grant permission in writing to an applicant referred to in subsection (1), for such period and subject to such conditions as the Committee may consider fit.

(3) The provisions of sections 19(3), (4), and 20 shall, with necessary modifications, apply to the hearing of an application under this section.

(4) Every order made by the Disciplinary Committee under this section shall be filed, on a file to be kept for that purpose, by the secretary to the Disciplinary Committee, who shall cause a certified copy of the order to be delivered to the person to whom it relates or forward it by registered post to his or her last known address.

26. Right of appeal of planning assistant

(1) A person against whom an order has been made by the Disciplinary Committee under section 25 may, within 14 days from the date of receipt of the order, appeal against the order to the High Court, by filing a notice of appeal to the registrar, and a memorandum setting out the grounds of appeal within 30 days after filing of the notice of appeal.

(2) The High Court shall set down for hearing any appeal filed under subsection (1) and shall give the Disciplinary Committee and the appellant, not less than 21 days' notice of the date of the hearing.

(3) The provisions of sections 23 and 24 shall, with necessary modifications, apply to the hearing of appeals under this section.

27. Offences and penalties with respect to employment of planning assistant against whom an order is in force

(1) A person against whom an order made under section 25 is in force, who accepts employment by, or remuneration from, a registered physical planner in connection with his or her practice as a registered physical planner, commits an offence.

(2) A registered physical planner who knowingly acts in contravention of an order made under section 25, or in contravention of any condition subject to which the permission of the Disciplinary Committee may have been given under subsection (1) of that section, commits an offence.

(3) A person who commits an offence under subsection (1) or (2), is liable, on conviction, to a fine not exceeding one hundred currency points or imprisonment not exceeding twelve months, or both.

28. Order of the Disciplinary Committee to be received in evidence

Every report and every order made by the Disciplinary Committee under this Act shall be signed by the chairperson of the Committee, and any document purporting to be a report or an order so signed shall be received in evidence in any judicial proceedings or in any proceedings under this Act, and shall be deemed to be such a report or order without further proof of its contents, unless the contrary is shown.

29. Proceedings under this Part to be in addition to other remedies

(1) No proceedings, whether civil or criminal, and whether pending or terminated, shall be a bar to disciplinary proceedings under this Part based on the same or substantially the same facts as those to which the civil or criminal proceedings relate.

(2) No disciplinary proceedings under this Part, whether pending or terminated, shall be a bar to any civil or criminal proceedings or other remedy based on the same or substantially the same facts as those to which the proceedings under this Part relate.

PART V—FINANCES**30. Funds of the Board**

The funds of the Board shall consist of—

- (a) monies appropriated by Parliament for the purposes of the Board;
- (b) registration and annual subscription fees from registered physical planners;
- (c) fees, fines and money paid to the Board for services rendered under this Act;
- (d) fees paid for practicing certificates under this Act;
- (e) loans to the Board with the approval of the Minister, the Minister responsible for finance and Parliament;

- (f) grants, gifts or donations to the Board made with the approval of the Minister and the Minister responsible for finance; and
- (g) any revenue derived from the sale of any property, movable or immovable by or on behalf of the Board.

31. Power to open and operate bank accounts

(1) The Board may, with the authority of the Accountant General, open and maintain bank accounts as are necessary for the performance of the functions of the Board.

(2) The bank accounts of the Board shall be operated in accordance with the Public Finance Management Act, 2015.

32. Estimates

The Board shall, in accordance with the Public Finance Management Act, 2015 cause to be prepared and submitted to the Minister for approval, estimates of the income and expenditure of the Board and the operating plan of the Board for the next financial year.

33. Financial year of Board

The financial year of the Board 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.

34. Accounts

The Board shall—

- (a) keep proper books of accounts and all records relating to the transactions and affairs of the Board;
- (b) within two within two months after the end of the financial year, prepare annual financial statement for the preceding financial year and submit a copy to the Auditor General, Accountant General and Secretary to Treasury.

35. Audit

The Auditor General or an auditor appointed by the Auditor General shall, in each financial year, audit the accounts of the Board in accordance with the National Audit Act, 2008.

36. Annual report

(1) The Board shall submit to the Minister, as soon as practicable but not later than three months after the end of each financial year, a report detailing the activities and operations of the Board during the year to which the report relates.

(2) The Minister shall, within two months after receipt of the annual report, submit the report to Parliament with any statement on the report which he or she considers necessary.

(3) The Board shall publish the annual report and the report of the audited accounts in a newspaper of national circulation within six months after the end of each financial year.

PART VI—GENERAL

37. Alterations in register

(1) The registrar may—

- (a) make any correction in the register as may be necessary;
- (b) remove from the register, the name of any deceased physical planner;
- (c) remove from the register the name of a physical planner whose name has been ordered to be removed under this Act;
- (d) with the consent of the physical planner concerned, remove from the register the name of a physical planner who has ceased to practice.

(2) Where the registrar has reason to believe that a registered physical planner has ceased to practice, he or she may send to that physical planner, a notice seeking clarification on whether that physical planner has ceased to practice in Uganda and if no reply is received by the registrar within six months from the date of the notice, the registrar shall remove from the register the name of the physical planner.

38. Committees

(1) The Board may appoint such other committees of the Board from among its members to deal with specific matters of the Board.

(2) The Board shall, in writing, specify the terms and conditions of service of the members of a committee appointed under this section.

(3) A committee may invite any person to attend its meetings and may co-opt any person to the committee but that person shall not vote on any matter before the committee.

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

(5) Members of a committee appointed under this section shall be paid such allowances as the Board may determine.

39. Inspection of offices

The Board may, during working hours, inspect the premises or offices of a physical planner to ascertain whether the premises or offices are suitable for carrying on the business of physical planning and whether the physical planner is able to supervise all planning work.

40. Professional Code of Ethics

(1) Every physical planner registered under this Act shall be subject to the Professional Code of Ethics prescribed in Schedule 4 to this Act.

(2) A physical planner who contravenes the Professional Code of Ethics commits professional misconduct and shall be dealt with by the Disciplinary Committee as appropriate.

41. Protection from liability of members and staff of Board

A member of the Board, an officer of the Board, a person acting on the directions of the Board or of an officer of the Board is not personally liable for any act or omission done in good faith in the exercise of functions under this Act.

42. Registered physical planner to undergo continuing education

(1) A registered physical planner engaged in active public or private practice shall undertake minimum continuing education requirements as prescribed by the Board.

(2) The Board may, by notice in the Gazette, delegate the responsibility of arranging continuing education in subsection (1) to the Institute.

43. Offences

(1) A person who—

- (a) fraudulently makes, causes or permits to be made, any false or incorrect entry in the register;
- (b) fraudulently procures or attempts to procure himself, herself or any other person to be registered under this Act;
- (c) knowingly and willfully makes a statement which is false in a material particular or which is misleading with a view to gaining any advantage, concession or privilege under this Act, whether for himself or for any other person;
- (d) not being a registered physical planner—
 - (i) falsely pretends to be a physical planner;

- (ii) uses the style or title “physical planner” or any other name, style, title or description implying, whether in itself or in the circumstances in which it is used, that such person is a registered physical planner;
- (iii) holds himself or herself out to be a professionally qualified physical planner,

commits an offence and is liable, on conviction, to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.

(2) A person upon whom a summons has been served under this Act—

- (a) refuses or neglects, without sufficient cause, to attend at the inquiry;
- (b) refuses, without sufficient cause, to answer fully and satisfactorily to the best of his or her knowledge and belief all questions put to him or her by or with the concurrence of the Committee or Board;
- (c) refuses or omits, without sufficient cause, to produce any document in his or her possession or under his or her control which is specified in the summons or order,

commits an offence and is liable, on conviction, to a fine not exceeding twenty four currency points or imprisonment not exceeding twelve months or both.

44. Appeals from decisions of the Board

(1) A person aggrieved by a decision of the Board—

- (a) refusing to register his or her name;
- (b) removing his or her name from the register;
- (c) refusing to restore his or her name on the register; or

(d) suspending his or her practicing certificate, may, within thirty days from the date of receipt of the written decision of the Board, appeal to the High Court against the decision.

(2) The High Court may give directions as it deems fit and the decision of the High Court shall be final.

45. Regulations

(1) The Minister may, in consultation with the Board, by statutory instrument, make regulations generally for giving effect to the provisions of this Act.

(2) Without limiting the general effect of subsection (1), the Minister may make regulations relating to—

- (a) the conduct of the business of the Board and the procedure to be followed by the Board in any inquiry under this Act;
- (b) the duties of the registrar;
- (c) the issuance of certificates of registration;
- (d) application fees, the fees to be paid for inspection of the register, certificates, extracts, copies and lists of, or in relation to entries in the register;
- (e) any forms to be used for the purposes of this Act; or
- (f) anything required by this Act to be prescribed.

(3) The Board, may, by statutory instrument, make regulations prescribing—

- (a) the management of the property and funds of the Board;
- (b) the appointment of committees of the Board;

- (c) the disciplinary control of officers and employees of the Board;
- (d) the procedure to be followed by persons applying for registration;
- (e) the granting of a special rank, howsoever styled, to physical planners of long standing, skill and experience and the regulating of their practice;
- (f) the minimum continuing education requirements; or
- (g) the fees to be charged by physical planners for professional advice, services rendered and work done.

46. Amendment of Schedules

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

(2) The Minister may, by statutory instrument, amend Schedules 2, 3 and 4 of this Act.

47. Transition

Where on the coming into force of this Act, a person is actively engaged in the practice of physical planning and has been continuously so engaged for a period of not less than five years, that person for the purposes of an application made under section 12 within one year after coming into force of this Act, is to be taken to be qualified in the manner required by section 11.

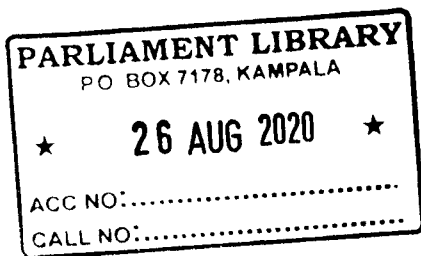
SCHEDULES

SCHEDULE 1

CURRENCY POINT

Sections 1 and 46

A currency point is equivalent to twenty thousand shillings.



SCHEDULE 2*Sections 5 and 46***MEETINGS OF THE BOARD****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 at least four members of the Board.

(3) Notice of a Board meeting referred to in subparagraph (1) shall be given in writing to each member at least seven working days before the day of the meeting.

(4) The chairperson shall preside at every meeting of the Board and in the absence of the chairperson, the members present shall appoint a member from among themselves to preside at that meeting.

2. Quorum

(1) The quorum for a meeting of the Board is four members.

(2) All decisions at a meeting of the Board shall be by a 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 Board 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 to the Board, in the presence of the members present at the latter meeting.

4. Decision by circulation of papers

(1) Subject to subparagraph (2), decisions of the Board may be made by the circulation of the relevant papers among the members and the expression of their views in writing, but any member is entitled to request that any such decision shall be deferred until the subject matter has been considered at a meeting of the Board.

(2) A decision made by circulation of papers under this paragraph is not valid unless it is supported by not less than five members.

5. Power to co-opt

(1) The Board may co-opt any person who, in the opinion of the Board, has expert knowledge concerning the functions of the Board, to attend and take part in the proceedings of the Board.

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

6. Validity of proceedings not affected by vacancy, etc

The validity of any proceedings 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.

7. 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 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 the 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.

8. Seal of the Board

(1) The Board shall have a common seal, which shall be kept in custody of the secretary.

(2) The affixing of the seal to any document shall-

- (a) be authorised or ratified by resolution of the Board; and
- (b) be authenticated by the signature of the chairperson.

9. Board may regulate its procedure

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

SCHEDULE 3*Sections 20 and 46***PROCEDURE OF DISCIPLINARY COMMITTEE.****1. Statement of charges**

(1) The secretary to the Committee shall cause to be prepared a statement setting out the charges to be inquired into by the Disciplinary Committee and a copy of the statement shall be given to each member of the Disciplinary Committee, the registered physical planner or planning assistant whose conduct is to be inquired into and the person bringing the accusation.

(2) The physical planner or planning assistant against whom a complaint is made shall be given a copy of the relevant documents at least 7 days before the date fixed for the hearing to enable him or her to file a reply to the complaint.

2. Date of hearing

(1) The secretary shall fix the date of the hearing and shall give written notice to the members of the Disciplinary Committee, the person who is the subject of the inquiry and the person bringing the accusation, at least 14 days before the date of hearing.

(2) The absence from the hearing of the inquiry of any person to whom notice was given shall not affect the proceedings of the inquiry.

3. Committee to require person to appear

The Committee may require any person—

- (a) to appear before it for the purposes of giving evidence; or
- (b) to produce any document to the Disciplinary Committee.

4. Oath

The Committee shall have power to administer an oath or affirmation prescribed under the Oaths Act, to any person who is required to give evidence before the Committee.

5. Legal representation

A person whose conduct is the subject of an inquiry may be represented by an advocate at the proceedings of the inquiry.

6. Power to co-opt

(1) The Committee may co-opt any person who, in the opinion of the Committee, has expert knowledge concerning an inquiry before the Committee, to attend and take part in the disciplinary proceedings.

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

7. Inquiry to be in camera

Any inquiry held by the Committee shall be in camera, unless the Committee decides otherwise.

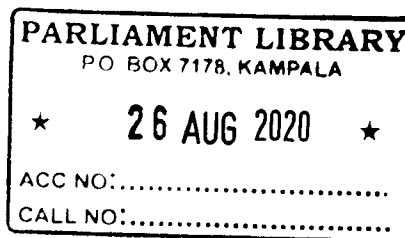
8. Decision of Committee

Any matter before the Committee shall be decided by a simple majority of the members present and voting.

SCHEDULE 4*Sections 40 and 46***PROFESSIONAL CODE OF ETHICS**

1. Every registered physical planner shall at all times fully execute the duties he or she undertakes and shall act in an honorable manner towards his or her professional colleagues.
2. Every registered physical planner shall at all times be honest and impartial in all his or her dealings between his or her client or employer and the contractor.
3. A registered physical planner shall not advertise his or her professional services.
4. A registered physical planner shall not proceed with any professional work upon which another physical planner has been employed by the same client without communication in writing to the physical planner and ensuring that the engagement of the other physical planner has been terminated.
5. A registered physical planner shall not accept a position to carry on or engage in any operation, trade or business in which his or her interest conflicts with the proper discharge of his or her professional duties.
6. A registered physical planner shall not accept any work which involves the giving or receiving of discount or commission nor shall he or she accept any discount, gift or commission from contractors or tradesmen whether employed in his or her work or not.
7. A registered physical planner shall only be remunerated by fee and salary paid by the client and employer respectively and not by commissions on sale or profits.
8. A registered physical planner shall not appeal or append his or her signature to drawings, specifications or certificates not prepared by him or her or his or her staff under his or her supervision for the purposes of obtaining the approval of any authority.

9. A registered physical planner may allow signed illustrations and descriptions of his or her work to be published in the mass media but shall not give monetary consideration for such publication.
10. A registered physical planner may exhibit his or her name or the name of his or her firm outside his or her office, or site notice board at a planning project for which he or she has been commissioned in lettering not exceeding seventy- five millimeters in height.
11. A registered physical planner shall not attempt to supplant another physical planner nor compete by means of a reduction of fees or by any other inducement.
12. A registered physical planner shall keep confidential, all information provided to him or her during the course of his or her work, and shall not disclose or use that information for his or her own benefit, nor disclose it to any third party except—
 - (a) with the express approval of the person to whom the information relates;
 - (b) where required to do so by law; or
 - (c) where it is necessary to prevent damage to the public interest.



Cross References

1. Companies Act, 2012, Act No.1 of 2012
2. National Audit Act, 2008, Act No. 8 of 2008
3. Oaths Act, Cap.19
4. Physical Planning Act, 2010, Act No. 8 of 2010
5. Public Finance Management Act, 2015, Act No.3 of 2015

