

**BILLS  
SUPPLEMENT No. 10**

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**BILLS SUPPLEMENT 2014** ★

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CALL NO.....

**Bill No. 13**     *Local Governments (Amendment) Bill*     **2014**

## THE LOCAL GOVERNMENTS (AMENDMENT) BILL, 2014

### MEMORANDUM

#### 1. Object

The object of this Bill is to amend the Local Governments Act; to provide for the procedure of elections for administrative unit councils and committees; to harmonise and reconcile the provisions relating to public finance with the reforms made in public finance; and for related matters.

#### 2. Defects in the existing law

Whereas section 101 of the Local Governments Act, Cap 243 mandates the Electoral Commission to organize, conduct and supervise elections of the local councils, 111(1) provides that all elections at local government and administrative unit level shall be by secret ballot using one ballot box for all candidates.

Since 2002, despite efforts to conduct elections at village and parish or ward levels, the very huge cost of conducting these elections has made it impracticable for the elections to be conducted.

In addition, in 2013 Parliament enacted the Local Governments (Amendment) Act, 2013 (Act 5 of 2013) which requires the Electoral Commission to transmit an electronic version of the voters register to registered political parties and organizations and to publish the voters register in the Gazette and post it on notice boards in every parish in Uganda. The implementation of this requirement has further increased the cost of holding elections at administrative unit levels.

Public finance management has undergone several reforms which impact on the appropriation of funds, budgetary powers and procedures for the management of grants from government by local governments. These reforms are not reflected in the Local Governments Act.

### **3. Remedies**

Article 68 (6) of the Constitution empowers Parliament to exempt any public election, other than a presidential or parliamentary election, from the requirements of article 68(1) that the election should be held by secret ballot.

The Bill seeks to amend the Local Governments Act, in accordance with article 68(6) of the Constitution, to exempt the elections at village or cell and parish or ward councils from the requirements of article 68(1) that the election should be held by secret ballot.

The Bill proposes that the elections at these levels should be conducted by lining up behind the candidates, their representatives, their portraits or symbols.

The Bill further seeks to reconcile the Local Governments Act with the reforms introduced by the Government in public finance management.

The Bill also proposes to further streamline the delivery of services by local governments by providing for an interim local government council to exercise powers conferred on the council until elections are held and for the councilors of an interim council to hold office for the unexpired term of the Local Government Council.

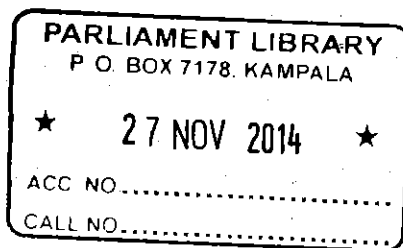
**ADOLF MWESIGE, MP**  
*Minister of Local Government.*

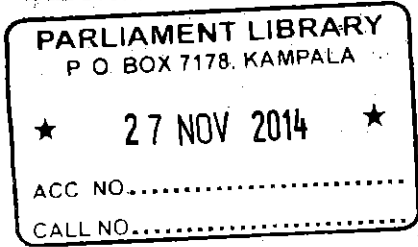
THE LOCAL GOVERNMENTS (AMENDMENT) BILL, 2014.

ARRANGEMENT OF CLAUSES.

Clause

1. Amendment of Cap 243.
2. Amendment of section 45 of the principal Act.
3. Amendment of section 47 of the principal Act.
4. Amendment of section 64 of the principal Act.
5. Amendment of section 65 of the principal Act.
6. Amendment of section 77 of the principal Act.
7. Amendment of section 82 of the principal Act.
8. Amendment of section 83 of the principal Act.
9. Amendment of section 90 of the principal Act.
10. Amendment of section 101A of the principal Act.
11. Repeal of section 101B of the principal Act.
12. Amendment of section 111 of the principal Act.
13. Amendment of section 113 of the principal Act.
14. Amendment of section 128 of the principal Act.
15. Amendment of section 129 of the principal Act.
16. Amendment of section 160B of the principal Act.
17. Amendment of section 163 of the principal Act.
18. Repeal of section 168C of the principal Act.
19. Replacement of section 186 of the principal Act.





A Bill for an Act

ENTITLED

**THE LOCAL GOVERNMENTS (AMENDMENT) ACT, 2014**

An Act to amend the Local Governments Act to provide for the procedure of elections for administrative unit councils and committees; to harmonise and reconcile the provisions relating to public finance with the reforms made in public finance; and to provide for related matters.

BE IT ENACTED by Parliament as follows:

**1. Amendment of Cap 243.**

The Local Governments Act, in this Act referred to as the principal Act is amended in section 10(1) by substituting for paragraph (f), the following—

“(f) two older persons, a male and a female elected in accordance with the National Council for Older Persons Act, 2013;”

**2. Amendment of section 45 of the principal Act.**

Section 45 of the principal Act is amended in subsection (1) by substituting for paragraph (b) (iii), the following—

“(iii) the cell.”

**3. Amendment of section 47 of the principal Act**

Section 47 of the principal Act is amended—

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

“(2a) The office of a member of the executive committee at the village or parish administrative unit shall become vacant where—

- (a) the appointment is revoked by the chairperson;
- (b) the member—
  - (i) resigns from office;
  - (ii) is disqualified from being a member of the council;
- (c) a new chairperson assumes office;
- (d) the council removes the member under subsection (4);
- (e) in subsection (5) by substituting for “returning officer”, the words “chief administrative officer”;
- (f) in subsection (6) by substituting for “returning officer”, the words “chief administrative officer”;
- (g) in subsection (7) by substituting for “returning officer”, the words “chief administrative officer”;
- (h) in subsection (8) by substituting for “returning officer”, the words “chief administrative officer”.

**4. Amendment of section 64 of the principal Act.**

Section 64 of the principal Act is amended—

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

“(1a) The chief administrative officer may transfer or post any employee of a local government within the district including an employee in a town council or town board.”; and

- (b) in subsection (3a), by inserting immediately after “respect of”, the words “all staff in the district including”.

**5. Amendment of section 65 of the principal Act.**

Section 65 of the principal Act is amended in subsection (1) by repealing the words “upon a request by the relevant urban council”.

**6. Amendment of section 77 of the principal Act.**

Section 77 of the principal Act is amended by substituting for subsection (5), the following—

“(5) A local government budget for the ensuing financial year shall always take into account the approved development plan of that local government, the charter of fiscal responsibility and the national budget framework paper for that year.”

**7. Amendment of section 82 of the principal Act.**

Section 82 of the principal Act is amended—

- (a) by substituting for subsection (4), the following—

“(4) The chairperson of a local government shall not later than the first day of April, cause to be prepared and laid before the council, the estimates of revenue and expenditure of the council for the next financial year.”;

- (b) by inserting immediately after subsection (4), the following—

“(5) The council shall not later than the 31st day of May, consider and approve the budget and work plan of the council.

(6) The council may revise the development plan, where necessary, to harmonise it with the approved budget.

(7) The approved budget shall take effect on the 1st day of July in each year.”

**8. Amendment of section 83 of the principal Act.**

Section 83 of the principal Act is amended by inserting immediately after subsection (6), the following—

“(7) A local government shall, at the end of the financial year, retain the monies remitted to the local government under subsection (6).”

**9. Amendment of section 90 of the principal Act.**

Section 90 of the principal Act is amended by inserting immediately after subsection (1), the following—

“(1a) The internal audit department shall be responsible for—

- (a) appraising the soundness and application of the accounting, functional and operational controls of the council;
- (b) evaluating the effectiveness of the risk management processes of the council;
- (c) providing assurance on the efficiency and effectiveness of the economy in the administration of programmes and operations of the council.”

**10. Amendment of section 101A of the principal Act.**

Section 101A of the principal Act is amended in subsection (1) by repealing paragraph (d).

**11. Repeal of section 101B of the principal Act.**

The principal Act is amended by repealing section 101B.

**12. Amendment of section 111 of the principal Act**

Section 111 of the principal Act is amended—

(a) by substituting for subsection (1), the following—

“(1) Except for the village or cell council and parish or ward council, the election of the chairperson shall be by universal adult suffrage through a secret ballot using one ballot box for all candidates at each polling station.”;

(b) by inserting immediately after subsection (1), the following—

“(2) Election of village or cell council and parish or ward council chairperson shall be by the electorate lining behind the candidates nominated for the office, their representatives, portraits or symbols.”

**13. Amendment of section 113 of the principal Act.**

Section 113 of the principal Act is amended by substituting for subsection (1), the following—

“(1) Where, after the close of nominations and before the closing of polls, a candidate dies, the returning officer shall fix another nomination day giving reasonable time to new candidates, if any, to be nominated.”

**14. Amendment of section 128 of the principal Act.**

Section 128 of the principal Act is amended—

(a) in subsection (5)(e), by substitution for “dipped into”, the words “marked with”;

(a) in subsection (7) (c) by substituting for the words “dip the tip of any hand into”, with the words, “mark the tip of any hand with”.



**15. Amendment of section 129 of the principal Act.**

Section 129 of the principal Act is amended by inserting immediately after subsection (2), the following—

“(2a) A person shall not assist more than one voter to vote under this section.”

**16. Amendment of section 160B of the principal Act.**

Section 160B of the principal Act is amended by repealing subsection (3).

**17. Amendment of section 163 of the principal Act.**

Section 163 is amended in subsection (1) by repealing the word “cast”.

**18. Repeal of section 168C of the principal Act.**

The principal Act is amended by repealing section 168C.

**19. Replacement of section 186 of the principal Act.**

For section 186 of the principal Act there is substituted the following—

**“186. Term of office of interim council.**

(1) An interim council shall exercise the powers conferred upon it until elections are held under Part X of this Act.

(2) Councillors of a new local government unit holding office under this Part, shall hold office for the unexpired term of the local government council.”

