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Bill No. 3

Kampala Capital City Bill.....2009.

**KAMPALA CAPITAL CITY BILL, 2009**

**MEMORANDUM**

**1. Introduction**

The object of this Bill is to establish in accordance with article 5 of the Constitution as amended by the Constitution (Amendment) Act, 2005 Kampala city as the capital city of Uganda; and to provide for the administration and development of Kampala city by the central government.

**2. Establishment of Kampala Capital City Authority**

The Bill provides for the existence of an Authority for the capital city, and provides for the composition of the Authority and the election and removal of its members including a Lord Mayor and a Deputy Lord Mayor. The Bill further provides for the functions of the Authority, and those of the Lord Mayor.

**3. Meetings**

Thus the Bill regulates the meetings of the Authority and of lower urban councils.

**4. Legislative powers**

The Bill also gives to the Authority legislative powers to make Ordinances. Lower urban councils are also empowered to make bye-laws.

**5. Boundaries of Kampala Capital City**

The Bill provides for the delineation of the territorial boundary of Kampala Capital City as required by article 5 of the Constitution. The Bill seeks to create a metropolitan area which includes Kampala city together with the neighbouring districts of Mpigi, Wakiso and Mukono.

**6. Metropolitan Physical Planning Authority**

The Bill creates a Metropolitan Physical Planning Authority and enjoins the Metropolitan Authority to promote the development of a metropolitan development and structure plan and also to handle planning issues within the metropolitan area. The Metropolitan Authority will have power to veto plans of lower urban councils which are inconsistent with the metropolitan development and structure plans.

**7. The Authority and lower urban councils**

According to the Bill Kampala the Authority shall not be a local government but the Bill applies to the Authority certain enactments relating to district local government. The Bill provides for the existence of lower urban councils under the Authority. These include the division, ward, village councils and street committees within the Capital city.

**8. Local governments in the territorial area of the Authority**

According to the Bill, any entity that was a local government in the territorial area of the Authority shall cease to be local government upon the commencement of this Act.

**9. Executive Director**

The Bill creates the office of Executive Director appointed by the President on the advice of the Public Service Commission. The Executive Director is inter alia to be the head of the public service of the Authority and is responsible for the management of all public funds of the Authority and is accountable to Parliament. The Bill also provides for the appointment of a Deputy Executive Director to assist the Executive Director in the performance of his or her functions.

**10. Metropolitan Police Force**

The Bill seeks to create a metropolitan police under the direct supervision of the Uganda Police Force for the metropolitan area.

**11. Revenue collection**

The Bill seeks to create a revenue collection directorate in the Authority.

**12. Finances**

The Bill in Part VIII contains provisions relating to finance. The President is required to seek funding from Parliament to enable the Authority to provide services befitting a capital city.

**13. Grants**

According to the Bill the Authority is to receive unconditional and conditional grants similar to those afforded to local governments under article 193 of the Constitution.

**14. Powers to levy taxes**

The Authority is given power to levy, charge, collect and appropriate fees and taxes and also to collect revenue on behalf of the Government.

**15. Accountability**

The Authority in its operation is to be subject to the Public Finance and Accountability Act, 2003 the Public Procurement and Disposal of Public Assets Act, 2003 and regulations made under them as an entity under the central government.

**16. Powers of the Minister**

Under the Bill the Minister has powers to control the activities of the Authority including a power of veto over illegal decisions of the Authority. This is consistent with article 5(4) of the Constitution which requires Kampala to be administered by the central government.

ADOLF MWESIGE,  
*Minister of Local Government.*

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A Bill for an Act

Entitled

## THE KAMPALA CAPITAL CITY ACT, 2009

An Act to provide, in accordance with article 5 of the Constitution, for Kampala as the capital city of Uganda; to provide for the administration of Kampala by the Central Government; to provide for the territorial boundary of Kampala; to provide for the development of Kampala Capital City; to establish the Kampala Capital City Authority as the governing body of the city; to provide for the composition and election of members of the Authority; to provide for the removal of members from the Authority; to provide for the functions and powers of the Authority; to provide for the election and removal of the Lord Mayor and the Deputy Lord Mayor; to provide for the appointment, powers and functions of an executive director and deputy executive director of the Authority; to provide for lower urban councils under the Authority; to provide for the devolution by the Authority of functions and services; to provide for a Metropolitan Physical Planning Authority for Kampala and the adjacent districts; to provide for the power of the Minister to veto decisions of the Authority in certain circumstances 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 appointed by the Minister by statutory instrument; and the Minister may appoint different dates for the commencement of different provisions.

**2. Interpretation**

In this Act, unless the context otherwise requires—

“Authority” means the Kampala Capital City Authority established by section 5;

“Capital City” means Kampala Capital City;

“central business district” means an area within the Capital City prescribed by the Minister by statutory instrument to be central business district;

“councilor” means a member of the Authority, a division urban council, ward urban council or a village urban council;

“currency point” has the meaning assigned to it in the First Schedule;

“Lord Mayor” means the Lord Mayor of Kampala Capital City;

“lower urban council” means a division urban council, a ward urban council, a village urban council and a street committee within the Capital City;

“mayor” means the Chairperson of a division urban council;

“Metropolitan area” means the area of jurisdiction of the Authority together with the neighbouring districts of Mpigi, Wakiso including Mengo Municipality and Mukono;

“Metropolitan Authority” means the Metropolitan Physical Planning Authority established by section 20;

“Minister” means the Minister responsible for the Capital City.

PART II—DECLARATION OF KAMPALA AS CAPITAL CITY AND  
DELINEATION OF ITS BOUNDARY**3. Declaration of Kampala as capital city**

(1) In accordance with article 5 of the Constitution, Kampala, located in Buganda, is declared the capital city of Uganda.

(2) The Capital City shall, in accordance with article 5 of the Constitution be administered by the central government.

**4. Boundary of Capital City**

(1) The territorial boundary of the Capital City shall be as delineated in the Second Schedule to this Act.

(2) Upon the commencement of this Act, any entity that immediately before the commencement of this Act existed as a local government in the area delineated under subsection (1) shall cease to be a local government.

(3) The Minister may, in consultation with the Authority and with the approval of Cabinet, establish divisions within the Capital City and alter the boundaries of those divisions.

(4) The Minister may, in consultation with the Authority, establish within the Capital City, ward urban councils and village urban councils and may alter the boundaries of those councils.

## PART III—GOVERNANCE OF KAMPALA CAPITAL CITY

**5. Kampala Capital City Authority**

(1) There shall be an Authority to be known as Kampala Capital City Authority.

(2) The Authority shall be a body corporate with perpetual succession and may sue and be sued in its corporate name and do, enjoy or suffer anything that may be done, enjoyed or suffered by a body corporate.

(3) The Authority is the governing body of the Capital City and shall administer the Capital City on behalf of the central government subject to this Act.

(4) Any enactment that applies to a district shall, subject to this Act and with the necessary modifications, apply to the Authority.

## 6. Composition of Authority

(1) The Authority shall consist of the following members—

- (a) the Lord Mayor;
- (b) the Deputy Lord Mayor;
- (c) one councillor directly elected by secret ballot to represent each electoral area in the Capital City on the basis of universal adult suffrage;
- (d) two councillors representing the youth, one of whom shall be female;
- (e) two councillors with disability representing persons with disabilities, one of whom shall be female;
- (f) women councillors forming one third of the Authority such that the councillors elected under paragraphs (c), (d) and (e) shall form two thirds of the Authority;
- (g) one councillor representing the National Environment Management Authority;
- (h) one councillor representing each of the following professional bodies—
  - (i) Uganda Institution of Professional Engineers;
  - (ii) Uganda Society of Architects;
  - (iii) Uganda Medical and Dental Practitioners Council;
  - (iv) Uganda Law Society;

(i) one councillor representing each of the following Ministries—

- (i) ministry responsible for local governments;
- (ii) ministry responsible for works and transport;
- (iii) ministry responsible for health;
- (iv) ministry responsible for lands, housing and urban development;
- (v) ministry responsible for justice;
- (vi) ministry responsible for water and environment;
- (vii) ministry responsible for education; and
- (viii) ministry responsible for gender, labour and social development.

(2) The councillors referred to in subsection 6 (1) (i) shall not have the right to vote at any meeting of the Authority.

(3) A person is not qualified to be a councillor unless he or she is a citizen of Uganda.

## 7. Functions of Authority

(1) The functions of the Authority are—

- (a) to initiate and formulate policy;
- (b) to set service delivery standards;
- (c) to determine taxation levels;
- (d) to monitor the general administration and provision of services in the divisions;
- (e) to enact legislation for the proper management of the Capital City;
- (f) to promote economic development in the Capital City;

- (g) to construct and maintain roads;
- (h) to construct and maintain major drains;
- (i) to install and maintain street lights;
- (j) to organize and manage traffic;
- (k) to carry out physical planning and development control;
- (l) to monitor the delivery of services within its area of jurisdiction;
- (m) to assist in the maintenance of law, order and security;
- (n) to draw the attention of the divisions to any matter that attracts the concern or interest of the Authority;
- (o) to mobilise the residents of the Capital City to undertake income generating activities and self-help community projects;
- (p) to assist the City division in mobilising the residents to pay local taxes;
- (q) to register the residents in their area of jurisdiction;
- (r) to register births and deaths in their area of jurisdiction; and
- (s) to perform any other function given to the Authority by the central government.

(2) Notwithstanding anything in this Act the Authority shall in addition perform the functions and services prescribed in Parts A, B and C of the Third Schedule.

(3) The Ministries responsible for health and environment shall oversee the public health and environment matters respectively in the Capital City.

(4) The Ministry responsible for the administration of the Capital City shall supervise, guide, inspect, monitor and coordinate the governance activities of the Capital City in order to ensure compliance with this Act and any other law.

## 8. Legislative powers of Authority

(1) The Authority shall have power to make ordinances of the Authority not inconsistent with the Constitution or any other law made by Parliament.

(2) The power of the Authority to make ordinances shall be exercised by the passing of local bills into ordinances by the Authority and signed by the Lord Mayor.

(3) A local bill passed by the Authority shall, before it is signed by the Lord Mayor, be forwarded to the Attorney General through the Minister to certify that the local bill is not inconsistent with the Constitution or any other law enacted by Parliament.

(4) Where the Minister on the advice of the Attorney General is of the opinion that a bill for an ordinance contravenes or derogates from the Constitution or other law made by Parliament, he or she shall, within ninety days after receipt of the bill, return the bill with his or her comments to the Authority for modification or other appropriate action.

(5) A bill enacted by the Authority and signed by the Lord Mayor under this section shall be an ordinance of the Authority and shall be published in the *Gazette* and in the local media.

(6) Every member of the Authority has a right to introduce a bill for an ordinance in the Authority.

## 9. Lord Mayor

(1) There shall be a Lord Mayor and a Deputy Lord Mayor of the Capital City.

(2) The Lord Mayor shall be elected by the Authority from among the directly elected councillors referred to in section 6(1) (c), (d), (e) and (f) by simple majority.

(3) The Deputy Lord Mayor shall be elected in the same manner as the Lord Mayor.

(4) The election of the Lord Mayor and the Deputy Lord Mayor shall be presided over by a chief magistrate in accordance with regulations made by the Minister in consultation with the Electoral Commission.

(5) The Lord Mayor and Deputy Lord Mayor shall serve on a full time basis.

#### 10. Qualifications of Lord Mayor and Deputy Lord Mayor

A person is not qualified to be elected as Lord Mayor or Deputy Lord Mayor unless he or she is qualified to be elected a member of Parliament.

#### 11. Functions of Lord Mayor

(1) The functions of the Lord Mayor are—

- (a) to be the political head of the Capital City;
- (b) to preside over all meetings of the Authority;
- (c) to perform ceremonial functions and civic functions;
- (d) to host foreign and local dignitaries;
- (e) to head the Authority in developing strategies and programmes for the development of the Capital City;
- (f) to monitor the administration of the Capital City;
- (g) to provide guidance to the division administrations; and
- (h) to represent the Capital City on the Metropolitan Authority.

(2) The Lord Mayor shall in the performance of his or her functions, be answerable to the Authority and the Minister.

(3) The Deputy Lord Mayor shall assist the Lord Mayor in the performance of his or her functions and shall otherwise deputise for the Lord Mayor in his or her absence.

#### 12. Vacation of office of Lord Mayor or Deputy Lord Mayor

(1) The Lord Mayor and Deputy Lord Mayor may be removed from office by the Authority by resolution supported by not less than two thirds majority of all the members of the Authority on any of the following grounds—

- (a) abuse of office;
- (b) incompetence;
- (c) misconduct or misbehavior;
- (d) physical and mental rendering him or her incapable of performing the duties of Lord Mayor or Deputy Lord Mayor;
- (e) failure to convene two consecutive meetings of the Authority without reasonable cause; or
- (f) corruption.

(2) Notwithstanding subsection (1), the seat of the Lord Mayor or Deputy Lord Mayor shall fall vacant if—

- (a) the holder resigns in writing addressed to the Minister;
- (b) the holder commits a breach of the Leadership Code of Conduct and the punishment imposed includes the vacation of office;
- (c) the holder accepts appointment to a public office;
- (d) the holder is sentenced to death or to imprisonment exceeding six months without the option of a fine;



- (e) the holder is convicted of an offence involving dishonesty or moral turpitude; or
- (f) circumstances arise which disqualify the holder from occupying the office under any other law.

(3) For the purposes of removing the Lord Mayor or Deputy Lord Mayor under subsection (1) other than under subsection (1)(d), a petition in writing signed by not less than one third of all the members of the Authority shall be submitted to the Minister—

- (a) stating that the members intend to pass a resolution of the Authority to remove the Lord Mayor or Deputy Lord Mayor on any of the grounds set out in subsection (1);
- (b) setting out the particulars of the charge supported by the necessary documents, where applicable, on which it is claimed that the conduct of the Lord Mayor or Deputy Lord Mayor be investigated for the purposes of his or her removal.

(4) For the avoidance of doubt, where a petition has been submitted to the Minister under subsection (3), a person shall not withdraw his or her signature supporting the petition.

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

(6) A person shall not be eligible for appointment as member of the tribunal unless that person—

- (a) is of high moral character and proven integrity; and
- (b) possesses considerable experience and demonstrated competence and is of high calibre in the conduct of public affairs.

(7) The Lord Mayor or Deputy Lord Mayor is entitled to appear at the proceedings of the tribunal and to be represented by a lawyer or other expert or person of his or her choice.

(8) If the tribunal determines that there is a *prima facie* case for the removal of the Lord Mayor or Deputy Lord Mayor under subsection (1) other than subsection (1) (d), then if the Authority passes the resolution supported by the votes of not less than two-thirds of all members of the Authority, the Lord Mayor or Deputy Lord Mayor shall cease to hold office.

(9) For the purposes of the removal of the Lord Mayor or Deputy Lord Mayor on grounds of physical or mental incapacity under subsection (1)(d), there shall be submitted to the Minister, a petition in writing signed by not less than one-third of all the members of the Authority—

- (a) stating that they intend to pass a resolution of the Authority for the removal of the Lord Mayor or Deputy Lord Mayor from office on grounds of physical or mental incapacity; and
- (b) giving particulars of the alleged incapacity.

(10) The Minister shall, within seven days after receipt of a petition under subsection (9), cause a copy to be transmitted to the Lord Mayor or Deputy Lord Mayor and the Chief Justice.

(11) The Chief Justice shall, within seven days after receipt of the notice transmitted under subsection (10) and in consultation with the Medical Council, constitute a medical board comprising three qualified medical specialists to examine the Lord Mayor or Deputy Lord Mayor in respect of the alleged incapacity and to report its findings to the Minister.

(12) Upon the constitution of the medical board under subsection (11), the Chief Justice shall, within seven days, inform the relevant Lord Mayor or Deputy Lord Mayor accordingly.

(13) The medical board shall examine the Lord Mayor or Deputy Lord Mayor within fourteen days after the Chief Justice has informed the relevant Lord Mayor or Deputy Lord Mayor of the constitution of the medical board.

(14) The Lord Mayor or Deputy Lord Mayor shall submit himself or herself to the medical board for examination on a day and time determined by the medical board.

(15) If the medical board determines that the relevant Lord Mayor or Deputy Lord Mayor is, by reason of physical or mental incapacity unable to perform the functions of the office of Lord Mayor or Deputy Lord Mayor and the Authority passes the resolution for his or her removal supported by the votes of not less than two-thirds of all the members of the Authority, the Lord Mayor or Deputy Lord Mayor shall cease to hold office.

(16) If the medical board, after the expiration of the period of fourteen days referred to in subsection (13), reports that the relevant Lord Mayor or Deputy Lord Mayor has failed or refused to submit himself or herself to the medical board and the Authority passes the resolution for his or her removal supported by the votes of not less than two-thirds of all the members of the Authority, the Lord Mayor or Deputy Lord Mayor shall cease to hold office.

(17) The Minister shall convene the Authority within fourteen days after the receipt of the report of the tribunal or medical board.

(18) The motion for a resolution for the removal of the Lord Mayor or Deputy Lord Mayor shall be moved in the Authority within fourteen days after the receipt by the Minister of the report of the tribunal or the medical board, failure of which shall render the resolution time barred.

(19) The Lord Mayor or Deputy Lord Mayor is entitled to appear in person and be heard during the proceedings of the Authority relating to the motion for a resolution under this section or to appear by an advocate or other expert of his or her choice.

(20) A person who is removed as Lord Mayor or Deputy Lord Mayor may appeal to the High Court within twenty one days after the decision is communicated to him or her and the High Court may confirm or revoke the decision to remove him or her and make any order that the court considers just in the matter.

(21) The expenses of the tribunal and the medical board shall be met by the Authority.

### 13. Election of councillors

(1) The Electoral Commission shall demarcate the electoral areas for the election of councillors to be directly elected under section 6(1) (c) and (f).

(2) The Local Governments Act shall, with the necessary modifications, apply to the election of councillors under this Act.

(3) The election of the representatives of professional bodies in section 6 (1) (h) shall be in accordance with regulations made by the Minister in consultation with the Electoral Commission.

### 14. Meetings of the Authority

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

### 15. Standing committees of the Authority

(1) The Authority shall appoint standing committees not exceeding the number of directorates of the Authority and other committees necessary for the efficient discharge of its functions.

(2) A committee appointed under subsection (1) shall consist of a chairperson and such other members of the Authority as the Authority may determine.

(3) The functions of a standing committee are—

- (a) to oversee the performance of directorates;
- (b) to receive and approve quarterly and annual work plans of directorates;



- (c) to make reports to the Authority on a quarterly and annual basis on the performance of the directorates;
- (d) to review bills for ordinances within their respective areas of competence;
- (e) to report to the council on their functions;
- (f) to receive, scrutinise and recommend to the Authority proposals for the budget of the departments of the Authority.

(4) In the exercise of its functions under this section, a standing committee may co-opt any member of the Authority or any qualified person to assist it in the discharge of its functions.

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

(6) Councillors shall, for the purposes of subsections (1) and (2) be elected to a standing committee and the election shall be by resolution supported by a simple majority of councillors.

(7) The Authority may, in the manner prescribed under subsection (6) change the membership of a standing committee.

(8) A member of a standing committee shall hold office for one year and is eligible for re-election.

#### 16. Executive director

(1) There shall be an executive director who shall be the chief executive of the Authority.

(2) The executive director shall be appointed by the President on the advice of the Public Service Commission.

(3) A person is not qualified to be appointed executive director unless he or she is of high moral character and proven integrity and has substantial experience and relevant qualifications in public management.

#### 17. Removal of executive director

The executive director may be removed by the President, acting on the advice of the Public Service Commission for—

- (a) inability to perform the functions of his or her office arising from infirmity of body or mind;
- (b) misbehavior or misconduct;
- (c) incompetence;
- (d) corruption; or
- (e) the holder commits a breach of the Leadership Code of Conduct for which the punishment imposed includes the vacation of office.

#### 18. Functions of executive director

The functions of the executive director shall include the following—

- (a) to be the head of the public service in the Authority and to head the administration of the Authority, including divisions and wards;
- (b) to be the accounting officer of the Authority;
- (c) to be responsible for the management of all public funds of the Authority and accountable to Parliament;
- (d) be responsible for coordination and implementation of national and council policies, laws, regulations, byelaws, programmes and projects;
- (e) advise the mayor and Authority on Government policy;
- (f) present the annual budget to the Authority;
- (g) advise the Authority on technical, administrative and legal matters pertaining to the management of the Authority;

- (h) implement lawful decisions taken by the Authority;
- (i) oversee the delivery of quality services to the population within the Capital City and take remedial action where service delivery standards are below the expected minimum standards;
- (j) ensure proper physical planning and development control in the urban councils;
- (k) monitor and coordinate the activities of the directorates of the Authority and of the lower Authority;
- (l) be the custodian of all the assets and records of the Authority;
- (m) attend meetings of the metropolitan Authority;
- (n) supervise and evaluate staff performance;
- (o) liaise with the central Government and other institutions on behalf of the Authority;
- (p) conduct the public relations of the Authority;
- (q) promote trade order;
- (r) mobilise the urban community for development and sustainability of infrastructure and services;
- (s) be responsible for the enforcement of ordinances and byelaws made by the Authority and its lower council units;
- (t) be responsible to the Authority, subject to the general directions of the Minister;
- (u) on day-to-day operations, be responsible to the Authority; and
- (v) make reports to the council and the Minister on the state of affairs of the Capital City at least once a year or as the Minister or the Authority may determine;

- (w) to perform any other duties assigned by the Authority or the Minister.

### 19. Lower urban councils of the Authority

(1) The Capital City shall have the following lower urban councils under the Authority—

- (a) division urban councils;
- (b) ward urban councils; and
- (c) village urban councils.

(2) There shall also exist under the Authority, street committees.

(3) Subject to this Act, Entebbe Municipality and Kiira Town Council shall not be local governments but shall be lower urban councils under the Authority.

### PART IV—METROPOLITAN PHYSICAL PLANNING AUTHORITY

### 20. Metropolitan Physical Planning Authority

(1) There shall be a body to be known as the Metropolitan Physical Planning Authority.

(2) The Metropolitan Authority shall consist of a chairperson and four other persons all of whom shall be appointed by the Minister with the approval of Cabinet, being persons qualified and experienced in physical planning, civil engineering, architecture, environment or public health.

(3) The members of the Metropolitan Authority shall hold office for three years and shall be eligible for re-appointment for one more term.

(4) A member of the Metropolitan Authority may be removed in the public interest by the Minister on any of the following grounds—

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

- (b) misbehavior or misconduct;
- (c) incompetence; or
- (d) corruption.

## 21. Functions of the Metropolitan Physical Planning Authority

(1) The Metropolitan Authority shall be responsible for—

- (a) developing a Metropolitan Authority Structure and Development Plan for the Capital City and metropolitan area;
- (b) handling and addressing planning issues within the Capital City and the neighbouring districts of Mukono, Mpigi and Wakiso;
- (c) planning major transportation, infrastructure and other utilities in conjunction with other relevant bodies;
- (d) planning recreation parks, tree planting, green corridors and other environment areas;
- (e) overseeing and monitoring the execution of the Metropolitan Authority Development Plan;
- (f) approving the Capital City, municipal and town structure plans; and
- (g) beautification of the Capital City and the metropolitan area.

(2) The Metropolitan Authority shall have power to veto physical plans or activities that are inconsistent with the Metropolitan Authority Development Plan, the metropolitan structural plan or land use policy.

(3) The Metropolitan Authority shall ensure that land use in the City and the metropolitan area follow designated plans, irrespective of the tenure of land.

(4) The Metropolitan Authority shall prepare comprehensive and integrated development plans incorporating the plans of the lower urban councils.

(5) The central Government shall be responsible for the construction and maintenance of—

- (a) all roads and streetlights in the central business district;
- (b) trunk and gateway roads;
- (c) subways;
- (d) flyovers;
- (e) cycle ways and walkways;
- (f) sewers;
- (g) transport ways; and
- (h) rails.

(6) The Metropolitan Authority shall be responsible for the construction and maintenance of all roads and streetlights, other than those mentioned in subsection (6).

(7) The Metropolitan Authority shall be responsible for cleaning and de-silting of all roads in the City.

(8) Where land is required by the Authority for public use or public health including expansion of roads, constructing new roads, water and sewerage systems and demolishing buildings to construct new structures, compensation shall be made by the central government in accordance with article 26 of the Constitution and the Land Acquisition Act.

(9) The Metropolitan Authority shall submit quarterly reports and annual reports to the Minister, with a copy to the Minister responsible for physical planning.

(10) The Minister shall lay before Parliament, the annual reports submitted to him or her under subsection (9).

## PART V—DIRECTORATES AND STAFF OF AUTHORITY

**22. Deputy executive director**

(1) There shall be a deputy executive director of the Authority who shall be appointed by the President on the advice of the Public Service Commission.

(2) The deputy executive director may be removed by the President in the circumstances specified in section 17 in respect of the executive director.

**23. Directorates**

For the effective operation of the Authority, the Authority shall have the directorates described in Part A of the Fifth Schedule to this Act.

**24. Provisions governing staff of the Authority**

(1) The President may, acting in accordance with the advice of the Public Service Commission, the Health Service Commission or the Education Service Commission, as the case may be, appoint persons to hold or act in any office in the service of the Capital City of the rank of head of department or above in positions similar or equivalent to positions in the public service, the health service or the education service, including confirmation of the appointments, disciplinary control over such persons, and their removal from office.

(2) The Public Service Commission, the Health Service Commission or the Education Service Commission as the case may be, may appoint persons to hold or act in service of the Capital City other than those referred in subsection (1), in positions similar or equivalent to positions in the public service, the health service or the education service, including the confirmation of their appointment, disciplinary control over such persons and their removal from office.

(3) For the avoidance of doubt, teachers shall be taken, for the purposes of this section, as belonging to the education service.

(4) The terms and conditions of persons in the service of the Authority shall be prescribed by the Ministry responsible for the public service.

(5) Any enactment applicable to members of the public service or education service or health service of the central government shall, with necessary modifications apply to the relevant persons in the service of the Authority as described in subsections (1) and (2).

**25. Metropolitan police**

(1) There shall be a Metropolitan Police Force for the Capital City.

(2) The Metropolitan Police Force shall comprise persons appointed under the Police Act and trained by the Uganda Police Force, but paid by the Authority.

(3) The Minister may by statutory instrument, on the recommendation of the Police Authority make regulations for regulating the Metropolitan Police Force.

## PART VI—LOWER URBAN COUNCILS

*Division Urban Councils***26. Composition of division urban councils**

A division urban council shall be composed of not more than fifteen members as follows—

- (a) a chairperson of the council who shall be titled “Mayor”;
- (b) a Deputy Mayor of the division urban council;
- (c) one councillor directly elected to represent an electoral area of the City division urban council;

- (d) two councillors representing the youth, one of whom shall be female;
- (e) two councillors with disabilities representing persons with disability one of whom shall be female;
- (f) women councillors forming one third of the council such that the councillors elected under paragraphs (c), (d) and (e) shall form two thirds of the council.

## 27. Mayor and Deputy Mayor

(1) A Mayor and Deputy Mayor shall be elected by the division urban council councillors by simple majority from among their number.

(2) A Mayor and a Deputy Mayor shall serve on full time basis.

(3) The office of Mayor or Deputy Mayor of a division urban council shall fall vacant if the holder resigns from office or accepts appointment to a public office or dies.

(4) A Mayor or Deputy Mayor of a division urban council may be removed from office by two thirds majority of the urban council.

(5) A returning officer appointed by the Electoral Commission shall preside at a meeting of the division urban council to remove a Mayor or a Deputy Mayor of the urban council.

(6) Subsection (1) to (20) of section 12 shall apply to the removal of the Mayor or Deputy Mayor of a division urban council except that—

- (a) where “Chief Justice” appears it shall be substituted by “Chief Magistrate”; and
- (b) under section 12(5) there shall be substituted for the “Justice of the High Court”, a “Magistrate not below Grade 1”.

(7) The expenses of the tribunal and the medical board shall be met by the relevant urban council.

## 28. Functions of Mayor

(1) The functions of a Mayor are—

- (a) to be the political head of a division urban council;
- (b) to preside over the meetings of a division urban council;
- (c) to head the division urban council in developing strategies and programmes for the development of the division urban council;
- (d) to provide guidance to the ward urban councils, village urban councils and street committees; and
- (e) to liaise with the Authority on matters relating to the division urban council.

(2) The Deputy Mayor shall assist the Mayor in the performance of his or her functions and shall otherwise deputise for the mayor in his or her absence.

## 29. Management of division urban council

A division urban council shall be managed by an assistant executive director.

## 30. Division town clerk

(1) The division town clerk shall be the head of the public officers of the division council and shall be the accounting officer of the division urban council.

(2) The division town clerk shall be responsible for—

- (a) implementation of lawful decisions of the division urban council;
- (b) coordination and implementation of policies of division urban council;
- (c) advising the mayor and the division urban council on government policy;



- (d) presenting the annual budget to the division urban council;
- (e) overseeing delivery of quality services to the population within the area of jurisdiction of the division urban council and taking remedial action where service delivery standards are below the expected standard;
- (f) ensuring adherence to proper physical planning and development control and service standards in the Capital City;
- (g) mobilising the urban community for development and sustainability of the infrastructure and services in the division;
- (h) taking decisions in consultation with the Mayor and the executive director when the division urban council is in recess;
- (i) supervising and monitoring delivery of services to the population within the division, including garbage collection and disposal, beautification, trading order, maintenance of road infrastructure, provision of public health services, environment protection and other services provided by law;
- (j) all the assets and records of the division urban council;
- (k) enforcing ordinances made by the Authority and byelaws made by the division urban council; and
- (l) report to the executive director on the management of the affairs of the division urban council.

### 31. Removal of Mayor or Deputy Mayor of division

The Mayor or Deputy Mayor of a division council may be removed from office on any of the following grounds—

- (a) abuse of office;
- (b) incompetence;
- (c) corruption;
- (d) misconduct or misbehaviour;

- (e) physical or mental incapacity as would render the chairperson or vice chairperson incapable of performing his or her duties;
- (g) failure to convene council meetings; or
- (h) the holder commits a breach of the Leadership Code of Conduct for which the punishment imposed includes the vacation of office.

### 32. Legislative powers of division urban council

(1) A division urban council may, in relation to its powers and functions, make byelaws of the urban council not inconsistent with the Constitution, or any law enacted by Parliament, or an Ordinance of the Authority.

(2) Byelaws made under this section shall, before they are signed by the Mayor, be forwarded to the Attorney General through the Minister to certify that the byelaws are not inconsistent with the Constitution, or any law enacted by Parliament, or an Ordinance of the Authority.

### 33. Powers of Authority over the division urban council

(1) The Authority shall have powers to veto a decision of division urban councils, where the decision is inconsistent with or contravenes the Constitution or any other law, the metropolitan development plan or policies of Government.

(2) A division urban council aggrieved by a decision of the Authority may appeal to the Minister against the decision.

(3) Upon an appeal under this section the Minister may confirm, reverse or modify the decision of the Authority and shall notify the Authority and the division urban council of his or her decision.

### 34. Functions which may be devolved to division urban councils

The Authority may, in consultation with the Central Government, devolve the functions and services specified in Part B of the Third Schedule to this Act to the a division urban council.

**35. Departments of division urban councils**

A division urban council shall have the departments specified in Part B of the Fifth Schedule to this Act.

**36. Technical assistance to division urban councils**

The Authority may assign technical officers or staff of the Authority to assist a division urban council in the performance of any function of the division urban council.

*Ward Urban Councils***37. Composition of ward urban councils**

(1) A ward urban council shall consist of all the members of the village executive committees in the ward.

(2) A ward executive committee shall consist of—

- (a) a chairperson;
- (b) a vice chairperson who shall also be secretary for children welfare;
- (c) a general secretary;
- (d) a secretary for information, education and mobilisation;
- (e) a secretary for security and trade order;
- (f) a secretary for finance, beautification and garbage management;
- (g) a secretary for production and environmental protection;
- (h) the chairperson of the youth council at the parish or village level, who shall be the secretary for youth;
- (i) the chairperson of the women councils at the parish or village level who shall be the secretary for women and also the public health coordinator; and

- (j) the chairperson of the organisation for persons with disabilities at the parish level who shall be secretary for persons with disabilities affairs.

(3) At least one-third of the executive committee members at the ward level shall be women.

**38. Management of ward urban council**

A ward shall be managed by a ward administrator who shall be responsible to the division town clerk.

*Village Urban Councils and Street Committees***39. Composition of village urban council**

(1) A village urban council shall consist of persons of the age of eighteen years and above, who reside in the village and who have registered with the Electoral Commission as being willing to be members of the village urban council.

(2) There shall be an executive committee at each village urban council consisting of the following—

- (a) a chairperson;
- (b) a vice chairperson who shall also be secretary for children welfare;
- (c) a general secretary;
- (d) a secretary for information, education and mobilisation;
- (e) a secretary for security and trade order;
- (f) a secretary for finance, beautification, and garbage management;
- (g) a secretary for production and environmental protection;
- (h) the chairperson of the youth council at the parish or village level, who shall be the secretary for youth;



- (i) the chairperson of the women councils at the parish or village level who shall be the secretary for women and also the public health coordinator; and
- (j) the chairperson of the organisation for persons with disabilities at the parish level who shall be secretary for persons with disabilities affairs.

(3) At least one-third of the executive committee members at the village level shall be women.

(4) Notwithstanding subsection (1), a decision taken by a village urban council is binding on all persons residing in the village.

#### **40. Composition of street committee**

(1) A street committee shall consist of a chairperson, vice chairperson, secretary, treasurer and one other member.

(2) At least two of the members of a street committee shall be women.

(3) All residents who are registered as members of a village urban council and who reside on the same street shall convene to elect a street committee.

#### **41. Performance of functions in absence of chairperson and vice chairperson**

(1) Where the chairperson and the vice chairperson of a ward, urban council, village urban council street committee are unable to perform the functions of the chairperson, the assistant returning officer shall convene a meeting of the council of the ward, urban council, village urban council or street committee as the case may be, for the purpose of presiding over the elections of the person from the council of the ward, urban council, village urban council or street committee to perform the functions of the chairperson.

(2) A person elected under subsection (1) shall take and subscribe the oath before assuming office, if any, specified for that office.

(3) A person holding office on the executive committee immediately before a person assumes the functions of the chairperson under subsection (1) shall continue to hold office until the chairperson, the vice chairperson or a new chairperson assumes office.

(4) A person assuming the functions of the chairperson under subsection (1) shall not have power to fill any vacancy on the executive committee.

#### **42. Service on part time basis**

(1) Councillors of division urban councils shall serve on a part time basis.

(2) Members of ward and village urban council executive committees and street committees shall serve on a part time basis.

#### **43. Functions which may be devolved to village urban councils and street committees**

The Authority may, in consultation with the Central Government, devolve the functions and services specified in Part C of the Third Schedule to this Act to village urban councils or street committees.

#### *Meetings of Lower Urban Councils*

#### **44. Meetings of lower urban councils**

(1) The meetings of a division urban council shall be convened and presided over by the Mayor.

(2) A division urban council shall meet at least once in every three months to discharge its functions.

(3) Meetings of ward urban council, village urban councils or street committees shall be convened and presided over by the chairperson of the respective lower urban council.

(4) The Fourth Schedule shall, with the necessary modifications apply to meetings of lower urban councils.

## PART VII—PLANNING FUNCTIONS OF KAMPALA CAPITAL CITY

**45. Capital City planning**

(1) The Authority shall be responsible for the planning in the Capital City.

(2) The Authority shall, in addition to the procedures it establishes for itself, work according to the procedures prescribed under the National Planning Authority Act, 2002.

(3) The Authority shall prepare comprehensive and integrated Capital City Development Plan incorporating plans of lower urban councils for submission to the National Planning Authority and the Metropolitan Authority.

(4) A division urban council within the boundaries of the Capital City shall prepare plans incorporating plans of lower urban councils in their respective areas of jurisdiction.

(5) For the avoidance of doubt, the functions of the Authority under this section are limited to socio-economic planning.

**46. Capital City Technical Planning Committee**

(1) There shall be a City Technical Planning Committee chaired by the Executive Director consisting of-

- (a) heads of directorates in the Authority;
- (b) any technical person co-opted by the Executive Director

(2) The Capital City Technical Planning Committee shall coordinate and integrate all the directorate plans for presentation to the Authority.

**47. Planning units**

(1) For the purposes of carrying out the planning functions of the Capital City under this Part, the Authority shall have a planning unit.

(2) The directorate of the council responsible for economic planning shall constitute the planning unit and shall be the secretariat to the Capital City technical planning committee.

## PART VIII—FINANCIAL PROVISIONS

**48. Authority budgetary powers and procedure**

(1) The Authority shall formulate, approve and execute its budgets and plans except that the budgets shall be balanced

(2) The Authority shall always accord preferential treatment to national priority programme areas preferential treatment in its budget outlays.

(3) Where the Local Government Finance Commission becomes aware that the Authority budget significantly detracts from national priority programme areas, the Commission shall inform the Authority and the President through the Minister, for appropriate action

(4) The Authority budget shall reflect all revenues to be collected or received by the Authority, and to be appropriated for each year.

(5) The Authority budget for the ensuing financial year shall always take into account the approved development plan of the central government.

**49. Revenue and financial and accounting regulations**

(1) The Minister, in consultation with the Minister responsible for finance shall, by statutory instrument, make financial and accounting regulations prescribing financial and accountability measures for compliance by the Authority and lower urban councils.

(2) Notwithstanding any other penalty imposed by any other law, a surcharge may be imposed on a councillor or member of staff of the Authority who is responsible for loss of money or loss or damage to property or stores in accordance with the financial and accounting regulations.

**50. Power to levy taxes**

(1) The Authority may levy, charge, collect and appropriate fees and taxes in accordance with any law enacted by Parliament under article 152 of the Constitution.

(2) The fees and taxes levied, charged, collected and appropriated under this section shall consist of rent, rates, royalties, stamp duties, cess, trading licences, fees from registration and other fees and taxes that Parliament may by law prescribe.

(3) The Authority may collect fees and taxes on behalf of the Government as its agent; and where the Authority acts as an agent for the Government, a portion of the funds collected shall be retained by the Authority as shall be determined by the Minister in consultation with the Minister responsible for finance.

(4) Any extra obligation transferred to the Authority by the Government shall be fully financed by the Government.

(5) For the avoidance of doubt, taxes that may be levied by the Authority include local service tax and hotel tax under the Local Governments Act.

**51. Financial year**

The financial year of the Authority shall be the period beginning from the 1st day of July and ending on the 30th day of June in the year next following.

**52. Appropriation of funds**

(1) Appropriation of funds by the Authority shall not be made out of the funds of the Authority unless approved in a budget by the Authority.

(2) Monies shall not be withdrawn from the general funds account or any other accounts of the Authority unless the withdrawal has been approved by the Auditor General or his or her representative.

(3) Financial obligations shall not be placed on the Authority by the central government after the enactment of the Appropriation Act without providing funds for the discharge of that obligation.

**53. Grants to Authority**

(1) The President shall, for each financial year, in accordance with the Constitution cause to be laid before to Parliament estimates for the monies to be paid out of the Consolidated Fund as—

- (a) unconditional grant in accordance with subsection (2);
- (b) conditional grant in accordance with subsection (3);
- (c) equalisation grant in accordance with subsection (4).

(2) Unconditional grant is the minimum grant that shall be paid to the Authority to run services in the Capital City and shall be calculated in the manner specified in the Sixth Schedule.

(3) Conditional grant shall consist of monies given to the Authority to finance programmes agreed upon between the Government and the Authority and shall be expended only for the purposes for which it was granted and in accordance with the conditions agreed upon.

(4) Equalisation grant is the money to be paid to the Authority for giving subsidies or making special provision for the least developed divisions of the Capital City and shall be based on the degree to which a division is lagging behind the national average standard for a particular service.

(5) The Authority shall indicate how conditional and equalisation grants obtained from the Government are to be passed on to the division urban councils of the Capital City.

(6) The proposals made under subsection (1) shall be made at the same time as the estimates of revenue and expenditure under article 155 of the Constitution and shall state the sums of money that is to be paid to the Authority.

(7) The proposals made under subsection (1) shall be included in the Appropriation Bill as provided for in article by 156 of the Constitution.

#### 54. Borrowing powers and acceptance of grants

(1) The Authority may, from time to time, with the approval of the Minister raise loans from financial institutions, by way of debenture, issue of bonds or any other method, in amounts not exceeding ten per cent of the locally generated revenue of the Authority; provided that the Authority demonstrates ability to meet its statutory obligations.

(2) The Authority may also accept and use grants with the approval of the Minister.

#### 55. Consultation with other specialized agencies of government

(1) The Authority shall seek guidance and expertise from the Local Government Finance Commission in respect of resource mobilisation and sharing of central government grants and revenue generated within the Capital City and lower urban councils.

(2) The Authority shall, in the management of its finances and its operations seek guidance and technical support from other specialised agencies of government departments including the Local Government Finance Commission.

#### *Account and Audit*

#### 56. Accounts

The Authority shall keep proper books of accounts and other records in relation to them and shall balance its accounts for each financial year and produce statements of final accounts within three months after the end of each financial year.

#### 57. Audit of accounts

(1) The accounts of the Authority shall be audited by the Auditor General or by an auditor appointed by the Auditor General.

(2) The Auditor General may carry out surprise audits, investigations or any other audit considered necessary.

(3) The Auditor General shall give a report of the audited accounts of the Authority to—

- (a) Parliament;
- (b) the Minister responsible for finance;
- (c) the Minister;
- (d) the Authority or lower urban council to which the audit relates;
- (e) the Kampala Capital City Public Accounts Committee;
- (f) the Local Government Finance Commission;
- (g) the Inspector General of Government; and
- (h) the Resident City Commissioner.

#### 58. Capital City Public Accounts Committee.

(1) There shall be established for the Capital City, a Public Accounts Committee consisting of a chairperson and four other members appointed by the Authority on the recommendation of the Lord Mayor and with the approval of the Minister.

(2) At least one-third of the members of the Capital City Public Accounts Committee shall be women.

(3) A person shall not be appointed a member of the Capital City Public Accounts Committee unless that person—

- (a) is of high moral character and proven integrity; and
- (b) has a minimum qualification of Uganda Advanced Certificate of Education or its equivalent.

(4) The members of the Capital City Public Accounts Committee shall elect a chairperson from among its members.

(5) The members of the Capital City Public Accounts Committee shall hold office for five years and are eligible for reappointment for one more term only.

(6) Every meeting of the Capital City Public Accounts Committee shall be presided over by the chairperson and in his or her absence by a member elected by the members present.

(7) Three members of the Capital City Public Accounts Committee shall form a quorum at any meeting of the committee.

(8) The office of the clerk to the Authority shall be the secretariat to the Capital City Public Accounts Committee.

(9) The Capital City Public Accounts Committee shall examine the reports of the Auditor General, Chief Internal Auditor and any reports of commissions of inquiry and may, in relation to the reports, require the attendance of any councillor or officer to explain matter arising from the reports.

(10) The Capital City Public Accounts Committee shall submit its report to the Authority and to the Minister and the Minister shall lay the report before Parliament.

(11) The Lord Mayor and the Executive Director or division assistant executive director shall implement the recommendations of the Capital City Public Accounts Committee and report on action taken or to be taken on the recommendations to persons prescribed in section 57(3).

(12) The Capital City Public Accounts Committee shall have powers to recommend to police, arrest of suspects in respect of cases involving corruption or abuse of Authority of public office.

(13) The expenses of the Capital City Public Accounts Committees are charged on the Consolidated Fund.

### **59. Removal of member of Capital City Public Accounts Committee**

(1) A member of the Capital City, including the chairperson, may be removed from the committee by the Authority by a resolution supported by two-thirds of the members of the Authority but may only be removed on the following grounds—

- (a) abuse of office;
- (b) incompetence;
- (c) misconduct or misbehavior;
- (d) failure to attend three consecutive ordinary meetings of the committee without valid reasons acceptable to the committee;
- (e) inability to perform the functions of that office arising from physical or mental incapacity; or
- (f) corruption.

(2) Notwithstanding subsection (1), the office of a member of the Capital City Public Accounts Committee shall fall vacant if—

- (a) the holder resigns in writing addressed to the Lord Mayor;
- (b) the holder is in commits a breach of the Leadership Code of Conduct for which the punishment imposed includes vacation of office;
- (c) the holder accepts appointment to a public office;
- (d) the holder is sentenced to death or to imprisonment exceeding six months without the option of a fine;
- (e) the holder has been convicted of an offence involving dishonesty or moral turpitude; or
- (f) circumstances arise which disqualify the holder from occupying the office under any other law.



(3) For the purposes of removing a member of the Capital City Public Accounts Committee under subsection (1) other than under subsection (1)(e), a petition in writing by not less than one third of the members of the Authority shall be submitted to the Lord Mayor.

- (a) stating that they intend to pass a resolution of the Authority to remove the member of the Capital City Public Accounts Committee on any of the grounds set out in subsection (1);
- (b) setting out the particulars of the charge supported by the necessary documents, where applicable, on which it is claimed that the conduct of the member of the Capital City Public Accounts Committee be investigated for the purposes of his or her removal.

(4) For the avoidance of doubt, where a petition has been submitted to the Lord Mayor under subsection (3), a member of the Authority shall not withdraw his or her signature supporting the petition.

(5) The Lord Mayor shall within forty eight hours after receipt of the petition referred to in subsection (3), cause a copy to be transmitted to the Minister.

(6) The Minister shall evaluate the petition and if satisfied that there are sufficient grounds for doing so shall, within twenty-one days after receipt of the petition, constitute a tribunal consisting of a Chief Magistrate or a person qualified to be appointed a Magistrate as chairperson and two other persons all of whom shall be appointed by the Minister to investigate the allegations.

(7) A person shall not be eligible for appointment as a member of the tribunal unless that person—

- (a) is of high moral character and proven integrity; and

- (b) possesses considerable experience and demonstration competence and is of high caliber in the conduct of public affairs.

(8) The member of the Capital City Public Accounts Committee is entitled to appear at the proceedings of the tribunal and to be represented by a lawyer or other expert or person of his or her choice.

(9) If the tribunal determines that there is a prima facie case for the removal of the member of the Capital City Public Accounts Committee under subsection (1) other than subsection (1) (d), then if the Authority passes the resolution supported by the votes of not less than two-thirds of all members of the Authority, the member of the Capital City Public Accounts Committee shall cease to hold office.

(10) For the purposes of the removal of the member of the Capital City Public Accounts Committee on grounds of physical or mental incapacity under subsection (1)(e), there shall be submitted to the Minister a petition in writing signed by not less than one third of all the members of the Authority—

- (a) stating that they intend to pass a resolution of the Authority for the removal of the member of the Capital City Public Accounts Committee from office on grounds of physical or mental incapacity; and
- (b) giving particulars of the alleged incapacity.

(11) The Minister shall, within seven days after receipt of a petition under section (10) cause a copy to be transmitted to the member of the Capital City Public Accounts Committee.

(12) The Minister shall in consultation with the Medical Council, constitute a medical board comprising three qualified medical specialists to examine the member of the Capital City Public Accounts Committee in respect of the alleged incapacity and to report its findings to the Authority.

(13) Upon the constitution of the medical board under subsection (12), the Minister shall, in writing within seven days, inform the relevant member of the Capital City Public Accounts Committee, of the constitution of the committee.

(14) The Medical board shall examine the member of the Capital City Public Accounts Committee within fourteen days after the Minister has informed the relevant member, of the constitution of the medical board.

(15) The member of the Capital City Public Accounts Committee shall submit himself or herself to the medical board for examination on a day and time determined by the board.

(16) If the medical board determines that the relevant member of the Capital City Public Accounts Committee, is by reason of physical or mental incapacity unable to perform the functions of the office of member of the Capital City Public Accounts Committee and the Authority passes a resolution for his or her removal supported by the votes of not less than two-thirds of all the members of the Authority, the member shall cease to hold office.

(17) If the medical board, after the expiration of the period of fourteen days referred to in subsection (14), reports that the relevant member has failed or refused to submit to the medical board and the Authority passes a resolution for his or her removal supported by the votes of not less than two thirds of all members of the Authority, the member shall cease to hold office.

(18) The Minister shall convene the Authority within fourteen days after the receipt of the report of the tribunal or medical board.

(19) The motion for a resolution for the removal of the member shall be moved in the Authority within fourteen days after the receipt by the Minister of the report of the tribunal or the medical board, failure of which shall render the resolution time barred.

(20) A person who is removed as a member of the Capital City Public Accounts Committee is entitled to appeal to the High Court within twenty one days after the decision to remove him or her is communicated to him or her, and the court may confirm or revoke the decision to remove him or her may make any order that the court considers just in the matter.

(21) The expenses of the tribunal and the medical board shall be met by the Authority or the relevant urban council.

#### **60. Internal audit**

The head of the internal audit directorate shall prepare quarterly audit reports and shall submit them to the Authority and shall give a copy to the Capital City Public Accounts Committee.

#### *Kampala Capital City Procurement and disposal*

#### **61. Capital City Contracts Committee**

(1) There shall be a Capital City Contracts Committee.

(2) The Capital City Contracts Committee shall comprise a chairperson, and four other members, all of whom shall be nominated by the Executive Director from among the public officers of the Authority and approved by the Secretary to the Treasury.

(3) The Capital City Contracts Committee shall seek the services of the City legal advisor in the execution of its work.

(4) Members of the Capital City Contracts Committee shall be appointed with due regard to their technical competence and skills for the discharge of the functions of the Capital City Contracts Committee.

(5) The members of the Capital City Contracts Committee shall hold office for three years and are eligible for reappointment for only one more term.



(6) The quorum at any meeting of the Capital City Contracts Committee is three, including the chairperson.

## **62. Functions of Capital City Contracts Committee**

The Capital City Contracts Committee shall, in respect of the Authority and lower urban councils within the Capital City, perform the functions specified in section 27 and 28 of the Public Procurement and Disposal of Public Assets Act.

## **63. Procurement and disposal unit**

(1) The Council shall have a procurement and disposal unit staffed at the appropriate level which shall be headed by a procurement officer who shall be the secretary to the Kampala Capital City Contracts Committee and who shall have no right to vote at a meeting of the Kampala capital City Contracts Committee

(2) The functions of the procurement and disposal unit shall be as specified in sections 30 and 31 of the Public Procurement and Disposal of Public Assets Act, 2003.

## **64. Regulation of procurement and disposing entities of the Authority**

(1) The Public Procurement and Disposal of Public Assets Authority under the Public Procurement and Disposal of Public Assets Act, 2003 shall regulate the functions of the procuring and disposing entities of the Authority, with a view to ensuring that the same standards are maintained as with procurement for the Central Government.

(2) The Public Procurement and Disposal of Public Assets Regulations, 2003 shall, with the necessary modifications, apply to those procuring and disposing entities.

## **65. Certain officers not to qualify to be members of Contracts Committee**

The following person shall not be qualified to be members of the Contracts Committee of the Authority—

- (a) Executive Director;
- (b) Head of treasury services of the Authority;
- (c) division assistant executive director;
- (d) finance officer of a division urban council; and
- (e) head of internal audit of the Authority.

## **66. Reports of Contracts Committee**

(1) The Capital City Contracts Committee shall publish quarterly summary reports of all procurements and disposals made by it during the quarter concerned containing such particulars as may be prescribed by regulations made under section 82.

(2) The Capital City Contracts Committee referred to in subsection (1) shall give to the Authority a copy of the published quarterly summary reports of the procurements and disposals made by it during the quarter concerned containing such particulars as may be prescribed by regulations made under section 82.

## **67. Delegation of powers of Contracts Committee**

(1) A Capital City Contracts Committee may recommend to the accounting officer to delegate any of its functions of procurement and disposals to a user department.

(2) The accounting officer shall be responsible for supervising the operation of a user department to which procurement and disposal functions of the committee have been delegated under sub-section (1).

(3) A user department to which procurement and disposal functions have been delegated shall, from time to time, submit to the accounting officer, reports containing such information as may be prescribed regulations.

(4) In this section, "user department" means any department, division, branch, and a lower urban council or section of the procuring and disposing entity, including any project unit or community group working under the authority of the procuring and

disposing entity which initiates procurement and disposal requirements and is the user of the requirements; and includes such other body or bodies as may be prescribed by regulations made under section 82.

### 68. Sanctions under procurement and disposal Regulations

(1) Without prejudice to the general effect of section 82, the Minister shall, under that section prescribe such sanctions for the contravention of the provisions of this Act or regulations made under this Act relating to procurement as may be necessary for ensuring due compliance with this Act or with the regulations made under section 82.

(2) The Minister may, without prejudice to the general effect of subsection (1), for the purposes of that subsection, prescribe in connection with a contravention referred to in subsection (1)—

- (a) a penalty not exceeding a fine of one hundred and twenty currency points or imprisonment not exceeding five years or both;
- (b) a higher penalty for a second or subsequent contravention a fine not exceeding two hundred and forty currency points or imprisonment not exceeding ten years or both ;
- (c) a penalty not exceeding fifty currency points in respect of each day on which the contravention continues;
- (d) a requirement that a court which convicts a person of a contravention referred to in subsection (1), orders the forfeiture to the State of anything in connection with which the contravention was committed or derived from the contravention; or
- (e) a requirement that the court shall order the person convicted to pay compensation to any council which has suffered any loss as a result of the contravention.

(3) The Minister may, also by regulations prescribed under section 82 in relation to the contravention of any of the provisions of this Act or regulations made under this Act relating to procurement and disposal, disciplinary penalties as follow—

- (a) in respect of minor omissions and noncompliance specified in the regulations, a severe reprimand from the accounting officer;
- (b) in respect of breach of the law involving major omissions, commissions and noncompliance specified in the regulations, interdiction for a period not exceeding six months from office with half pay;
- (c) in respect of breaches of the law involving grave omissions, commissions and noncompliance specified in the regulations, dismissal from the public service, health service or education service, and where necessary, criminal proceedings at the instance of the accounting officer through the Director of Public Prosecutions; and
- (d) dissolution of the Contracts Committee in lieu of, or in addition to, any of the foregoing.

(4) Regulations made under this section shall be made after consultation with the Minister responsible for finance.

### 69. Use of Contracts Committee other than the Capital City Contracts Committee

Where in the case of the Authority council there is for the time being no contacts committee appointed, the Secretary to the Treasury may, in consultation with the Permanent Secretary of the Ministry responsible for the Capital City, allow the Authority to use the services of the Ministry responsible for the Capital City or another Contracts Committee that the Secretary to the Treasury considers appropriate.

**70. Accountability and public procurement and disposal**

For the purpose of the Public Finance and Accountability Act, 2003 and the Public Procurement and Disposal of Public Assets Act, 2003 and any statutory instruments made under them, the Authority and all the entities existing under it shall be taken to be entities existing under the central government.

## PART IX—RESIDENT CITY COMMISSIONER

**71. Resident City Commissioner**

(1) There shall be for the Capital City, a Resident City Commissioner who shall be appointed by the President.

(2) A person to be appointed a Resident City Commissioner shall be a citizen of Uganda, and qualified to be a member of Parliament.

**72. Functions of the Resident City Commissioner**

(1) The Resident City Commissioner shall—

- (a) represent the President and the government in the Authority;
- (b) coordinate the administration of government services in the Authority;
- (c) act as chairperson of the Authority security committee;
- (d) advise the Lord Mayor on matters of a national nature that may affect the Authority or its plans or programmes, and particularly the relations between the Authority and the Government;
- (e) monitor and inspect the activities of the Authority and where necessary, advise the Lord Mayor; and
- (f) carry out such other functions as may be assigned to him or her by the President or prescribed by Parliament.

(2) The Resident City Commissioner may—

- (a) sensitise the populace on government policies and programmes, and in so doing shall liaise with the Lord Mayor;
- (b) advise the Lord Mayor to instruct the chief internal auditor to carry out a special audit and submit a report to the Authority;
- (c) draw the attention of the Auditor General to the need for special investigation audits and submit a report to the Authority;
- (d) draw the attention of the Inspector General of Government to the need to investigation of any cases of mismanagement or abuse of office;
- (e) draw the attention of any relevant line Ministry to the divergence from or noncompliance with Government policy by any lower urban council within the Capital City;
- (f) in consultation with the Lord Mayor, address the Authority from time to time on any matter of national importance.

(3) The expenses of the office of the Resident City Commissioner including salaries, allowances and pensions, shall be charged on the Consolidated Fund.

**73. Staff of the office of the Resident City Commissioner**

(1) There shall be such number of deputy or Resident City Commissioner representatives in the Capital City as the President may determine.

(2) Section 71(2) shall apply to the appointment of a deputy or assistant Resident City Commissioner.

(3) The deputy or assistant Resident City Commissioner shall assist the central government in carrying out the functions of the office in a specified area of jurisdiction generally as may be determined by the President.

(4) There shall be such other officers and staff of the office of the Resident City Commissioner as the Public Service Commission may, in consultation with the Ministry responsible for the public service, determine.

#### **74. Removal of the Resident City Commissioner**

The Minister may recommend to the President, the removal of a Resident City Commissioner or a deputy or assistant Resident City Commissioner, stating the grounds for the recommendation for the removal.

### **PART X—GENERAL**

#### **75. Member of Parliament or Minister not to hold office of Lord Mayor, Deputy Lord Mayor or councillor in the Capital City**

A member of Parliament or Minister of Government shall not, concurrently with that office, hold the office of Lord Mayor, Deputy Lord Mayor or councillor in the Authority.

#### **76. Tenure of office of Lord Mayor, Deputy Lord Mayor and councillors of the Authority, Mayor, Deputy Mayor and Chairpersons and councillors of lower urban councils and members of the street committees**

(1) The Lord Mayor, Deputy Lord Mayor and other councillors of the Authority, Mayor, Deputy Mayor and Chairpersons and councillors of lower urban councils and members of street committees shall hold office for five years after their election as councillors are shall be eligible for re-election.

(2) Where a person is elected to fill a vacancy in one of the offices referred to in subsection (1), that person shall hold office for the remainder of the term of office of the person who vacated the office.

#### **77. Remuneration of members of the Authority or committees**

The Minister shall, in consultation with the Minister responsible for finance and the Minister responsible for the public service, determine the remuneration payable to the Lord Mayor, Deputy Lord Mayor and councillors of the Authority and the Mayor, Deputy Mayor, chairperson and councillors of a lower urban council.

#### **78. Application of other enactments**

(1) The Minister may, with the approval of Parliament, by statutory instrument, modify the provisions of any enactment in its application to the Authority or the entities existing under the Authority.

(2) Without prejudice to subsection (1)—

- (a) the Local Government Act, shall with the necessary modifications, apply to the Authority and to a village, ward and division urban council under the Authority;
- (b) the Local Governments (Rating) Act, 2005 shall, with the necessary modifications apply to the Capital City;
- (c) without prejudice to paragraph (b), the Local Governments (Rating) Act, 2005 shall, with effect from the commencement of this Act, apply to Capital City such that—
  - (i) the Authority shall impose, levy and collect rates as may be imposed by a district council under that Act; and
  - (ii) division urban councils within the Capital City shall impose, levy and collect rates as may be imposed, levied and collected by division councils under that Act.

#### **79. Powers of Minister**

(1) The Minister shall have the following powers in relation to the Authority—

- (a) to vary or rescind any decision of the Authority which is in contravention of any law, Government policy or the public interest, with the approval of Cabinet;
- (b) where the Minister considers that the matter is of a grave nature, to institute a Commission of inquiry to inquire into the matter;



- (c) to receive and take appropriate action on reports submitted by the Mayor, Executive Director or a Commission of Inquiry;
- (d) to appoint and remove members of the Metropolitan Authority; and
- (e) to oversee the performance of the Authority and make an annual report to Parliament.

(2) The Minister shall have general powers to give directives on policy and general development of the Capital City and the Authority shall comply with the directives.

(3) The Minister may veto decisions taken by the Authority which appear to the Minister to be illegal and where the Authority fails to perform any of its duties, the Minister may by writing, direct the Authority to carry out those duties.

(4) The Authority shall give effect to any direction given by the Minister under subsection (3).

(5) Where, under this Act the Minister is empowered to exercise any powers or perform any duty, the Minister may delegate that power or duty to any person by name, or office, to exercise that power or perform the duty on his or her behalf, subject to any conditions, exceptions and qualifications as the Minister may prescribe.

#### 80. Accountability for public funds

Any person holding a political or public office in the Authority who directs or concurs in the use of public funds contrary to law and to existing instructions shall be accountable for any loss arising from that use and shall be required to make good the loss even if he or she has ceased to hold that office.

#### 81. Protection against court action.

No act, matter or thing done or omitted to be done by—

- (a) any member of the Authority or division urban council or lower urban council;
  - (b) any member of staff or other person in the service of the Authority; or
  - (c) any person acting under the directions of the Authority,
- shall, if that act, matter or thing was done or omitted to be done in good faith in the execution of a duty or under the direction of the Authority or any appropriate authority under this Act, render that member or person personally liable to any civil action, claim or demand.

#### 82. Regulations

(1) The Minister may, by statutory instrument, make regulations for the better carrying into effect of the provisions of this Act.

(2) Notwithstanding the generality of subsection (1), the Minister may make regulations for—

- (a) prescribing an area within the Capital City to be the central business district;
- (b) prescribing particulars to be contained in the quarterly summary reports of procurements and disposals made by the Capital City Contracts Committee;
- (c) the election of representative of professional bodies;
- (d) in consultation with the Minister responsible for finance, regulating the procurement disposal procedures of the Authority;
- (e) in consultation with the Electoral Commission, regulating the election of Lord Mayor and Deputy Lord Mayor;
- (f) in consultation with the Minister responsible for finance, prescribing financial and accountability measures for compliance by the Authority and lower urban councils;
- (g) the election of representatives of professional bodies;



- (h) on recommendation of the Police Authority, regulating the Metropolitan Police Force;
- (i) the reporting procedure of Contracts Committee;
- (j) the delegation of powers of Contracts Committee;

(3) The Minister shall, as soon as practicable after the publication of a statutory instrument made under this section, cause the instrument to be laid before Parliament.

(4) Regulations made under this section may prescribe, in respect of a contravention of the regulations, that the offender is liable, on conviction, to a fine not exceeding two hundred currency points, or to imprisonment for a term not exceeding five years, or both.

### 83. Amendment of Schedules

(1) The Minister may, by statutory instrument, and with the approval of the Cabinet, amend the First, Third, Fourth, Fifth and Sixth Schedules to this Act.

(2) The Minister may, by statutory instrument with the approval of Parliament, amend the Second Schedule to this Act.

### 84. Presidential, Parliamentary and local government elections

For the avoidance of doubt, this Act shall not be taken to affect any enactment relating to presidential and parliamentary elections and the demarcation of constituencies by the Electoral Commission.

### 85. Transitional provisions

(1) All rights assets, liabilities and obligations of any entity existing in the Capital City area immediately before the commencement of this Act are transferred to the Authority or the corresponding entity under the Authority.

(2) Any Ordinance, byelaw or any other instrument made by the Kampala City Council or any entity existing in the area of the Capital City shall, after the commencement of this Act, continue in force until revoked by the Authority or other corresponding entity under the Authority.

(3) Any licence or permit issued by the Kampala City Council or any other entity in existence in the area of the Capital City and in force immediately before the commencement of this Act, shall continue in force for so much of the period as falls after the commencement of this Act.

(4) The Authority may, 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 Kampala City Council and who was given an option to serve by the Authority, and has opted to serve as an employee of the Authority.

(5) A person who opts to serve as an employee of the Authority under subsection (2) shall only be accepted as an employee of the Authority on a competitive interview basis and shall be employed on terms and conditions of service no less favourable than the terms and conditions of service to which he or she was entitled immediately before the coming into force of this Act.

(6) For the avoidance of doubt, a person who is not accepted as an employee of the Authority is entitled to terminal benefits and pensions and the Government shall be responsible for the payment of all retirement benefits and severance pay payable as appropriate, to the employees referred to in subsection (4).

(7) After the commencement of this Act, for any reference in any enactment existing immediately before the commencement of this Act to Kampala City Council, there shall be substituted a reference to the Authority.

(8) Any person holding the office of Mayor or councillor, including members of local government and lower local councils under the Local Government Act, immediately before the commencement of this Act shall continue to hold office until the next general elections are held under this Act.

## FIRST SCHEDULE

*Section 2 and 83(1)*

A currency point is equivalent to twenty thousand shillings.

*Section 4 (1) and 83 (2)*

## BOUNDARIES OF KAMPALA CAPITAL CITY

Beginning at the point of grid reference 46500mE, 32000mN South West of Zinga Island where Ggoma, Ntenjeru and Nakisunga Sub-counties in Mukono District meet with Wakiso District boundary, then following the Mukono-Wakiso District boundary northwards till the confluence of Nakiyanja River and Nakalongosa Stream.

Thence following the thalweg of Nakalongosa Stream westwards till it crosses 46100mE grid line upstream to the road junction of Kiwologoma to Kimwanyi Road and Kiwologoma to Kitukawe Road and then following River Nakibisi down stream to the confluence with River Nakidimba.

Then following southwards the boundary of Kiira and Nangabo Sub-county to the present Kampala District boundary at Magere then following this boundary Westwards and Southwards to the point in River Lubigi at Kawala where it then follows Rubaga Division boundary; thus excluding Rubaga Division and Mengo Parish in Central Kampala Division to the confluence of Nalukolongo and Mayanja Stream at the railway bridge in Natete and there from at the junction of Old Masaka Road following the road from Kabojja, Kikajjo to Ggambirana in South Westward direction.

And then follows Kamirangoma and Mugomba Swamps to Nambigirwa Swamp in Lake Victoria then following the boundary of Katabi Sub-county through to Entebbe Municipality boundary and along off shores Lake Victoria to the point where the boundary of Busiro County, Wakiso District, meets the southern most end of Kampala District and Mukono County, Mukono District boundary in the lake at coordinate point 463100mE, 36650mN North East of Namalusu Island then following that boundary Northwards to the beginning of this description near Zinga Island in Murchison Bay.

## THIRD SCHEDULE

*Sections 7(2), 34, 43 and 83(1)*

## PART A

## FUNCTIONS AND SERVICES FOR WHICH KAMPALA CAPITAL CITY AUTHORITY IS RESPONSIBLE

1. Establish, acquire, erect, maintain, promote, assist or control, with the participation of the citizens—
  - (a) lighting services;
  - (b) fire brigade services;
  - (c) ambulance services;
  - (d) clinics, dispensaries, health and inoculation centres;
  - (e) cemeteries, crematoria and mortuaries and ancillary services, and provide for the burial of bodies of destitute persons and of unclaimed bodies;
  - (f) omnibus stations and related office accommodation, cafes, restaurants, refreshment rooms and other buildings;
  - (g) offices, stores, workshops, depots and other buildings for the purposes of the council;
  - (h) public halls, libraries, art galleries and museums;
  - (i) slaughter houses, cold storage facilities and premises for inspection or processing of milk, meat or hides and skins;
  - (j) markets and piers, jetties and landing places;
  - (k) botanical and zoological gardens;
  - (l) public baths and swimming pools;
  - (m) canteens, social centres, clubs and hospitals, including such facilities for employees and staff;
  - (n) public lavatories and urinals;
  - (o) pounds for stray animals;
  - (p) camping grounds;

- (q) lairages;
  - (r) public weighing machines;
  - (s) public monuments;
  - (t) sanitary services for the removal and disposal of night soil, rubbish, carcasses of dead animals and all kinds of refuse and effluent;
  - (u) water supplies outside the jurisdiction of the National Water and Sewerage Corporation;
  - (v) education, trade and technical schools;
  - (w) maintenance of roads.
2. Establish, maintain or control public parks, gardens and recreation grounds on any land vested in the council and in connection with or for the purposes of that public park, garden or recreation ground to—
  - (a) reserve any portion of the public park, garden or recreation ground for any particular game or recreation or for any other specific purposes, exclude the public from those portions and provide for their renting and hiring to the public, clubs or other organisations; and
3. Prohibit, restrict, regulate or license—
  - (a) the sale or hawking of wares or the erection of stalls on any street, or the use of any part of the street or public place for the purpose of carrying on any trade, business or profession;
  - (b) the depositing on any street, public place or unoccupied land of any refuse, rubbish, derelict vehicles or any other material or thing, and to provide for their removal and disposal;
  - (c) street decorations and the erection of shelters, temporary buildings, platforms, seats and other structures at any entertainment, procession, exhibition, ceremony or display, whether in a public place or not;

- (d) the placing of banners, wires, ropes or any other impediments over or across any street or public places;
  - (e) the collection of money or goods in any public place for any charitable or other purpose;
  - (f) the public exhibition of any monstrosity, freak of nature or abnormal person or animal;
  - (g) singing, dancing, drumming, the playing of musical instruments, the production of music or the making of any noise likely to disturb any person, or any performance for profit in any public place;
  - (h) the storage or stacking of firewood or other fuel;
  - (i) the quarrying of stone, lime, clay, murram or other material;
  - (j) the keeping of dogs, animals and poultry, and provide for the seizure and destruction of ownerless, unlicensed, diseased or dangerous dogs, and the seizure and disposal of stray animals and poultry;
  - (k) billiard saloons, dance halls and other places of public resort;
  - (l) lodging houses;
  - (m) the burning of rubbish and grassland;
  - (n) prostitution and brothels;
  - (o) cinema and video halls.
- 4. Lay out and adorn any street, square or open space vested in the council by the erection of statutes, fountains or other structures or in any other manner.
  - 5. Decorate streets and public buildings, erect shelters, temporary buildings, platforms, seats and other structures on public places.
  - 6. Clear, level and maintain public and unoccupied land taken on lease from a land board and to plant, trim, protect and remove flowers, trees and shrubs in or from public place.

- 7. Identify streets and other public places by assigning names to them and to cause those names to be exhibited on posts or pillars or to be painted or otherwise exhibited on any building or other erection fronting.
- 8. Number or otherwise identify any buildings fronting on any street or other public place, and cause that identification to be exhibited on the buildings or require the owner of the building, at his or her own expense, to cause that identification to be exhibited on a building.
- 9. Require the owner or occupier of any premises to remove or lower any fence or to remove, lower or trim any tree, hedge or shrub overhanging any street or interfering with the passage of traffic or pedestrians, or any wires or other works or to require any owner or occupier to perform the removal, lowering or trimming which may be necessary for the maintenance of public safety or amenity or build and maintain the pavement bordering his or her property to the specifications of the Authority.
- 10. Require the fencing or enclosing of plots and restrict the use of barbed wire, broken glass or any similar substance on fences and walls.
- 11. Preserve public decency, and prevent offences against public order in streets and public places, and prevent damage to or defacement of property of the public or of the council.
- 12. Prevent and extinguish fires, to remove buildings in order to prevent the spread of any fire and compensate the owner of any building removed.
- 13. Establish, maintain, hire, support or control bands and orchestras and generally to provide for musical entertainment at public places and functions.
- 14. Undertake private works and services and charge and recover costs on those private works and services and contract out public services to the private sector.

15. At the request of the owner of the land situate within the area of jurisdiction, construct, in such manner as the Authority may think fit, by its servants or by contract, a foot way or pavement and to recover the whole or nay part of the cost of the construction, including the cost of supervision, plant, machinery and tools from the owner in the manner it may think fit.
16. Sell all bi-products resulting from the carrying on, by or on behalf of the council, of any works or services.
17. Promote publicity for the Authority.
18. Promote schemes of housing, health, education and road safety sensitization.
19. Make provision for the return of destitute persons to their homes.
20. Arrange for the insurance of all assets of the Authority against financial risks of any kind to which the Authority may be subjected.
21. Lay out land and provide and maintain necessary public services.
22. Subject to the Constitution, sell or lease any plots of land or any buildings on the land.
23. Aid and support, whether by the grant of money or otherwise, the establishment and maintenance of schools, hospitals, libraries, art galleries, museums, musical or scientific institutions, homes for the aged, destitute, persons with disabilities, or for the orphans; provide bursaries to assist in the education of the children of persons residing in the area of jurisdiction, make donations to charitable and philanthropic, welfare and youth organisations; and to other local authorities or public bodies.
24. Provide—
  - (a) gowns, chains and badges of office for councillors and officers of the Authority;
  - (b) badges, medallions or scrolls for presentation to persons who have given meritorious service to the Authority; and
  - (c) floral tributes in memory of councillors, officers of the council and persons of note.
25. Obtain and protect armorial bearings.

26. Regulate, control, manage, administer, promote or license any of the things or services which the Authority is required or empowered to do and establish, maintain, carry on, control, manage or administer, and prescribe forms in connection therewith; and fix fees or charges to be made in respect thereof.
27. With the consent of a neighbouring local government, render advice and assist to control development and to administer town and country planning schemes in any area within an agreed distance from the boundaries of its jurisdiction.
28. Provide, control and manage the following services—
  - (a) sporting and recreational facilities and programmes of informal education for both adults and young people, including the provision and running of community centres;
  - (b) the development of social work among adults;
  - (c) remedial social welfare programmes aimed at the alleviation of social distress;
  - (d) the welfare of children;
  - (e) public vehicle parking.
29. Initiate and contract twinning arrangements with international local governments or local authorities in consultation with the Minister.
30. Any other function or service incidental to the foregoing.
31. Any other function not reserved for the Government.
32. Payment of salaries for all establishment staff, and this function shall not be devolved to a lower urban council.
33. Organise and manage traffic.
34. Promote economic development.



## PART B

## Section 34

FUNCTIONS AND SERVICES TO BE DEVOLVED BY THE  
AUTHORITY TO DIVISION URBAN COUNCILS

1. Division council expenses
  2. Poverty eradication
  3. Administration of licenses
  4. Health education and visiting
  5. Vector and vermin control and management of solid waste
  6. Secondary drains
  7. Curative services (clinics)
  8. Immunisation
  9. Food and drug inspection
  10. AIDS education
  11. Administration of markets
  12. Control of development – enforcement of building rules
  13. Primary and nursery education
  14. Monitoring the utilisation of grants to schools
  15. Grass cutting and maintenance of parks
  16. Road sweeping
  17. Repair of murram and earth roads
  18. Environment care and protection
  19. Neighbourhood structure plans
  20. Local land management
  21. Resolving local land issues
  22. Assist the Metropolitan Police Force in law enforcement
  23. Welfare and community services
  24. Agriculture and veterinary extension services
  25. Youth, persons with disabilities, women and sports
  26. Cooperative societies and groups
  27. Spring protection and provision of drinking water
  28. Control of stray animals
  29. Any other service imposed by Parliament or agreed upon between the division
- (k) collection and disposal of garbage and management of solid waste;
  - (l) public health, sanitation, painting of buildings and creation of green parks;

- (m) maintenance and improvement of open spaces and road verges;
- (n) malarial drains;
- (o) vector, rodent and vermin control services;
- (p) establishment and maintenance of recreational facilities, play grounds, leisure parks and other amenities;
- (q) provision of public libraries;
- (r) provision of welfare and probation services;
- (s) provision of safe water and sanitation in the communities;
- (t) assist the directorate of revenue in the administration of markets;
- (u) assist the directorate of revenue in revenue collection;
- (v) assist the metropolitan police in law enforcement;
- (w) road sweeping and de-silting; and
- (x) control of stray dogs.

## PART C

## Section 43

Functions and services to be devolved by the Authority to the village urban councils and street committees—

- (a) monitoring the delivery of services within its area of jurisdiction;
- (b) assisting in the maintenance of law, order and security and trade order;
- (c) drawing the attention of the City division to any matter that rouses their concern or interest;
- (d) mobilising the residents to undertake self-help community projects;
- (e) assisting the City division in mobilising the residents to pay local taxes;
- (f) registering the residents in their area of jurisdiction; or
- (g) assist in the maintenance of cleanliness, beautification, protection of streetlights and garbage skips.

## FOURTH SCHEDULE

Section 14, 44 (4), 83 (1)

## MEETINGS OF THE AUTHORITY

**1. Meetings of the Authority**

(1) The Lord Mayor shall convene every meeting of the Authority at a time and place as the Authority may determine, and the Authority shall meet for the discharge of business at least once in every three months.

(2) The Lord Mayor may, at any time, convene a special meeting of the council and shall also call a meeting within fourteen days, if requested to do so in writing by one third of the members of the Authority.

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

(4) The Lord Mayor shall preside at every meeting of the Authority.

**2. Quorum**

(1) The quorum for a meeting of the Authority shall be one half of all members of the Authority.

(2) All decisions at a meeting of the Authority 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 executive director shall cause to be recorded and kept, minutes of all meetings of the Authority in a form approved by the Authority.

(2) The minutes recorded under this paragraph shall be submitted to the Authority for confirmation at its next meeting following that to which the minutes relate and when so confirmed, shall be signed by the Lord Mayor and at least one councillor in the presence of the members present at the latter meeting.

**4. Common seal of the Authority**

The common seal of the Authority shall be in a form determined by the Authority.

**5 Power to co-opt**

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

(2) A person attending a meeting of the Authority under this section may take part in any discussion at the meeting 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**

The validity of any proceedings of the Authority or a committee of the Authority 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 Authority who is in any way directly or indirectly interested in a contract made or proposed to be made by the Authority, or in any other matter which falls to be considered by the Authority, shall disclose the nature of his or her interest at a meeting of the Authority.

(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 Authority with respect to that matter; or
- (b) take part in any decision of the Authority 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.

**8. Service of documents**

A notice or other document may be served on the Authority by delivering it to the office of the executive director, or by sending it by prepaid registered post addressed to the executive director.

**9. Authority may regulate its procedure**

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

**10. Duties of a councillor.**

(1) A councillor shall—

- (a) maintain contact with the electoral area, and consult the people on issues to be discussed in the Authority where necessary;
- (b) present views, opinions and proposals to the Authority;
- (c) attend sessions of the Authority and meetings of committees or subcommittees of which he or she is a member;
- (d) appoint at least a day in a given period for meeting the people in his or her electoral area;
- (e) report to the electorate the general decisions of the Authority and the actions it has taken to solve problems raised by the residents in the electoral area;
- (f) bring to bear on any discussion in the Authority the benefit of his or her skill, profession, experience or specialised knowledge;
- (g) take part in communal and development activities in his or her electoral area and the district as whole.

(2) A Councillor shall, in the discharge of his or her duties, have due regard to the national and interests, the interests of the people in the metropolitan area and the electoral area.

**11. Freedom of speech in proceedings.**

There shall be freedom of speech, debate and proceedings in the Authority and that freedom shall not be impeached or questioned in any court, tribunal or place out of the Authority.

**12. Unqualified persons sitting or voting in the Authority**

Any person who sits or votes in the Authority after his or her seat has become vacant or after he or she has become disqualified from sitting or voting in the Authority, knowing or having reasonable grounds for knowing that he or she is disqualified, or that the seat has become vacant, as the case may be, commits an offence and is liable on conviction to a fine not exceeding twelve currency points or imprisonment not exceeding six months or both.

## FIFTH SCHEDULE

*Section 5, 23, 34 and 83(1)*

## PART A

**1. Directorates of the Authority**

(1) The Authority shall have the following directorates—

- (a) Administration and Human Resources Management;
- (b) Treasury Services;
- (c) Engineering and Technical Services;
- (d) Public Health and Environment;
- (e) Education and Social Services;
- (f) Legal Affairs;
- (g) Revenue Collection;
- (h) Gender, Community Services and Production; and
- (i) Internal Audit.

(2) Each directorate shall be linked to and overseen by a standing committee of the Authority.

(3) The Authority shall determine the functions of each directorate of the council.

**2. Directorate of revenue collection**

(1) The directorate of revenue collection shall be trained and shall seek technical guidance from the Uganda Revenue Authority.

(2) The local revenue collected shall be put in a special revenue account and may be appropriated by the Authority in accordance with the Authority's budget procedures.

**3. Departments under division urban councils**

The division urban council shall have the following—

- (a) Administrative and human resource management;
- (b) Finance;
- (c) Public health and environment;
- (d) Education and social services;
- (e) Gender, Community Services and Production;
- (f) Internal Audit.

*Section 53(2) and 83(1)*

**UNCONDITIONAL GRANT**

Unconditional grant is the minimum amount to be paid to the Authority to run the decentralized services. For a given fiscal year, this amount is equal to the amount paid to the Authority in the preceding fiscal year for the same items adjusted for general price changes plus or minus the budgeted cost of running added or subtracted services; calculated in accordance with the following formula –

$$\begin{aligned} Y1 &= Y_0 + b Y_0 + X1 \\ &= (1+b) Y_0 + X1 \end{aligned}$$

Where –

- Y1 is the minimum unconditional grant for the current fiscal year;
- Y<sub>0</sub> is the minimum unconditional grant in the preceding fiscal year;
- b is the percentage change, if any, in the general price levels in the preceding fiscal year; and
- X1 is the net change in the budgeted cost of running added and subtracted services in the current year.

For the purposes of this formula, the current fiscal year shall be taken to commence with fiscal year 2007/08.

**Cross References**

Constitution

Interpretation Act, Cap.3.

Land Acquisition Act, Cap. 226

Local Governments Act, Cap.243.

Local Governments (Rating) Act, 2005.

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

Police Act, Cap. 303.

Public Finance and Accountability Act, 2003 (Act No.1 of 2003).

Public Procurement and Disposal of Public Assets