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## CHAPTER 138

### THE LOCAL GOVERNMENTS ACT

*Commencement:* 24 March, 1997

**An Act to provide for local governments in line with the Constitution to give effect to decentralisation and devolution of functions, powers and services; to provide for decentralisation at all levels of local governments to ensure good governance and democratic participation in, and control of, decision making by the people; to provide for revenue and the political and administrative setup of local governments and to provide for election of local councils and for related matters.**

#### PART I—PRELIMINARY

##### 1. Object of Act

The object of this Act is—

- (a) to give full effect to the decentralisation of functions, powers, responsibilities and services at all levels of local governments;
- (b) to ensure democratic participation in, and control of, decision making by the people concerned;
- (c) to establish affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of addressing imbalances which exist against them;
- (d) to establish sources of revenue and financial accountability;
- (e) to provide for the election of local councils;
- (f) to establish and provide for the composition of interim councils for newly created local government units pending elections of the councils; and
- (g) to provide for formation of interim executive committees for interim councils.

##### 2. Interpretation

In this Act, unless the context otherwise requires—

“byelaws” means rules made by lower local councils under section 41;

“council” includes all councils referred to under sections 3 and 47;

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

“electoral area” means one of the areas into which a district, city,

municipality, town, division or subcounty is divided for the purpose of elections and representation;

“full time service” means fully utilising the official hours in the service of the council or relevant office;

“Government” means the Government of Uganda;

“immediate family” means wife or husband and children under eighteen years;

“local council” includes local government councils and administrative unit councils;

“local government” means a local council established under section 3(2), (3), (4) or (5);

“lower local government” means a municipality, town, division and subcounty council;

“Minister” means Minister responsible for local governments;

“Ministry” means a Ministry of the Government;

“ordinance” means the law made or passed by the district council under section 40;

“Parliament” means the Parliament of Uganda;

“persons with disabilities” means persons with disabilities as disabilities are defined under the Persons with Disabilities Act;

“public officer” means any person holding or acting in any public office;

“public service” means service in any civil capacity of the Government or a local government;

“registered voter” means a person whose name is entered on the voters register;

“speaker” means the speaker elected under section 11 or section 24 and “deputy speaker” shall be construed accordingly;

“urban authority” includes a city council, city division council, municipal council and town council;

“urban council” includes city, municipal, division and town council;

“ward” in an urban council is the equivalent of a parish in a district

council.

**PART II—LOCAL GOVERNMENTS****3. Local governments**

- (1) The system of local government shall be based on the district as a unit under which there shall be lower local governments and administrative units.
- (2) The local governments in a district rural area shall be—
  - (a) the district council; and
  - (b) the subcounty councils.
- (3) The local governments in a city shall be—
  - (a) the city council; and
  - (b) the city division councils.
- (4) The local governments in a municipality shall be—
  - (a) the municipal council; and
  - (b) the municipal division councils.
- (5) The local government in a town shall be the town council.

**4. City to be equivalent to district**

For purposes of this Act—

- (a) a city shall be equivalent to a district, and a city council shall exercise all functions and powers conferred upon a district council within its area of jurisdiction;
- (b) a city division shall be equivalent to a municipality; and
- (c) a municipal division and a town shall be equivalent to a subcounty.

**5. Municipality and town to be lower local governments**

Subject to Article 197 of the Constitution and section 82, a municipal or a town council shall be a lower local government of the district in which it is situated.

**6. Local governments to be bodies corporate**

- (1) Every local government shall be a body corporate with perpetual succession and a common seal, and may sue or be sued in its corporate name

and may, subject to the provisions of the Constitution, do, enjoy or suffer anything that may be done, enjoyed or suffered by a body corporate.

(2) Notwithstanding the provisions of subsection (1), no execution, attachment or process in such nature shall be issued out of any court for enforcing payment by a local government of any money or costs against its fixed assets and statutory transfers, provided the execution or attachment may be made against any other property after six months from the date of judgment, order or decree.

## 7. **Boundaries of local council units**

(1) The boundaries of a district unit may be altered or new district units formed, in accordance with Article 179 of the Constitution.

(2) The Minister may, with the approval of Parliament, declare an urban area a city in accordance with paragraph 33 of Schedule 2 to this Act.

(3) A district council may, with the approval of Parliament, create a municipality within its area of jurisdiction in accordance with paragraph 33 of Schedule 2 to this Act.

(4) Subject to the Physical Planning Act, the Minister may, in consultation with the district with the approval of Cabinet after satisfying himself or herself that the requirements under paragraph 33 of Schedule 2 to this Act are met, declare an area to be a town.

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

(6) A district may, with the approval of the Minister, within its area of jurisdiction, at the request of or in consultation with the relevant municipal council, alter the boundaries of or create a new municipal division council.

(7) A district council may, within its area of jurisdiction and with the approval of the Minister at the request of or in consultation with the relevant subcounty councils, alter the boundaries of or create a new subcounty.

(8) A subcounty or city division council may, within its area of jurisdiction with the approval of the district or city council and at the request

of or in consultation with the relevant parishes or wards, and with the approval of the Minister, alter the boundaries of or create a new parish or ward.

(9) A district or city council may, within its area of jurisdiction with the approval of Parliament and in consultation with or at the request of the relevant county council or city division council, alter the boundaries of or create a new county or a city division.

(10) A municipal division or town council may, within its area of jurisdiction and at the request of or in consultation with the relevant wards and with the approval of the Minister, alter the boundaries of or create a new ward.

(11) A parish or ward council may, with the approval of a subcounty, division or town council and at the request of or in consultation with the relevant villages as the case may be and with the approval of the Minister, alter the boundaries of or create a new village.

(12) Where a new local government or administrative unit is created after the local government council elections, the elections to fill the elective positions in the newly created local government or administrative unit shall be held at the next local government council elections.

(13) Where a new local government or administrative unit is created after a general election, the local government or administrative unit shall take effect six months prior to the next general parliamentary elections and local government council elections.

(14) A new local government or administrative unit shall commence on a date appointed by the Minister by statutory instrument.

(15) Where an approval required under this section is not given, the authority withholding its approval shall, in writing, give reasons for its action.

## **8. Cooperation among districts**

(1) Two or more district councils may, in accordance with Article 178 of the Constitution—

(a) cooperate in the areas of culture and development; and

- (b) for the purpose of the cooperation, form and support councils, trust funds or secretariats.
- (2) A local government council may concur with any other local government council in appointing a joint committee for any matter in which they have a common interest.

### PART III—LOCAL GOVERNMENT SETUP

#### 9. Local government councils

(1) A council shall be the highest political authority within the area of jurisdiction of a local government and shall have legislative and executive powers to be exercised in accordance with the Constitution and this Act.

(2) A person shall not be a member of a local government council unless that person is a citizen of Uganda.

#### *District councils*

#### 10. Composition of district councils

- (1) District councils shall consist of—
- (a) the district chairperson, elected under Part X of this Act;
  - (b) one councillor directly elected to represent an electoral area of a district;
  - (c) two councillors, one of whom shall be a female youth, representing the youth in the district;
  - (d) two councillors with disabilities, one of whom shall be a female, representing persons with disabilities;
  - (e) a woman councillor directly elected to represent each electoral area in the district;
  - (f) two older persons, a male and a female elected in accordance with the National Council for Older Persons Act;
  - (g) two members representing workers, one of whom shall be a female, elected in accordance with the Labour Unions Act; and
  - (h) the chairperson of district women council and chairperson of subcounty women council who shall be *ex officio* members of the councils.

(2) A member of Parliament may attend meetings of a local council in his or her district and constituency as an *ex officio* member of the council.

## 11. Speaker and deputy speaker of district council

(1) A district council shall have a speaker and a deputy speaker elected by the council from among members of the council.

(2) The speaker and the deputy speaker shall be elected through a secret ballot.

(3) At the elections of a speaker or deputy speaker, no person shall be declared elected speaker or deputy speaker unless that person gets more than fifty percent of the votes of all members of the council cast in his or her favour.

(4) If no person gets more than fifty percent of the votes cast, the elections shall be repeated between the two persons getting the highest votes until one of them gets more than fifty percent of the votes.

(5) If during the election of a speaker or deputy speaker only one person is nominated, that person shall be declared elected speaker or deputy speaker.

(6) The speaker or deputy speaker may be removed from office by the council by a resolution supported by not less than two-thirds of the members of the council on any of the following grounds—

- (a) abuse of office;
- (b) incompetence;
- ) misconduct or misbehaviour;
- (c) such physical or mental incapacity as would render the speaker or deputy speaker incapable of performing the duties of speaker or deputy speaker; or
- (e) failure without reasonable excuse to call two consecutive meetings of the council.

(7) For purposes of removing the speaker, a notice in writing signed by at least one-third of all members of the council, shall be submitted to the chairperson stating their grounds and that they intend to pass a resolution to remove the speaker.

(8) Where a notice is submitted to the chairperson under subsection (7) no person shall withdraw his or her signature from the notice.

(9) A notice made under subsection (7) shall be submitted to the Minister or his or her representative by the clerk to council and the Minister, or his or her representative shall evaluate the notice for removal of the speaker, and if satisfied that there are sufficient grounds for doing so, shall, within thirty days after receipt of the notice, convene or cause the convening of a meeting for the removal of a speaker and the election of a new speaker.

(10) The office of speaker or deputy speaker shall fall vacant if the holder resigns the office or accepts appointment to a public office or dies.

(11) A chief magistrate shall preside at the first election of the speaker following general elections of district local councils.

(12) The speaker shall preside at the removal of a deputy speaker and the election of a new deputy speaker.

(13) The speaker shall

- (a) preside at all meetings of the council;
- (b) be charged with the overall authority for the preservation of order in the council and the enforcement of the rules of procedure of the council; and
- (c) perform functions which are similar to those of the Speaker of Parliament as may be consistent with this Act.

(14) Except for the taking of oath of the members of the council, no business shall be transacted in the council before the election of a speaker at any time that office is vacant.

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

(16) A speaker of a district council shall be paid emoluments and allowances in accordance with Schedule 3 to this Act, and shall not hold any office of profit or emolument likely to compromise his or her office.

(17) A deputy speaker of a district council shall be paid emoluments and allowances in accordance with Schedule 3 to this Act.

**12. District chairperson**

- (1) There shall be a district chairperson who shall
  - (a) ~~the~~ political head of the district; and
  - (b) elected by universal adult suffrage through a secret ballot.
- (2) A district chairperson shall be—
  - (a) a person qualified to be elected a member of Parliament; and
  - (b) a person ordinarily resident in that district.

**13. Functions of chairperson**

- (1) A district chairperson shall—
  - (a) preside at the meetings of the executive committee of the district;
  - (b) monitor the general administration of the district;
  - (c) monitor the implementation of council decisions;
  - (d) subject to section 82 and Article 197 of the Constitution, monitor and coordinate the activities of the municipal and town councils and of other lower local governments and administrative units in the district;
  - (e) on behalf of the council, oversee the performance of persons employed by the Government to provide services in the district and to monitor the provision of Government services or the implementation of projects in the district;
  - (f) subject to section 70(3)(g), coordinate and monitor government functions as between the district and the Government; and
  - (g) perform other functions that may be necessary for the better functioning of the district council, or which may be incidental to the functions of chairperson or imposed on the chairperson by any law.
- (2) The chairperson shall abide by, uphold and safeguard the Constitution, the district laws and other laws of Uganda and shall endeavour to promote the welfare of the citizens in the district.
- (3) Subject to the Constitution and this Act, the functions conferred on the chairperson may be exercised by the chairperson directly or through elected or appointed officials subordinate to the chairperson.

(4) The chairperson shall, in the performance of his or her functions, be answerable to the district council.

(5) The chairperson shall make a report to the council on the state of affairs of the district, at least once a year.

#### 14. Removal of chairperson from office

(1) Subject to subsection (2), the chairperson may be removed from office by the council by a resolution supported by two-thirds of all the members of the council on any of the following grounds—

- (a) abuse of office;
- (b) corruption;
- (c) incompetence;
- (d) misconduct or misbehaviour;
- (e) such physical or mental incapacity as would render the chairperson incapable of performing the duties of chairperson; or
- (f) failure or refusal, without justifiable reasons, to implement lawful council decisions.

(2) Notwithstanding the provisions of subsection (1), the seat of a district chairperson shall fall vacant if—

- (a) the holder resigns in writing addressed to the speaker;
- (b) the holder, without reasonable cause or notification of the speaker, fails to attend four consecutive meetings of the council;
- (c) the holder is found guilty of the violation of the Leadership Code and the punishment imposed includes the vacation of office; (d) the holder accepts appointment to a public office;
- (e) the holder is sentenced to death or to imprisonment exceeding six months without the option of a fine;
- (f) the holder has been convicted of an offence involving moral turpitude within the preceding six years; or
- (g) circumstances arise which disqualify the holder from occupying the office under any other law.

(3) For the purposes of removing the chairperson under subsection (1) other than under paragraph (e) of that subsection, a notice in writing signed by not less than one-third of all the members of the council shall be submitted to the speaker

- (a) stating that they intend to pass a resolution of the council to remove the chairperson on any of the grounds set out in subsection (1); and
- (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 chairperson be investigated for purposes of his or her removal.

(4) For avoidance of doubt, where a petition has been submitted to the speaker under subsection (2), no person shall withdraw his or her signature supporting the petition.

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

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

(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 demonstrated competence and is of high calibre in the conduct of public affairs.

(8) The chairperson 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 chairperson under subsection (1) other than paragraph (e), then if the council passes the resolution supported by the votes of not less than two-thirds of all members of the council, the chairperson shall cease to hold office.

(10) For the purposes of the removal of the chairperson on grounds of physical or mental incapacity under subsection (1)(e), there shall be submitted to the speaker a notice in writing signed by not less than one-third of all the members of the council—

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

(11) The speaker shall, within seven days after receipt of a notice under subsection (10), cause a copy to be transmitted to the chairperson and the Chief Justice.

(12) The Chief Justice shall, within seven days after receipt of the notice transmitted under subsection (11) and in consultation with the medical council, constitute a medical board comprising three qualified medical specialists to examine the chairperson in respect of the alleged incapacity and to report its findings to the council.

(13) The Chief Justice shall, within seven days, constitute a medical board and inform the relevant chairperson accordingly.

(14) The medical board shall examine the chairperson within fourteen days after its establishment.

(15) The chairperson 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 chairperson is by reason of physical or mental incapacity unable to perform the functions of the office of chairperson and the council passes the resolution for his or her removal supported by the votes of not less than two-thirds of all the members of the council, the chairperson 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 chairperson has failed or refused to submit to the medical board and the council passes the resolution for his or her removal supported by the votes of not less than two-thirds of all the members of the council, the chairperson shall cease to hold office.

(18) The speaker shall convene the council 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 chairperson shall be moved in the council within fourteen days after the receipt by the speaker of the report of the tribunal or the medical board, failure of which shall render the resolution time-barred.

(20) The chairperson is entitled to appear in person and be heard during the proceedings of the council relating to the motion for a resolution under this section.

(21) The provisions of subsections (1) to (20) shall apply to the removal of the chairperson of the lower local government council except that—

- (a) the notice under subsections (3) and (10) shall be submitted to the district council speaker who shall convene and preside over the council meeting under subsection (1) within fourteen days after the receipt of the report of the tribunal or medical board for the removal of the chairperson;
- (b) wherever “Chief Justice” appears it shall be substituted by “chief magistrate”; and
- (c) under subsection (6) “judge of the High Court” shall be substituted by “magistrate not below grade I”.

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

## **15. Mayor**

The chairperson of a city shall carry the title of mayor.

## **16. District executive committee**

(1) There shall be an executive committee for each district council which shall perform the executive functions of the council.

- (2) A district executive committee shall consist of—
  - (a) the chairperson;
  - (b) the vice chairperson; and

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

(3) Notwithstanding the provisions of subsection (2), the number of the members of the executive committee shall not exceed one-third of all the members of the council.

(4) At least one of the offices of the secretaries referred to in subsection (2)(c) shall be held by a female.

(5) The chairperson shall assign one of the secretaries to be responsible for health and children welfare and another for persons with disabilities and older persons.

## **17. Functions of district executive committee**

The district executive committee shall

- (a) initiate and formulate policy for approval of the council;
- (b) oversee the implementation of the Government and the council's policies and monitor and coordinate activities of non-governmental organisations in a district;
- (c) monitor the implementation of council programmes and take remedial action where necessary;
- (d) recommend to the council persons to be appointed members of the District Service Commission, local government public accounts committee, district land board or any other boards, commissions or committees that may be created;
- (e) receive and solve problems or disputes forwarded to it from lower local government councils;
- (f) at the end of each financial year, consider and evaluate the performance of the council against the approved work plans and programmes; and
- (g) carry out any other duty as may be authorised by the council or any law.

## **18. Appointment and functions of vice chairperson and secretaries**

- (1) The vice chairperson shall be nominated by the chairperson from among the members of the council and approved by two-thirds of all the members of the council.

(2) The vice chairperson shall be a person who qualifies to be a district chairperson.

(3) The secretaries shall be nominated by the chairperson from among the members of the council and shall be approved by the majority of all the members of the council.

(4) Where a person nominated to the executive committee is rejected by the council three times without reasonable grounds, the nomination of that person shall stand notwithstanding the rejection by the council.

(5) The vice chairperson shall deputise for the chairperson and shall perform other functions that may be assigned to him or her by the chairperson.

(6) Subject to section 188(8), if the chairperson dies, resigns or is removed from office, the vice chairperson shall assume the office of chairperson until the election of a new chairperson; and the election shall take place within six months after the occurrence of the event.

(7) Where both the chairperson and the vice chairperson are unable to perform the functions of the office of chairperson, the speaker shall perform those functions until the chairperson or the vice chairperson assumes office or until a new chairperson is elected.

(8) Before performing the functions of the office of chairperson under subsection (7), the speaker shall take and subscribe the oath specified in Schedule 4 to this Act.

(9) A person holding an office on the executive committee immediately before the speaker assumes the functions of chairperson shall continue to hold such office until the chairperson, the vice chairperson or a new chairperson, as the case may be assumes office.

(10) A speaker assuming the functions of the chairperson under subsection (7) shall not have powers to fill any vacancy on the executive committee.

(11) During the period the speaker is acting as chairperson, the deputy speaker shall act as speaker.

(12) A secretary shall have responsibility for such functions of the district council as the district chairperson may assign to him or her.

(13) Notwithstanding the provisions of this section, the district executive committee shall be constituted expeditiously and, in any case, not later than three months after the first sitting of the council.

## **19. Full time service of chairperson and secretaries**

(1) A chairperson, vice chairperson and secretaries shall be on full time service of the council.

(2) A chairperson, a vice chairperson and secretaries shall be paid emoluments in accordance with Schedule 3 to this Act.

(3) A member of the district executive committee shall not hold any office of profit or emolument likely to compromise his or her office.

## **20. Vacation of office of member of district executive committee**

The office of a member of the district executive committee shall fall vacant if—

- (a) the appointment of a member is revoked by the chairperson;
- (b) a member is elected as speaker or deputy speaker of the district council;
- (c) a member
  - (i) resigns from office;
  - (ii) becomes disqualified to be a member of the council; or
  - (iii) dies;
- (d) where the council passes a vote of censure in respect of a member;  
or
- (e) a new chairperson assumes office.

## **21. Censure against member of district executive committee**

(1) A council may, by resolution supported by not less than half of all the members of the council, pass a vote of censure against a member of the district executive committee.

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

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

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

(5) A member of the executive committee in respect of whom a vote of censure is debated under subsection (4) is entitled to be heard during the debate.

## **22. District committees and functions**

(1) A district council may appoint such standing committees as are necessary not exceeding the number of secretaries for the efficient performance of its functions.

(2) The chairperson of a committee under this section and the members of the committee shall be elected by simple majority through secret ballot from the members of the council who are not members of the executive committee.

(3) A council member shall not belong to more than one committee.

(4) The members of the district executive committee, or councillors who are not members of a standing committee, may take part in the proceedings of a committee under this section but shall have no right to vote or claim allowances.

### *Lower local government councils*

## **23. Lower local government councils**

(1) A subcounty council shall consist of—

(a) a chairperson, elected under Part X of this Act;

- (b) one councillor representing each parish or part of a parish in the subcounty;
  - (c) two youth councillors, one of whom shall be female representing the youth in the subcounty;
  - (d) two councillors with disabilities, one of whom shall be a female, representing persons with disabilities in the subcounty; and
  - (e) a woman councillor directly elected to represent each parish in the subcounty.
- (2) A city division council shall consist of—
- (a) a chairperson, elected under Part X of this Act;
  - (b) one councillor representing each parish or part of a parish in the division;
  - (c) two councillors with disabilities, one of whom shall be a female, representing persons with disabilities in the city division;
  - (d) two youth councillors, one of whom shall be female, representing the youth in a city division; and
  - (e) a woman councillor directly elected to represent each parish in the division.
- (3) A municipal council shall consist of—
- (a) a chairperson, elected under Part X of this Act and carrying the title of mayor;
  - (b) one councillor representing each parish or part of a parish in the municipality;
  - (c) two councillors with disabilities, one of whom shall be female, representing persons with disabilities in the municipality;
  - (d) two youth councillors, one of whom shall be female, representing the youth in the municipality; and
  - (e) a woman councillor directly elected to represent each parish in the municipality.
- (4) A municipal division council shall consist of—
- (a) a chairperson, elected under Part X of this Act;
  - (b) one councillor directly elected to represent each parish or part of a parish in the municipal division;
  - (c) two councillors with disabilities, one of whom shall be female, representing persons with disabilities in the municipal division;
  - (d) two youth councillors, one of whom shall be female, representing the youth in the municipal division; and

- (e) a woman councillor directly elected to represent each parish in the municipal division.
- (5) A town council shall consist of—
  - (a) a chairperson, elected under Part X of this Act;
  - (b) one councillor directly elected to represent each ward or part of a ward in the town;
  - (c) two councillors with disabilities, one of whom shall be female, representing persons with disabilities in the town;
  - (d) two youth councillors, one of whom shall be female, representing the youth in the town; and
  - (e) a woman councillor directly elected to represent each ward in the town council.

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

(7) For the avoidance of doubt, any person representing the youth or persons with disability or older persons

- (a) may be chosen on the multiparty basis or as an independent; and
- (b) shall be a person who is willing to serve in that capacity.

#### **24. Speaker and deputy speaker of lower local government council**

(1) A subcounty, municipal, town, city division and municipal division council shall have a speaker and deputy speaker elected by the council from among members of the council.

(2) The speaker and deputy speaker shall be elected through a secret ballot.

(3) The returning officer shall convene and preside at a meeting for the election of the speaker under this section.

(4) At the election of a speaker and deputy speaker the person who gets a majority of votes of all the members of the council shall be declared elected speaker or deputy speaker respectively.

(5) If during the election of speaker or deputy speaker only one name is nominated, that person shall be declared elected speaker or deputy speaker, respectively.

(6) The provisions of section 11(6), (7), (10), (13) and (14) shall apply to lower local government speaker and deputy speaker.

(7) The provisions of section 11(9) shall apply for the removal of a lower local government speaker and deputy speaker except that the Minister or his or her representative shall be substituted by the returning officer.

(8) The speaker and deputy speaker under this section shall be part-time and shall only be paid allowances in accordance with Schedule 3 to this Act.

## **25. Functions of chairperson of lower government council**

- (1) A chairperson of a lower government council shall-
  - (a) be the political head at that level;
  - (b) preside over the executive committee meetings;
  - (c) monitor the general administration of the area under his or her jurisdiction;
  - (d) on behalf of the council, oversee the performance of persons employed by the Government to provide services in the council's area of jurisdiction and to monitor the provision of Government services or implementation of projects in the area under the council's jurisdiction;
  - (e) report to the council the state of affairs of the respective area of jurisdiction, at least once in six months; and
  - (f) perform other functions that may be necessary for the better functioning of the council, or which may be incidental to the functions of the chairperson or imposed on the chairperson by any law.

(2) The chairperson of a lower council shall abide by, uphold and safeguard the Constitution, district laws, council byelaws and other laws of Uganda and shall endeavour to promote the welfare of the citizens in the council's area of jurisdiction.

(3) The chairperson shall, in the performance of the functions under subsections (1) and (2), be answerable to the respective local council of which he or she is chairperson.

(4) Where both the chairperson and the vice chairperson are unable to perform the functions of the office of the chairperson, the speaker shall perform those functions until the chairperson or the vice chairperson assumes office or until a new chairperson is elected.

(5) Before assuming office of the chairperson under subsection (4), the speaker shall take and subscribe the oath specified in Schedule 4 to this Act.

(6) A person holding an office on the executive committee immediately before the speaker assumes the functions of the chairperson under subsection (4) shall continue to hold office until the chairperson, the vice chairperson or a new chairperson assumes office.

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

(8) During the period the speaker is acting as chairperson, the deputy speaker shall act as speaker.

## **26. Composition of executive committee of lower local government council**

(1) A lower local government council shall have an executive committee nominated by the chairperson from among the members of the council and approved by simple majority of all the members of the council voting.

- (2) The executive committee shall consist of—
  - (a) the chairperson;
  - (b) the vice chairperson;
  - (c) such number of secretaries, not exceeding three, as the council may determine.

(3) Notwithstanding the provisions of subsection (2), the members of the executive committee shall not exceed one-third of all the members of the council.

(4) At least one of the offices of secretaries referred to in subsection (2)(c) shall be held by a female.

(5) The chairperson shall assign one of the secretaries to be responsible for health and children welfare and another for persons with disabilities and older persons.

## **27. Functions of lower local government executive committee**

A lower local government executive committee shall be responsible for the supervision of the implementation of policies and decisions made by its council and shall—

- (a) initiate and formulate policy for approval of the council;
- (b) oversee the implementation of the council's policy;
- (c) assist in the maintenance of law, order and security;
- (d) monitor the implementation of council programmes and take action where necessary;
- (e) receive and solve problems or disputes forwarded to it from lower local councils;
- (f) at the end of each financial year consider and evaluate the performance of the council against the approved work plans and programmes;
- (g) initiate, encourage, support and participate in self-help projects and mobilise people, material and technical assistance in relation to the self-help projects;
- (h) serve as the communication channel between the Government, the district council and the people in the area;
- (i) generally monitor the administration in its area and report to the district council;
- (j) generally monitor and supervise projects and other activities undertaken by the Government, local governments and non-governmental organisations in their area; and
- (k) carry out other functions which may be imposed by law or incidental to the functions in this section.

**28. Censure of member of executive committee of lower local government council**

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

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

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

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

(5) A member of the executive committee in respect of whom a vote of censure is debated under subsection (4) is entitled to be heard during the debate.

*Local governments generally***29. Councillors not to hold two political offices**

(1) A member of Parliament or a Minister of the Government shall not, concurrently with that office, hold a local government political office of chairperson, vice chairperson or secretary or be a councillor at a local government or a parish administrative unit.

(2) A person shall not hold a political office or a full time office in the service of more than one local government.

(3) Where a person is elected to a local council of a wider jurisdiction, his or her membership at the council of a smaller jurisdiction shall fall vacant, and another person shall be elected in that place.

- (4) For the avoidance of doubt—
- (a) a member of a village executive committee shall resign his or her office on the village executive committee if elected to the parish or ward executive committee; and
  - (b) a member of a subcounty executive committee shall not resign his or her office on the subcounty executive committee if elected as chairperson or vice chairperson of the county administrative council.

### **30. Meetings of local government councils**

The meetings of local government councils and their executive committees shall be conducted in the manner specified in Schedule 2 to this Act.

### **31. Elected officials to be part-time**

Except for the chairpersons of lower local governments and the vice chairpersons of municipal councils, and subject to section 19, all elected officials shall be part-time and shall only be paid allowances in accordance with Schedule 3 to this Act.

## PART IV—FUNCTIONS AND POWERS OF LOCAL GOVERNMENT COUNCILS

### **32. Functions, powers and services of councils**

(1) Subject to the Constitution, a local government council shall, within its area of jurisdiction—

- (a) exercise all political and executive powers and functions;
- (b) provide services as it deems fit with the exception of the functions, powers and services listed under Part 1 of Schedule 5 to this Act;
- (c) protect the Constitution and other laws of Uganda and promote democratic governance; and
- (d) ensure the implementation and compliance with Government policy.

(2) Without prejudice to the generality of subsection (1), a district council shall perform and carry on the functions and services specified under Part 2 of Schedule 5 to this Act.

(3) Urban councils shall have autonomy over their planning and financial management when carrying out the functions and services specified under Part 3 of Schedule 5 to this Act.

(4) Subject to subsection (5), in rural areas, a local government council may devolve to a lower council some of the functions and services specified under Part 4 of Schedule 5 to this Act and, in urban areas, the functions and services specified under Part 5B of Schedule 5 to this Act.

- (5) A devolution under subsection (4) shall not be effected unless—  
(a) both parties are in agreement;  
(b) the necessary resources are made available for the exercise of those functions and powers, services and responsibilities; and  
(c) appropriate measures are taken to bring the change to the attention of the public.

(6) A local government shall monitor the performance of the persons employed by the Government or a higher local government to provide services in its area of jurisdiction and monitor the provision of Government services or the implementation of projects in the area.

(7) A local government shall protect the Constitution and other laws of Uganda and shall promote democratic governance of the area under its jurisdiction.

### **33. Services to be provided on request of councils**

(1) A district council or a lower council may, on request by it, be allowed to exercise the functions and services specified in Part 1 of Schedule 5 to this Act, or if delegated to it by the Government or by Parliament under any law.

(2) Subject to the Constitution, the Government may, on request by a district council, assume responsibility for the functions and services assigned to the district council, and in such a case the Government shall retain any grants pertaining to any task reverting to the Government.

(3) A higher local government council may, on request by a lower council, assume responsibility of the functions assigned to that lower council,

provided that the higher local council shall retain any grants pertaining to the task reverting to it.

(4) Appropriate measures shall be taken to bring the changes in subsections (1), (2) and (3) to the attention of the public.

### 34. Delegation of functions by Minister or councils

(1) A Minister responsible for a Ministry may, after consultation with the Minister, delegate functions, powers and responsibilities vested in that Ministry to a local government council; and a local government council may delegate its functions, powers and responsibilities to a lower local government council within its area of jurisdiction.

- (2) A delegation under subsection (1) shall not be effected unless—  
(a) all parties are in agreement;  
(b) adequate resources are made available for the exercise of those functions, powers, services and responsibilities; and  
(c) appropriate measures are taken to bring the change to the attention of the public.

(3) A copy of the instrument of delegation under subsection (1) shall be sent by the authority making the delegation—

- (a) in the case of a lower council, to the relevant district council; and  
(b) in the case of a district council, to the Minister responsible for local governments,

to be registered and stored, by the district council or the Ministry, as the case may be, and shall be open to public access.

(4) The instrument of delegation registered under subsection (3) shall be published in the following manner—

- (a) where registered by the Minister, shall be published—  
(i) by notice in the *Gazette* and in the local media at the expense of the delegating authority; and  
(ii) by fixing a copy of the instrument in a conspicuous place on or near the outer door of the relevant council's office during office hours for a period of not less than fifteen days; and  
(b) where registered by a district council, shall be published—

- (i) by fixing a copy of the instrument in a conspicuous place on or near the outer door of the relevant council's offices during office hours for a period of not less than fifteen days; or
- (ii) in such other manner as is customary in the area of jurisdiction of the relevant council.

### **35. Delegation by local government council to chairperson, etc.**

(1) Subject to the Constitution and Schedule 6 to this Act, a local government council may delegate some of its functions, powers or responsibilities under this Act to—

- (a) the chairperson of the relevant council;
- (b) a committee of the relevant council;
- (c) a joint committee created under section 8(2); or
- (d) a council, trust fund or secretariat formed under section 8 and Article 178 of the Constitution, as may be agreed upon in the charter.

(2) A delegation under subsection (1) shall—

- (a) be accompanied by the necessary resources to enable the person or body delegated to exercise the functions, powers or responsibilities; and
- (b) be brought to the attention of the public as provided under section 34(4).

### **36. Higher councils to offer guidance to lower councils**

A local government council may offer guidance to lower councils within its area of jurisdiction.

#### *Planning powers*

### **37. District planning authority**

- (1) The district council shall be the planning authority of a district.
- (2) The district planning authority shall, in addition to the procedures it establishes for itself, work according to the guidelines established by the National Planning Authority.

(3) The district council shall prepare a comprehensive and integrated development plan incorporating plans of lower level local governments for submission to the National Planning Authority, and lower level local governments shall prepare plans incorporating plans of lower councils in their respective areas of jurisdiction.

(4) The planning period for local governments shall be the same as that of the Central Government.

### **38. District technical planning committee**

(1) There shall be a district technical planning committee chaired by the Chief Administrative Officer consisting of—

- (a) heads of department of that district; and
- (b) any technical person co-opted by the Chief Administrative Officer.

(2) The district technical planning committee shall coordinate and integrate all the sectoral plans of lower level local governments for presentation to the district council.

### **39. Planning units**

(1) For purposes of carrying out the functions stipulated under section 37, the local governments shall establish planning units.

(2) The department of a district council responsible for economic planning shall constitute the planning unit and be the secretariat to service the district technical planning committee.

(3) The technical planning committee of a lower local government shall consist of all heads of department or sectors in its area of jurisdiction, and the subcounty chief or Town Clerk shall be the chairperson.

(4) The technical planning committee referred to in subsection (3) shall coordinate all plans of lower councils and submit the integrated plans to their respective councils for consideration.

*Legislative powers***40. Enactment of district laws**

(1) A district council shall have powers to make laws not inconsistent with the Constitution or any other law made by Parliament which power shall be exercised by the passing of local bills into ordinances by the council and signed by the chairperson.

(2) A local bill passed by a district council shall 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 before the chairperson signs the law.

(3) Where the Minister, with 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 by Parliament, he or she shall, within ninety days, return the bill with his or her comments to the relevant council for modification or other appropriate action.

(4) A bill enacted by the district council and signed by the district chairperson under this section shall be an ordinance of the council and shall be published in the official *Gazette* and in the local media.

(5) The public shall be given access to any ordinance passed or to be passed by the council as is provided in Schedule 2 to this Act.

(6) Subject to the Constitution, the council may in any ordinance delegate its powers to legislate to a council, trust fund or secretariat formed under section 8 and Article 178 of the Constitution, which power shall be discharged by making rules or orders under the enabling ordinance or as may be agreed upon in the charter.

(7) The procedure for passing a bill to an ordinance shall be as is provided in Schedule 2 to this Act.

**41. Byelaws by lower councils**

(1) An urban, subcounty, division or village council may, in relation to its powers and functions, make byelaws not inconsistent with the

Constitution, or any law enacted by Parliament, or an ordinance of the district council or a byelaw passed by a higher council.

- (2) Byelaws made under this section—
  - (a) by a municipality shall be subject to section 40(2);
  - (b) by a lower local council other than a municipality shall be forwarded to the district council to certify that the byelaw is not inconsistent with the Constitution, or any law enacted by Parliament, or an ordinance of a district or a byelaw passed by a higher council;
  - (c) by the village or municipal division councils in a municipality shall be forwarded to the municipal council to certify that the byelaw is not inconsistent with any law or ordinance or byelaw passed by a higher council;
  - (d) by the village council shall be forwarded to the subcounty council to certify that the byelaw is not inconsistent with any law or ordinance or a byelaw passed by a higher council.
- (3) Where the Minister or the relevant council, as the case may be, is of the opinion that the byelaw forwarded under subsection (2) contravenes or derogates from the Constitution, or any law or an ordinance, or a byelaw passed by a higher council, the Minister or the council shall within sixty days from the date of receipt return the byelaw with his or her or its comments to the enacting council for modification or other appropriate action.
- (4) A byelaw made under this section may prescribe fees, or charges or fines not exceeding two currency points for breach of the byelaw.
- (5) On the making of a byelaw, a council shall notify the next higher local government before implementing that byelaw.
- (6) The procedure of passing a byelaw by a local government council shall be as is provided in Schedule 2 to this Act.
- (7) A byelaw made under this section may—
  - (a) create an offence for a breach of a provision of the byelaw;
  - (b) in the case of a municipality, prescribe a penalty of a fine not exceeding two currency points or a term of imprisonment not exceeding six months, or both in respect of an offence created under paragraph (a);

- (c) provide that where a person is convicted of an offence created by the byelaw which prohibits possession of an article, object or thing, the court orders the forfeiture or destruction of the article, object or thing in addition to the penalty provided;
- (d) in the case of a municipality, prescribe that in addition to or substitution for the penalty, if the breach relates to a condition of a licence or permit under the byelaw, the licence or permit be suspended or cancelled; and
- (e) provide that in addition to the penalty, any expenses incurred by the local council or person or other public body as a result of the breach of a provision of an ordinance or non-performance of a requirement under the ordinance shall be paid by the person convicted, and expenses may be recovered summarily as a civil debt.

#### **42. Ordinance may create offences and penalties**

An ordinance made under section 40 may—

- (a) create an offence for a breach of a provision of the ordinance;
- (b) prescribe a penalty of a fine not exceeding two currency points or a term of imprisonment not exceeding six months, or both in respect of an offence created under paragraph (a);
- (c) provide that where a person is convicted of an offence created by an ordinance which prohibits possession of an article, object or thing, the court orders the forfeiture or destruction of the article, object or thing in addition to the penalty under paragraph (b);
- (d) prescribe that in addition to or substitution for the penalty, if the breach relates to a condition of a licence or permit under the ordinance, the licence or permit be suspended or cancelled;
- (e) provide that in addition to the penalty, any expenses incurred by the local council or a person or other public body as a result of the breach of a provision of an ordinance or non-performance of a requirement under the ordinance shall be paid by the person or body convicted, and the expenses may be recovered summarily as a civil debt.

#### **43. Ordinance may impose fees, etc. for services**

An ordinance made under section 40 may prescribe fees or charges equivalent to full cost recovery in relation to any act done or to be done or service given

under the ordinance and may require any act to be done or performed to the satisfaction of a prescribed person or body.

#### **44. Scope of ordinance**

(1) An ordinance may be made to apply to the whole district or any part of a district or to a particular section or profession of the people, and the power to make ordinances shall include power to regulate different matters in respect of different parts in the district.

(2) For the avoidance of doubt, no ordinance shall be made in respect of any matter or issue for which adequate provision is made under the Constitution or any law made by Parliament except for ease of reference, in which case the ordinance shall reproduce the provisions of that article or law in its entirety.

#### **45. Effective date of ordinance**

The effective date of an ordinance or byelaw made under this Act shall be the date of publication in the official *Gazette* or as may be provided in the ordinance.

#### **46. Local councils not to legislate on judicial powers**

A local council shall have no power to make any law relating to the establishment or administration of courts or to the exercise of judicial powers.

### **PART V—ADMINISTRATIVE UNITS**

#### **47. Administrative units, councils and committees**

- (1) There shall be administrative units based on—
  - (a) in rural areas—
    - (i) the parish; and
    - (ii) the village;
  - (2) in urban areas—
    - (i) the parish or ward;
    - (ii) the town board; and
    - (iii) the cell.

(2) There shall be a council at each level of the administrative unit except in the case of a county.

(3) The provisions of subsection (2) shall not apply to municipalities.

#### **48. Composition of administrative unit councils**

(1) The council shall consist of—

- (a) at the parish level, all the members of the village executive committees in the parish; and
- (b) at the village level, all persons of eighteen years and above residing in that village who are willing to be members.

(2) There shall be the following *ex officio* members at the parish level, all subcounty councillors representing constituencies in the parish.

(3) A town board shall consist of the Chief Administrative Officer as chairperson, the district engineer, district director of health services, district planner and district police commander; and the Town Clerk of the town board, who shall be appointed by the District Service Commission shall be the secretary.

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

(5) The Electoral Commission shall compile, maintain, revise and update voters registers in respect of persons willing to be members of a village and parish or ward or county council.

#### **49. Parish and village executive committees**

(1) There shall be an executive committee at each parish and village administrative unit 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;
- (f) a secretary for finance;

- (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's council at the parish or village level, who shall be the secretary for women and also the public health coordinator;
- (j) the chairperson of the organisation for persons with disabilities at the parish or village level, who shall be secretary for persons with disabilities affairs; and
- (k) the chairperson of the council of older persons of the parish or village level who shall be the secretary of the council of older persons.

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

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

- (a) the appointment is revoked by the chairperson;
- (b) the member—
  - (i) resigns from office;
  - (ii) is disqualified from being a member of the council;
- (c) a new chairperson assumes office;
- (d) the council removes the member under subsection (4).

(4) The chairperson or a member of the executive committee maybe removed from office by the relevant council supported by two-thirds of the members of the council on any or all of the following grounds—

- (a) abuse of office;
- (b) corruption;
- (c) incompetence;
- (d) misconduct;
- (e) failure or refusal, without justifiable reason, to implement lawful council decisions; and
- (f) in the case of a chairperson, failure to call a council meeting for more than three months without reasonable cause.

(5) For the purposes of removing a member from office under subsection (4), the notice in writing signed by not less than one-third of all

the members of the council shall be submitted by the village or parish council to the clerk at the subcounty with a copy to the magistrate—

- (a) stating that the members intend to pass a resolution of the council to remove the member from office on any or all of the grounds set out in that subsection; and
- (b) setting out the particulars of the charge supported by the necessary documents, where applicable, on which it is claimed that a member be removed from office.

(6) The notice referred to in subsection (5) shall be sent to the magistrate at least twenty-one days before the date of the meeting in which the resolution for the removal of the member from office is to be made.

(7) The magistrate shall, within fourteen days, acknowledge receipt of the notice and make arrangements for the meeting at which the council intends to remove the member from office.

(8) The magistrate shall preside at the removal of a member of an executive committee of a village, parish or county council.

(9) The member of the executive committee who is the subject of the resolution for removal shall be given an opportunity to defend himself or herself against the accusations before a vote is taken on the resolution by the council.

(10) The magistrate shall, after ascertaining that the provisions of this section have been complied with, declare the office of the executive committee which the person removed was occupying to be vacant and make arrangements for election of another person to the office.

## **50. Functions of administrative unit council**

The functions of an administrative unit council shall be—

- (a) to draw the attention of the district chairperson, the Chief Administrative Officer and the Assistant Chief Administrative Officer at the county level or the chief at the parish level to any matter that rouses their concern or interest;
- (b) at the parish level, to resolve problems or disputes referred to it by relevant subcounty or village councils;
- (c) to resolve problems identified at that level;

- (d) to monitor the delivery of services within its area of jurisdiction;
- (e) to assist in the maintenance of law, order and security;
- (f) to carry out any functions that may be assigned to it by the district council or higher local government councils; and
- (g) to carry out any other function conferred by law or incidental to the functions in this section.

### **51. Functions of town board**

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

### **52. Functions of parish and village executive committee**

The parish or village executive committee shall oversee the implementation of policies and decisions made by its council and shall—

- (a) assist in the maintenance of law, order and security;
- (b) initiate, encourage, support and participate in self-help projects and mobilise people, material and technical assistance in relation to self-help projects;
- (c) at the village level vet and recommend persons in the area who may be recruited into the Uganda Peoples' Defence Forces, the Uganda Police Force, and the Uganda Prisons Service and local defence units;
- (d) serve as the communication channel between the Government, the district or higher local council and the people in the area;
- (e) generally monitor the administration in its area and report to the higher or district council;
- (f) generally monitor projects and other activities undertaken by the Government, local governments, and non-governmental organisations in their area; and
- (g) carry out other functions which may be imposed by law or incidental to the functions in this section.

### **53. Functions of chairperson of administrative unit council**

The chairperson shall—

- (a) at the parish level convene and preside at all meetings of the parish council; and in the absence of the chairperson, the vice chairperson shall perform those functions;

- (b) at the village level—
  - (i) be the political head;
  - (ii) preside at meetings of the council;
  - (iii) monitor the general administration of the area under his or her jurisdiction; and
  - (iv) perform other functions that may be necessary for the better functioning of the council, or which may be incidental to the functions of the chairperson or imposed on the chairperson by any law; and
- (c) make a report to the respective council on the state of affairs of the administrative unit, at least once in a year.

#### **54. Performance of functions in absence of chairperson**

- (1) Where the chairperson and the vice chairperson of an administrative unit are unable to perform the functions of the chairperson, the assistant returning officer shall convene the administrative council for the purpose of presiding over the elections of the person from the council to perform the functions of the chairperson.
- (2) Before assuming office, a person elected under subsection (1) shall take and subscribe to the oath, if any, specified for that office.
- (3) A person holding an 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.

#### **55. Members of executive committee and councillors to be part-time**

Councillors and members of the executive committee of an administrative unit council, shall be part-time.

**56. Payment of honoraria to chairpersons of village, parish and ward councils**

A chairperson of a village, parish or ward council shall be paid honoraria in accordance with Schedule 3 to this Act.

**PART VI—DISTRICT PUBLIC SERVICE****57. Establishment and abolition of offices**

Subject to the Constitution and any other law, a district or an urban council may establish or abolish offices in the public service of a district or urban council in accordance with staff regulations made under this Act.

**58. Secondment of staff**

Subject to Article 199 of the Constitution, the Government may, on the request by a district or urban council or in concurrence with that council, through the Ministry responsible for local governments, post persons to fill, assist or complement the service of a local government.

**59. Establishment of District Service Commission**

(1) There shall be a District Service Commission for each district.

(2) A District Service Commission shall consist of a chairperson and such other members as a district council shall determine, at least one of whom shall represent urban authorities and all of whom shall be appointed by the district council on the recommendation of the district executive committee with the approval of the Public Service Commission.

(3) In appointing the members of the District Service Commission under subsection (2), the district council shall ensure—

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

(4) A member of a District Service Commission representing an urban authority shall be appointed by the district council on the recommendation of the urban council.

(5) In the case of a district with more than one urban authority, the executive committee members in that district shall recommend a member to be appointed to the District Service Commission by the district council.

(6) A member of the District Service Commission representing persons with disabilities shall be appointed by the district council.

(7) A district council shall appoint a District Service Commission within three months after the term of the District Service Commission expires and the Ministry responsible for local governments shall enforce compliance with this subsection.

(8) The members of a District Service Commission shall hold office for a period of four years, and shall be eligible for re-appointment for one further term.

(9) A member of a District Service Commission may be removed from office by the district council on recommendation of the executive committee and after consultation with the Public Service Commission, but may be removed only for—

- (a) inability to perform the functions of that office arising from physical or mental incapacity;
- (b) misbehaviour or misconduct;
- (c) incompetence; or
- (d) failure to attend five consecutive meetings of the District Service Commission without reasonable cause.

(10) Section 14(21) shall apply to the removal of a member of a District Service Commission with such modification as may be necessary.

## **60. Functions of District Service Commission**

(1) The power to appoint persons to hold or act in any office in the service of a district or urban council, including the power to confirm appointments, to exercise disciplinary control over persons holding or acting

in such offices and to remove those persons from office, is vested in the District Service Commission.

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

(3) When considering recruitment of staff in a specialised discipline, other than education or health services, the District Service Commission shall, under the guidelines provided by the Public Service Commission, co-opt at least two persons specialised in that discipline on the District Service Commission.

(4) When considering recruitment of staff in the education or health services, the District Service Commission shall use guidelines provided by the Education Service Commission or Health Service Commission, respectively.

(5) When considering recruitment of accounting, internal audit and procurement staff, the District Service Commission shall use guidelines issued by the Public Service Commission.

(6) The District Service Commission shall in relation to its functions spelt out in subsection (1) act only upon the request and submission by the accounting officer.

(7) The District Service Commission and its specialised committees shall meet for the discharge of its functions at least once in six months or as often as business warrants.

(8) A meeting of the District Service Commission shall be presided over by the chairperson or, in the absence of the chairperson, by a member elected for that purpose by the members attending the meeting.

(9) Three members of the District Service Commission or its specialised committees shall form quorum at any of its meetings.

(10) In the performance of its functions a District Service Commission shall conform to the standards established by the Public Service Commission for the public service generally.

## **61. Qualifications of members of District Service Commission**

(1) A person shall not be appointed a member of a District Service Commission unless that person—

- (a) is of high moral character and proven integrity;
- (b) has a working experience of not less than ten years in a responsible position;
- (c) is ordinarily resident in that district; and
- (d) has a minimum qualification of advanced level certificate or its equivalent and a diploma from a recognised institution.

(2) A member of Parliament, a local government council or an executive body of a political party or political organisation or a public officer shall not be appointed a member of a District Service Commission.

## **62. Terms and conditions of service of members of District Service Commission**

A district council in consultation with the Public Service Commission shall determine the terms and conditions of service of members of the District Service Commission except in respect of emolument which shall be determined by the district council.

## **63. Salaries, allowances and other expenses of District Service Commission to be charged on Consolidated Fund**

The salaries and allowances payable to the members of a District Service Commission and all other expenses of a District Service Commission shall be charged on the Consolidated Fund in accordance with Schedule 3 to this Act.

## **64. Independence of District Service Commission**

(1) Subject to Article 166(1)(d) of the Constitution, a District Service Commission shall be independent and shall not be subject to the direction or control of any person or authority.

(2) A District Service Commission shall submit a report to the district council and the Public Service Commission, Education Service Commission or Health Service Commission as may be applicable on the performance of its functions after every four months and whenever a report is required by the council or the Public Service Commission, Education Service Commission or Health Service Commission.

(3) A District Service Commission may make regulations governing the procedure for its meetings and for the effective and efficient performance of its functions under this Act, the Constitution or any other law.

## **65. Protection of district public officers**

- (1) A district officer or employee shall not be—
  - (a) victimised or discriminated against for having performed his or her duties faithfully in accordance with the Constitution or any other law; or
  - (b) dismissed or removed from office or reduced in rank or otherwise punished without just cause.

(2) A person aggrieved by a decision of a District Service Commission may appeal to the Public Service Commission, but the ruling of the District Service Commission shall remain valid until the Public Service Commission has ruled on the matter.

## **66. Secretariat and secretary to District Service Commission**

(1) There shall be a secretariat of a District Service Commission which shall carry out the day-to-day implementation of the decisions of the District Service Commission.

(2) There shall be a secretary to a District Service Commission appointed by the District Service Commission.

(3) The secretary to the District Service Commission shall be at the rank of or equivalent to or above principal personnel officer.

(4) The secretary shall be responsible for the day-to-day administration of the District Service Commission and shall in that behalf take the minutes of the meetings of the Commission and keep all records of the Commission.

(5) The secretary shall, in the performance of the duties of the office, be responsible to the District Service Commission.

(6) There shall be such other members of staff of the District Service Commission as the district council, on the recommendation of the District Service Commission, may determine.

## **67. Terms and conditions of service of local government staff**

(1) The terms and conditions of service of local government staff shall conform with those prescribed by the Public Service Commission for the public service generally.

(2) Notwithstanding subsection (1), an employee whose services are terminated by the council contrary to the terms and conditions of service shall be entitled to the following benefits—

- (a) one year's gross pay *in lieu* of notice;
- (b) pensions in accordance with the Pensions Act;
- (c) basic salary *in lieu* of all earned and officially carried forward leave;
- (d) severance package equivalent to six months' basic pay for every completed year of service;
- (e) transport expenses at the rate equivalent to one currency point for every five kilometres from duty station to the employee's home district headquarters; and
- (f) transport expenses at the rate equivalent to fifteen currency points from the home district headquarters to the employee's home village.

(3) The standing orders, training and qualifications of local government staff shall be determined by the council but shall conform with those prescribed by the Government generally.

(4) Any action taken by an appointed officer of a local government council shall not be invalid by reason only that his or her appointment or authorisation was invalid.

(5) The District Service Commission in consultation with the Public Service Commission, with the approval of the council, shall make

staff regulations prescribing the manner in which the personnel of local government shall be controlled and managed.

## **68. Clerk to council**

(1) The Chief Administrative Officer shall assign a senior public officer at the rank of or above senior assistant secretary in the employment of the local government to perform the duties of clerk to the district council.

(2) The clerk to the council shall be at the rank of or above senior assistant secretary.

- (3) The clerk to the council shall be responsible for
- (a) taking the minutes of the council meetings;
  - (b) keeping all records of the council relating to its functions as a legislature; and
  - (c) the day to day administration and organisation of the operations of the council, including its committees under section 22.

(4) There shall be such other officers and employees in the office of the clerk to the council as the council may determine.

(5) In the performance of his or her duties, the clerk shall be answerable to the speaker.

(6) Subsections (1), (2), (3) and (4) shall apply to the urban and subcounty councils with such modifications as may be necessary; and in the performance of his or her duties, a clerk appointed under this section shall be answerable to the relevant urban or subcounty council chairperson.

## **69. Chief Administrative Officer**

(1) There shall be a Chief Administrative Officer for every district who shall be appointed by the Public Service Commission.

(2) A person shall not be appointed Chief Administrative Officer unless that person is of high moral character and proven integrity and has the following qualifications—

- (a) a university degree or equivalent from a recognised university or institution;

- (b) a diploma in public administration or development studies from a recognised institution; and
- (c) not less than ten years' working experience.

## **70. Functions of Chief Administrative Officer**

- (1) The Chief Administrative Officer shall be the head of the public service in the district and the head of the administration of the district council and shall be the accounting officer of the district.
- (2) The Chief Administrative Officer may transfer or post any employee of a local government within the district including an employee in a town council or town board as applicable.
- (3) The Chief Administrative Officer shall—
  - (a) be responsible for the implementation of all lawful decisions taken by the district council;
  - (b) give guidance to the local government councils and their departments in the application of the relevant laws and policies;
  - (c) supervise, monitor and coordinate the activities of the district and lower council's employees and departments and ensure accountability and transparency in the management and delivery of the council's services;
  - (d) develop capacity for the development and management of the planning function in the district;
  - (e) supervise and coordinate the activities of all delegated services and the officers working in those services;
  - (f) have custody of all documents and records of the local government council;
  - (g) act as a liaison officer between the district council and the Government;
  - (h) advise the chairperson on the administration of the council;
  - (i) assist in the maintenance of law, order and security in the district; and
  - (j) carry out any other duty that may be assigned by the district council.
- (4) In addition to the duties under subsection (3), the Chief Administrative Officer shall perform all statutory duties and functions which he or she is required to do under any other law.

(5) The Chief Administrative Officer shall initiate disciplinary action and all submissions in respect of all staff in the district including town clerks of town councils and town boards.

(6) The office of the Chief Administrative Officer shall not remain vacant for more than three months after the office falls vacant.

## **71. Town Clerk and functions**

(1) An urban council other than a division council shall have a Town Clerk who shall, except in the case of a city or a municipality, be appointed by the District Service Commission.

(2) The Town Clerk shall be the head of the administration of the relevant urban council and shall—

- (a) be responsible for the expending of the council's funds and be the accounting officer of the relevant council;
- (b) advise the council on legal and administrative matters;
- (c) be responsible for the implementation of lawful decisions taken by the council;
- (d) supervise and coordinate the activities of all officers and departments of the council;
- (e) supervise and coordinate the activities of all officers seconded to the council; and
- (f) have custody of all documents and records of the council.

(3) The provisions of section 69 in relation to qualifications and of section 70 in relation to functions shall apply to the Town Clerk of a city.

(4) The office of the Town Clerk shall not remain vacant for more than three months after the office falls vacant.

## **72. Other district and urban staff**

(1) There shall be a Deputy Chief Administrative Officer and such number of Assistant Chief Administrative Officers and other officers and employees of the district as the council may determine.

(2) The Deputy Chief Administrative Officer shall be appointed by the Public Service Commission.

(3) There shall be an Assistant Chief Administrative Officer at every county administrative unit.

(4) There shall be a Deputy Town Clerk and such other officers as the urban council may determine.

(5) There shall be an Assistant Town Clerk for every city or municipal division.

### **73. Staff to be responsible to council**

(1) The Chief Administrative Officer shall be responsible to and subject to the general directions of the chairperson and the district council.

(2) The Assistant Town Clerk at a city division shall be responsible to the division council subject to the general guidance of the Town Clerk.

(3) The district or urban council staff members shall be subject to the general directions of the council and be responsible to the Chief Administrative Officer or Town Clerk respectively.

(4) The Town Clerk of an urban council shall be responsible and subject to the general direction of the mayor or chairperson and the council.

### **74. Removal of Chief Administrative Officer and Town Clerk from office**

(1) The Chief Administrative Officer, Deputy Chief Administrative Officer, Town Clerk of a city and Town Clerk of a municipality shall be removed from office in accordance with Articles 188(2) and 200(4) of the Constitution respectively.

(2) The town council may recommend the removal of a Town Clerk by a resolution supported by two-thirds of the council members on any of the following grounds—

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

- (d) such physical or mental incapacity as would render the Town Clerk incapable of performing the duties of Town Clerk, as the case may be.
- (3) Before passing a resolution under subsection (2), the council shall in writing, put its allegations to the Town Clerk who shall have the right to defend himself or herself before the council.
- (4) Following the resolution of the council to remove the Town Clerk, the clerk to the council shall forward the council's decision together with supporting documents to the Chief Administrative Officer who shall immediately interdict the Town Clerk and require the Town Clerk to submit his or her written defence to the District Service Commission within fourteen days after receipt of the letter of interdiction.
- (5) The District Service Commission shall conduct investigations into the allegations against the Town Clerk and take further appropriate action.
- (6) The Town Clerk shall, during investigations under subsection (5), have a right to appear and defend himself or herself before the District Service Commission.
- (7) On receipt of the letter of interdiction, the Town Clerk shall hand over to an officer designated by the Chief Administrative Officer.
- (8) Where the Town Clerk is dissatisfied with the decision of the District Service Commission, he or she may appeal to the Public Service Commission.

## **75. Chiefs and their jurisdiction, powers and functions**

- (1) There shall be a chief in each subcounty and in each parish who shall be appointed by the District Service Commission.
- (2) The chief shall be the administrative head and accounting officer of the respective subcounty or parish.
- (3) It shall be the duty of a chief within his or her area of jurisdiction  
to—

- (a) obey all lawful directions from the council, other higher councils or authorised officers in respect of the execution of his or her duties;
- (b) carry out general administration in conformity with Government regulations and policies, district ordinances or byelaws made by the council, trust fund or secretariat or by lower councils;
- (c) implement the respective council's lawful policies and decisions;
- (d) collect and account for the local government's revenue;
- (e) obey and execute orders and warrants issued by any court of competent jurisdiction;
- (f) assist in the maintenance of law, order and security;
- (g) assist in the prevention of crime and public nuisance;
- (h) detect, apprehend and bring offenders to justice;
- (i) collect data and keep the records of the council;
- (j) assist the relevant council in planning, budgeting and budget implementation;
- (k) supervise or monitor the implementation of socioeconomic development projects; and
- (l) in the case of a parish, be clerk to the parish council and implement lawful policies and decisions of the council.

(4) In exercise of his or her duties, a chief shall be subject to the direction of the relevant subcounty or parish council and of the Chief Administrative Officer.

(5) It shall be the duty of a chief to ensure implementation of district and Government policies and programmes in his or her area of jurisdiction.

## PART VII—RESIDENT DISTRICT COMMISSIONER

### 76. Resident District Commissioner

(1) There shall be, for each district, a Resident District Commissioner who shall be appointed by the President.

(2) For a person to be appointed a Resident District Commissioner, he or she shall be a citizen of Uganda and qualified to be a member of Parliament.

**77. Functions of Resident District Commissioner**

- (1) The Resident District Commissioner shall—
  - (a) represent the President and the Government in the district;
  - (b) coordinate the administration of Government services in the district;
  - (c) act as chairperson of the district security committee of the district;
  - (d) advise the district chairperson on matters of a national nature that may affect the district or its plans or programmes, and particularly the relations between the district and the Government;
  - (e) monitor the implementation of central and local government services in the district and monitor and inspect the activities of local governments and where necessary advise the chairperson; and
  - (f) carry out such other functions as may be assigned by the President or prescribed by Parliament.
  
- (2) The Resident District Commissioner may—
  - (a) sensitise the populace on governmental policies and programmes, and in so doing shall liaise with the district chairperson;
  - (b) advise the chairperson to instruct the chief internal auditor to carry out a special audit and submit a report to the council;
  - (c) draw the attention of the Auditor General to the need for special investigation audits of the local government council;
  - (d) draw the attention of the Inspector General of Government to a need to investigate any cases of mismanagement or abuse of office;
  - (e) draw the attention of any relevant line Ministry to the divergence from or non-compliance with Government policy by any council within his or her area of jurisdiction;
  - (f) in consultation with the speaker or chairperson of a council, as the case may be, address the council on any matter of national importance.
  
- (3) The expenses of the office of the Resident District Commissioner, including salaries, allowances and pensions, shall be charged on the Consolidated Fund.

**78. Staff of office of Resident District Commissioner**

(1) There shall be such number of Deputy or Assistant Resident District Commissioners in a district as the President may determine.

(2) Section 76(2) shall apply to the appointment of a Deputy or Assistant Resident District Commissioner.

(3) The Deputy or Assistant Resident District Commissioner shall assist the Resident District Commissioner 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 as the Public Service Commission may, in consultation with the Ministry responsible for the public service, determine.

**79. Removal of Resident District Commissioner, etc.**

A district council may recommend to the appointing authority the removal of a Resident District Commissioner or a Deputy or Assistant Resident District Commissioner by a resolution supported by two-thirds of all the members of the council, stating the grounds for the recommendation for such removal.

**PART VIII—FINANCIAL AND OTHER MATTERS****80. Local governments' budgetary powers and procedures**

(1) Local governments shall have the right and obligation to formulate, approve and execute their budgets and plans provided the budgets shall be balanced.

(2) Local governments shall always accord national priority programme areas preferential budget outlays.

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

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

(5) A local government budget for the ensuing financial year shall always take into account the approved development plan of that local government, the Charter for Fiscal Responsibility and the budget framework paper for that year.

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

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

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

(9) The approved budget shall take effect on the first day of July in each year.

## **81. Revenue and financial and accounting regulations**

(1) Local governments' revenue generally shall be regulated as provided in Schedule 7 to this Act.

(2) The Minister shall, by statutory instrument, make financial and accounting regulations prescribing the financial and accountability measures for compliance by all local governments.

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

## **82. Financial autonomy of urban local governments**

Urban local governments shall have autonomy over their financial and planning matters in relation to the district councils, but their plans shall be incorporated in the district plan.

**83. Power to levy taxes**

(1) Local governments may levy, charge and collect fees and taxes, including rates, rents, royalties, stamp duties and registration and licensing fees and the fees and taxes that are specified in Schedule 7 to this Act.

(2) The taxes that local governments may levy, charge and collect shall include the following—

- (a) local government hotel tax to be charged on all hotel and lodge room occupants and to be collected and paid by hotel owners; and
- (b) local service tax to be levied on all persons in gainful employment or who practice any profession or on business persons and commercial farmers who produce on a large scale.

(3) The local government hotel tax shall be collected by the management of the hotels or lodges who shall remit the tax to the relevant local governments.

(4) The local service tax shall be spent on basic local services such as sanitation, education, health, construction and maintenance of roads in the area of jurisdiction of the local government.

(5) Schedule 7 to this Act shall apply to taxes imposed under subsection (2).

(6) Each local government shall draw up a comprehensive list of all its internal revenue sources and maintain data on total potential collectable revenues.

(7) A local government may collect fees or taxes on behalf of the Government as its agent; and where a local government acts as an agent, a portion of the funds collected shall be retained by the local government as may be agreed upon between the two parties; and any extra obligation transferred to a local government by the Government shall be fully financed by the Government.

(8) A village council may, with the approval of the subcounty council, impose a service fee in the course of execution of its functions.

**84. Financial year**

The financial year of local government councils shall be the period of twelve months commencing on the 1st day of July and ending on the 30th day of June of the following year.

**85. Appropriation of funds**

(1) No appropriation of funds by a local government shall be made out of the funds of the council unless approved in a budget by the council of that local government.

(2) No money shall be withdrawn from the general fund account or any other accounts of the district unless the withdrawal has been approved by the Auditor General or his or her representative.

(3) No financial obligation shall be placed on a local government by the Government after the enactment of the Appropriation Act without providing for funds for the discharge of that obligation.

**86. Grants from Government**

(1) The President shall, for each financial year, cause to be presented to Parliament proposals of money 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);
- (d) revenue from royalties arising from petroleum production in accordance with section 73 of the Public Finance Management Act.

(2) An unconditional grant is the minimum grant that shall be paid to local governments to run decentralised services and shall be calculated in the manner specified in the Seventh Schedule to the Constitution.

(3) A conditional grant shall consist of money given to local governments to finance programmes agreed upon between the Government and the local governments and shall be expended for the purposes for which it was made and in accordance with the conditions agreed upon.

(4) An equalisation grant is the money to be paid to local governments for giving subsidies or making special provisions for the least developed districts and shall be based on the degree to which a local government unit is lagging behind the national average standard for a particular service.

(5) The local government councils shall indicate how conditional and equalisation grants obtained from the Government are to be passed on to local government councils with a smaller jurisdiction or lower councils.

(6) The Government shall remit conditional, unconditional and equalisation grants direct to district, city, city division, municipal and town councils.

## **87. Borrowing powers**

For the purposes of Article 195 of the Constitution, a local government may borrow money or accept and use a grant or assistance as is provided in Schedule 7 to this Act.

## **88. Percentage of revenue to be retained or distributed to lower councils**

(1) In the city and municipal councils, revenue shall be collected by the division councils, and a division council shall retain fifty percent of all the revenue the division council collects in its area of jurisdiction and remit fifty percent to the city or municipal council.

(2) Where a division fails to remit fifty percent of its revenue under subsection (1), the city or municipal council shall take appropriate measures to make full recovery of the revenue due to the city or municipal council, which may include, but not limited to, withholding any money that may be due to the division from the central Government or any other source.

(3) The city or municipal council may, with the concurrence of a division in its area of jurisdiction, collect revenue on behalf of the division.

(4) Where the city fails to remit revenue referred to under subsection (3), the division council shall retain the revenue due to the city to make full recovery of the revenue due to it.

(5) The town council's revenue shall be collected by the respective town council.

(6) In rural areas, revenue shall be collected by the subcounty councils, and a subcounty council shall retain sixty-five percent, or any other higher percentage as the district council may approve, of the revenue collected by the subcounty council and pass the remaining percentage over to the district.

(7) Where a subcounty fails to remit thirty-five percent or any lower percentage approved by the district council under subsection (6), the district council shall take appropriate measures to make full recovery of the revenue due to it.

(8) A district council may, with the concurrence of a subcounty, collect revenue on behalf of the subcounty council but shall remit sixty-five percent of the revenue so collected to the relevant subcounty.

(9) Where a district council fails to remit the sixty-five percent referred to in subsection (8), the subcounty shall retain a percentage higher than that provided for in subsection (6) to make full recovery of the revenue due to it which is withheld by the district council.

(10) The distribution of grants by the subcounty councils to other councils shall be as is provided under Schedule 7 to this Act.

(11) Notwithstanding the provisions of subsection (10), the disbursement of funds to any council shall be upon accountability for previous release to that council.

(12) A lower local government council shall share equally with the respective higher local government the costs for printing of licences, books of accounts and receipt books, provided the costs do not include salaries.

## **89. Salaries and gratuities to be paid out of Consolidated Fund**

Salaries and gratuities of political leaders of local governments shall be paid out of the Consolidated Fund.

*Accounts and audit***90. Accounts**

Every local government council and administrative unit shall keep proper books of accounts and records in relation to them and shall prepare accounts for each financial year and produce statements of final accounts within three months after the end of each financial year.

**91. Audit of accounts**

(1) The accounts of every local government council and administrative unit shall be audited by the Auditor General or 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 the report of the audited accounts to—

- (a) Parliament;
- (b) the Minister responsible for finance;
- (c) the Minister;
- (d) the local government or administrative unit to which the audit relates;
- (e) the local government public accounts committee;
- (f) the Local Government Finance Commission;
- (g) the Inspector General of Government; and
- (h) the Resident District Commissioner.

**92. Local government public accounts committee**

(1) There is established in each district, a local government public accounts committee consisting of

- (a) four members appointed by the district council on the recommendation of the district executive committee; and
- (b) one member appointed—
  - (i) in the case of a district with more than one urban authority, by an electoral college of the urban council executive committee members in that district; and

(ii) in the case of a district with only one urban authority, by the urban council on the recommendation of the urban executive committee.

(2) At least one-third of the members of the local government public accounts committee shall be women.

(3) A person shall not be appointed a member of the local government public accounts committee unless that person

- (a) is of high moral character and proven integrity; and
- (b) has a minimum qualification of advanced level certificate or its equivalent.

(4) A member of the local government public accounts committee appointed under subsection (1)(a) or (b) shall not be a member of a local government council or administration.

(5) The members of the local government public accounts committee shall elect a chairperson from among its members.

(6) Every meeting of the local government 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 local government public accounts committee shall form quorum at any meeting of the committee.

(8) The office of the clerk to the district council shall be the secretariat to the local government public accounts committee.

(9) A local government 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 matters arising from the reports.

(10) A local government public accounts committee shall submit its report to the council and to the Minister responsible for local governments who shall lay the report before Parliament.

(11) The chairperson of the council and the Chief Administrative Officer or Town Clerk shall implement the recommendations of the local government public accounts committee and report on actions taken or to be taken on the recommendations to persons listed in section 91(3).

(12) A local government public accounts committee shall have powers to recommend to the police, arrest of suspects in respect of cases involving corruption or abuse of authority of public office.

(13) The expenses of the local governments public accounts committees are charged on the Consolidated Fund.

(14) The members of a local government public accounts committee shall hold office for a period of five years and shall be eligible for re-appointment for one further term only.

### **93. Removal of member of local government public accounts committee**

(1) A member of a local government public accounts committee, including the chairperson, may be removed from the committee by the district council by a resolution supported by two-thirds of the members of the council, on the recommendation of the executive committee, but can only be removed on the following grounds—

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

(2) The seat of a member of a local government public accounts committee shall fall vacant if a member—

- (a) dies; or
- (b) resigns.

(3) Section 14(21) shall apply to the removal of a member of a local government public accounts committee.

(4) A vacancy arising out of subsection (1) or (2) shall be filled following the procedure prescribed in section 92(1).

**94. Internal audit**

- (1) Every district, city, municipal or town council shall provide for an internal audit department.
- (2) The internal audit department shall be responsible for—
  - (a) appraising the soundness and application of the accounting, functional and operational controls of the council;
  - (b) evaluating the effectiveness of the risk management processes of the council; and
  - (c) providing assurance on the efficiency and effectiveness of the economy in the administration of programmes and operations of the council.
- (3) The head of the internal audit department shall prepare quarterly audit reports and shall submit them to the speaker giving a copy to the local government public accounts committee.

**95. Accountability**

- (1) In accordance with section 70, the Chief Administrative Officer shall be the accounting officer in charge of a district and shall be accountable to the district council for the funds in the district.
- (2) A person holding a political or public office at the district or lower local government council, who directs or concurs in the use of public funds or property contrary to existing instructions and regulations, 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.
- (3) In accordance with section 71, the Town Clerk shall be the accounting officer in charge of a city, municipal or town council and shall be accountable to the respective council for funds of the council.

*District contracts committees***96. District contracts committees**

- (1) There shall be a district contracts committee in each district.

(2) The district contracts committee shall comprise a chairperson, a member representing the town councils and three other members, all of whom shall be nominated by the Chief Administrative Officer from among the public officers of the district council and approved by the Secretary to the Treasury.

(3) A district contracts committee shall seek the services of the district legal adviser in the execution of its work.

(4) The members of the district contracts committee shall be appointed with due regard to their technical competence and skills for the discharge of the functions of the district contracts committee.

(5) The members of the district contracts committee shall hold office for three years and shall be eligible for re-appointment for only one more term.

(6) The quorum at any meeting of the district contracts committee is three members including the chairperson.

## **97. Functions of district contracts committees**

A district contracts committee shall, in respect of the district council and lower local government councils and administrative units within the district, perform the functions specified in sections 30 and 31 of the Public Procurement and Disposal of Public Assets Act.

## **98. Procurement and disposal unit**

(1) Every district shall have a procurement and disposal unit staffed at the appropriate level and shall be headed by a procurement officer who shall be the secretary to the district contracts committee and who shall have no right to vote at a meeting of the district contracts committee.

(2) The functions of the procurement and disposal unit shall be as specified in sections 33 and 34 of the Public Procurement and Disposal of Public Assets Act.

**99. Municipal or city division contracts committees**

(1) A municipal or city division council shall establish a municipal or city division contracts committee to serve the municipality or city division.

(2) A municipal or city division contracts committee shall also cater for the procurement of municipal or city division and other lower local government councils within its jurisdiction.

(3) A municipal or city division contracts committee shall comprise a chairperson and four other members nominated by a Town Clerk from among the public officers of the district or city employed in the municipality or city division and approved by the Secretary to the Treasury.

(4) A municipal or city division contracts committee shall seek the services of the district legal adviser in the execution of its work.

(5) The quorum at any meeting of the municipal or city division contracts committee is three members, including the chairperson.

(6) In the absence of the chairperson, the members of the municipal or city division contracts committee present shall elect a person from among their number to preside over the meeting.

(7) The members of a municipal or city division contracts committee shall hold office for three years and shall be eligible for re-appointment for only one more term.

(8) The members of the municipal or city division contracts committee shall be appointed with due regard to their technical competence and skills required for the discharge of the functions of the contracts committee.

**100. Application of sections 97 and 98 to municipal contracts committee**

Sections 97 and 98 shall, with the necessary modifications, apply to a municipal contracts committee.

**101. Certain officers not to qualify to be members of contracts committee**

The following persons shall not be qualified to be members of a contracts committee

- (a) the Chief Administrative Officer of a district;
- (b) the chief finance officer of a district;
- (c) the Town Clerk of a town council or of a municipality; and
- (d) the finance officer of a municipality.

**102. Reports of contracts committee**

(1) Every district contracts committee and municipal contracts committee shall publish quarterly summary reports of all procurements made by it during the quarter concerned containing such particulars as may be prescribed.

(2) Every contracts committee referred to in subsection (1) shall give a copy of the published quarterly report to the council for which the procurement was made, the Permanent Secretary of the Ministry responsible for local governments and the Public Procurement and Disposal of Public Assets Authority.

**103. Delegation of powers of contracts committee**

(1) A contracts committee may recommend to the accounting officer to delegate any of its functions of procurement to a user department.

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

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

(4) In this section, “user department” means any department, division, branch, and a lower local government or section of the procuring and disposing entity, including any project unit or community groups 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.

**104. Use of contracts committee of another local government**

Where in the case of any local government there is, for the time being, no contracts committee appointed, the Secretary to the Treasury may, in consultation with the Permanent Secretary of the Ministry responsible for local governments, allow the local government to use the services of another local government.

**PART IX—INSPECTION, MONITORING AND COORDINATION OF LOCAL GOVERNMENTS****105. Coordination, guidance, monitoring and inspection of local governments**

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

**106. Technical support**

For purposes of ensuring implementation of national policies and adherence to performance standards on the part of local governments, Ministries shall inspect, monitor and, where necessary, offer technical advice, support, supervision and training within their respective sectors.

**107. Mandate of line Ministries in relation to local governments**

A Government line Ministry shall—

- (a) monitor and coordinate Government initiatives and policies as they apply to local governments;
- (b) coordinate and advise persons and organisations in relation to projects involving direct relations with local governments;
- (c) assist in the provision of technical assistance to local governments; and
- (d) establish minimum national standards of service delivery in the sectors under its jurisdiction.

**108. Inspection and monitoring of local governments**

(1) The inspection of local governments by the line Ministries and other State organs authorised by law shall promote adherence to the law and without limiting the generality of the foregoing shall—

- (a) promote and foster adherence to the rule of law and principles of natural justice and good governance; and
- (b) foster the elimination of corruption and abuse of office.

(2) Subject to the Constitution and any other law, an authorised person carrying out the inspection shall have powers

- (a) to enter and inspect the premises or property of any council or local government as may be relevant to inspection;
- (b) to inspect books of accounts, records, stores and any other documents and require any person to produce any documents or item connected with the inspection and where necessary retain any document or item connected with the case being investigated; and
- (c) to look into any matter on his or her own initiative or upon complaint made to him or her by any member of the public, whether or not that person has personally suffered any injustice by reason of that matter.

(3) An authorised person carrying out the inspection may attend any meeting of a council or committee of a council.

**109. Minister to give guidance**

(1) Where, on receipt of a report on a council, the Minister is satisfied that a duty or power of a council is being exercised in an improper, unlawful or inefficient manner, the Minister may in respect of that duty or power cause a meeting of the council to be called and point out the irregularities found and give the council any guidance necessary.

(2) Where the Minister considers that the matter is of a grave nature, the Minister may institute a commission of inquiry to look into the matter.

(3) Where the findings of a commission of inquiry under this section disclose that an offence may have been committed, the Minister shall refer the matter to the relevant authority for appropriate action.

**110. Taking over of district administration by President**

(1) The President may, with the approval of two-thirds of all the members of Parliament, assume the executive powers of any district in any of the following circumstances—

- (a) where the district council so requests and it is in the public interest to do so;
- (b) where a state of emergency has been declared in that district or in Uganda generally; or
- (c) where it has become extremely difficult or impossible for a district government to function.

(2) The exercise by the President of the power conferred by this section may be done through such person or officer as the President may appoint, and the legislative functions shall be exercised by statutory instruments.

(3) Unless approved by Parliament for a longer term, the exercise by the President of the power conferred by this section shall be for a period not exceeding ninety days.

(4) Upon the expiry of the term under subsection (3)—

- (a) the President shall hand back the administration of the district to the incumbent district government; or
- (b) if Parliament decides that the prevailing circumstances still make it impossible for the incumbent district government to assume the administration of the district then—
  - (i) where the unexpired term of the council is longer than twelve months, the President shall cause elections to be held for a new district council within sixty days; or
  - (ii) where the unexpired term of the council is less than twelve months, the President shall continue to administer the district until the next elections are held.

**111. Financing of services during takeover period**

(1) During the period in which the President has taken over the administration of a district, the decentralised services in the area of jurisdiction of that local government council shall be financed by direct appropriation from the national budget to a district vote held by the Chief Administrative Officer.

(2) *The conditional grant shall, during the period under subsection (1), be utilised under the supervision of the Permanent Secretary of the Ministry responsible for local governments.*

## **PART X—LOCAL GOVERNMENT COUNCILS ELECTIONS**

*Electoral Commission, returning officers and other election officers*

### **112. Electoral Commission to organise local council elections**

*The Electoral Commission shall organise, conduct and supervise election of the local councils.*

### **113. Transmission of voters register to political parties and organisations**

- (1) *Notwithstanding section 19 of the Electoral Commission Act—*
- (a) *the Electoral Commission shall not be required to provide paper copies of the voters register to registered political parties and organisations in the case of local council elections; and*
  - (b) *the Electoral Commission shall provide, as soon as practicable after nomination but, in any case, not later than two weeks before the polling day, an updated electronic version of the voters register to political parties and organisations or to an independent nominated candidate participating in the local council elections.*

(2) *For the avoidance of doubt, the voters register in respect of local council elections shall not require photographs.*

### **114. Publication of voters register in Gazette and posting of relevant parts of register on notice boards in every parish**

*Notwithstanding section 32 of the Electoral Commission Act, in the case of local council elections, the Electoral Commission shall cause to be posted on the notice boards in every parish that part of the voters register relating to that parish.*

### **115. Returning officers**

(1) *The Electoral Commission shall, by notice in the Gazette, appoint a returning officer and an assistant returning officer for each electoral district.*

(2) Notwithstanding subsection (1), the Electoral Commission may, by notice in the *Gazette*, appoint a returning officer and an assistant returning officer for a municipality, city division or other area in an electoral district as the Electoral Commission determines necessary.

(3) A person appointed as a returning officer or an assistant returning officer shall be a person of high moral character and proven integrity and shall not be a local government officer.

(4) A returning officer or an assistant returning officer may resign office by writing under his or her hand addressed to the Electoral Commission; and a returning officer or an assistant returning officer may be removed from office by the Electoral Commission where he or she is—

- (a) found by a court to have participated in election irregularities or illegal practices or participated in the commission of an election offence;
- (b) incapable of performing his or her duties under this Act by reason of illness or physical or mental infirmity;
- (c) incompetent;
- (d) proved to be partial in the performance of his or her duties under this Act;
- (e) proved to have behaved in a corrupt manner in relation to his or her duties as returning officer; or
- (f) transferred from the district for which he or she was appointed.

(5) Where a returning officer vacates his or her office in accordance with subsection (4), the assistant returning officer shall perform the functions of the returning officer until a substantive returning officer is appointed in accordance with subsection (7).

(6) A returning officer may, in writing, delegate any of his or her duties to the assistant returning officer.

(7) Where the office of returning officer or an assistant returning officer becomes vacant, the appointment of a returning officer or an assistant returning officer for the relevant district shall be made within fourteen days from the date the Electoral Commission is informed of the vacancy.

**116. Polling stations**

Each returning officer of a district shall, in consultation with the Electoral Commission, create as many polling divisions and polling stations as are convenient for the casting of votes by voters taking into account—

- (a) the elections being conducted; and
- (b) the distance to be travelled by the voters and the geographical features of the district.

**117. Presiding officer**

- (1) A returning officer—
  - (a) shall appoint one presiding officer and such number of polling assistants as the Electoral Commission may determine;
  - (b) may for good cause, at any time, before or during the polling day, replace any presiding officer or polling assistant; and
  - (c) may appoint at least three counting officers to assist in tallying the votes cast by the voters on polling day.
- (2) Where the presiding officer dies or is unable to discharge his or her duties on the polling day, the returning officer may appoint another person and where it is not possible, the oldest of the three assistants shall act as the presiding officer.

*Voters registers, rolls and notice of elections***118. Voters registers and rolls**

- (1) The voters registers and rolls maintained under the parliamentary elections law or any other voters registers or rolls maintained under any other law relating to general elections in Uganda shall apply to the elections of local governments.
- (2) A district registrar designated under the parliamentary elections law or under any other law relating to general elections in Uganda shall, on a continuous basis, maintain and update the different voters registers or rolls for the district in relation to the elections under this Act.

(3) In the performance of his or her duties under subsection (2), the district registrar shall be under the direction and control of the Electoral Commission.

(4) The provisions of Part III of the Electoral Commission Act or any other law relating to the national register of voters and voters rolls shall apply to the registers and voters rolls maintained for purposes of elections under this Act with such modifications and adaptations as may be necessary.

### **119. Notice of election day**

The Electoral Commission shall issue a public notice, which shall be published in the official *Gazette* and public media, appointing a day or days on which elections of all or a category of local government councils or administrative councils shall take place.

#### *Demarcation of electoral areas*

### **120. Population quota**

(1) Subject to Article 181 of the Constitution, the Electoral Commission shall demarcate local government electoral areas in such a manner that the number of inhabitants in the electoral area is approximately

- (a) one hundred thousand in the case of a city;
- (b) thirty thousand in the case of a district;
- (c) fifteen thousand in the case of a municipality or city division;
- (d) seven thousand in the case of a municipal division or town; and
- (e) twelve thousand in the case of a subcounty.

(2) The number of inhabitants in an electoral area may be greater or less than other electoral areas in order to take account of means of communication, geographical features and density of population.

(3) The population quota for demarcation of electoral areas for women representatives shall be determined by the requirement of women constituting one-third of any local council being considered.

(4) The Electoral Commission may reduce the population quota provided under subsection (1) if using that quota the total number of councillors is less than ten.

**121. Demarcation of electoral areas**

- (1) The demarcation of electoral areas shall ensure that—
  - (a) in the case of a district, every subcounty or municipal division is represented at the district council and that no subcounty or division shall be subdivided for the purposes of adding a part of it to another subcounty or division;
  - (b) in the case of a city, every division is represented at the city council and that no division shall be subdivided for the purposes of adding a part of it to another division;
  - (c) in the case of a subcounty, municipality, city division or town, every parish or ward shall be represented at the relevant local government council and that no parish or ward shall be subdivided for the purposes of adding a part of it to another parish or ward.
- (2) Notwithstanding subsection (1), the following electoral areas may be demarcated into more than one constituency in accordance with section 120(1)—
  - (a) in the case of a district
    - (i) a subcounty; or
    - (ii) a municipal division;
  - (b) in the case of a city, a city division;
  - (c) in the case of a subcounty, municipality, city division, town or municipal division—
    - (i) a parish; or
    - (ii) a ward.

**122. Demarcation of electoral areas for women**

Notwithstanding section 121(1), whenever there are fewer women seats than lower local government units, the electoral areas for women councillors derived from section 10(e) may bring together two or more lower local council units using a population quota determined by the Electoral Commission.

*Election of chairperson***123. Election of chairperson**

- (1) Except for the village or cell council and parish or ward council, the election of the chairperson shall be by universal adult suffrage through a secret ballot using one ballot box for all candidates at each polling station.
- (2) The election of village or cell council and parish or ward council chairperson shall be by the electorate lining behind the candidate nominated for the office, their representatives, portraits or symbols.
- (3) A person shall not qualify for election as chairperson of a district or city unless that person—
- (a) is a citizen of Uganda;
  - (b) is ordinarily resident in that district or city;
  - (c) is a registered voter;
  - (d) has completed a minimum education of advanced level standard or its equivalent;
  - (e) has submitted to the returning officer of a district or city, on or before the nomination day, a document, in this Act referred to as a nomination paper, in Form EC 1 specified in Schedule 8 to this Act, which document shall be signed by two persons, nominating him or her as a candidate;
  - (f) attaches to his or her nomination paper, a list of the names of fifty registered voters from each of at least two-thirds of the electoral areas, and each voter shall have appended to that list, his or her signature, physical address and voters registration number as specified in Form EC 1 of Schedule 8 to this Act.
- (4) For the purposes of subsection (3), any of the following persons wishing to stand for election as a district chairperson shall establish his or her qualification with the Electoral Commission as a person holding a minimum qualification of advanced level or its equivalent at least two months before nomination day in the case of a general election, and two weeks in the case of a by-election—
- (a) persons whether their qualifications are obtained from Uganda or outside Uganda, who are claiming to have their qualification accepted as equivalent to advanced level education;

- (b) persons claiming to have advanced level qualifications obtained from outside Uganda.
- (5) A person required to establish his or her qualification under subsection (4) shall do so by the production of a certificate issued to him or her by the National Council for Higher Education in consultation with the Uganda National Examinations Board.
- (6) A person who claims to possess a qualification referred to in subsection (4)(b) shall, before the issue of the certificate, prove to the satisfaction of the National Council for Higher Education that admission to that qualification was obtained on the basis of advanced level standard of education or its equivalent.
- (7) For the avoidance of doubt, if a candidate has an advanced level certificate obtained in Uganda or qualifications higher than the prescribed qualification obtained in Uganda or obtained from the former University of East Africa or any of its constituent colleges, then there shall be no need for the verification of his or her qualifications by the National Council for Higher Education.
- (8) The Electoral Commission shall not accept for the purposes of this section, a statutory declaration or affidavit as evidence of an academic qualification required by this section.
- (9) A person shall not qualify for election as chairperson of a municipality, town, division or subcounty unless that person—
- (a) is a citizen of Uganda;
  - (b) is ordinarily resident in the municipality, town, division, or subcounty;
  - (c) is a registered voter;
  - (d) has submitted to the returning officer of a district or a public officer designated by the returning officer for that purpose on or before the nomination day, a document, in this Act referred to as a nomination paper, in Form EC 1 specified in Schedule 8 to this Act, which document shall be signed by two persons nominating him or her as a candidate; and
  - (e) attaches to his or her nomination paper, a list of the names of twenty registered voters from each electoral area, and each of the twenty registered voters shall have appended to that list, his

or her name, signature, physical address and voters registration number as specified in Form EC 1 of Schedule 8 to this Act.

(10) A person shall not subscribe to more than one nomination paper, and no person shall give his or her support under subsection (3) or (9) to more than one candidate for the same office.

(11) Any person who contravenes subsection (10) commits an offence and is liable, on conviction, to a fine not exceeding three currency points or to imprisonment for a term not exceeding six months, or both.

- (12) The nomination paper shall be accompanied by
- (a) a declaration in Form EC 2 specified in Schedule 8 to this Act;
  - (b) a declaration of income, assets and liabilities in Form EC 3 specified in Schedule 8 to this Act;
  - (c) a non-refundable fee specified in section 124 for which a receipt shall be issued;
  - (d) three postcard size copies of a recent photograph of the proposed candidate.

#### **124. Payment of non-refundable fee**

For purposes of section 123(12)(c), a non-refundable fee of—

- (a) ten currency points in the case of a district and city;
- (b) five currency points in the case of a municipality; and
- (c) 2.5 currency points in the case of a city division, a town or a sub county,

shall be paid to the relevant local government council in cash or by bank draft.

#### **125. Where candidate dies**

(1) Where, after the close of nomination and before closing of polls, a candidate dies, the election in the electoral area shall be postponed and the Electoral Commission shall declare another nomination day giving reasonable time to enable new candidates to be nominated.

(2) Where nominations are fixed under subsection (1), a candidate previously and validly nominated shall not be required to be nominated again.

(3) Where fresh nomination days are fixed under subsection (1), the returning officer shall, where applicable, postpone the election to another convenient date.

(4) An election arising out of a postponement under subsection (3) shall be conducted in accordance with this Act.

## **126. Vacancy in council**

Subject to Article 81(3) of the Constitution, where there is a vacancy in a council, the Electoral Commission shall hold a by-election to fill the vacant position in the council within ninety days from the occurrence of the vacancy.

## **127. Where one of only two candidates withdraws or is disqualified**

Where there are two candidates and one withdraws or is disqualified or ceases to be a candidate by reason of his or her ceasing to qualify for election, the returning officer shall immediately declare the remaining candidate elected unopposed.

## **128. Results of chairperson election**

(1) The returning officer shall declare as the elected chairperson, the candidate who has obtained the largest number of votes cast.

(2) The Electoral Commission shall ascertain, declare and publish in writing the results of a chairperson's election within forty-eight hours from the close of polling.

(3) A declaration executed by the Electoral Commission under subsection (2) and bearing the seal of the commission shall be evidence that the person named in the declaration has been elected chairperson of the relevant council.

(4) Where two or more candidates tie in the leading position, the returning officer shall communicate the results of the election to the Electoral Commission which shall arrange to have the elections repeated.

(5) The candidature for elections repeated under subsection (4) shall be limited to the candidates who tied in the first election.

(6)No fresh nominations or candidates meeting shall be required for elections conducted under subsection ( 4 ).

(7)Subject to subsections (5) and (6), an election organised under subsection ( 4 ) shall be conducted in accordance with the provisions of this Act.

*Local government councils elections*

**129. Qualifications of councillors**

(1) A person is qualified to be a member of a district or city council, other than the chairperson, if that person

- ( a ) is a citizen of Uganda; and
- ( b ) is a registered voter.

(2)A person shall not be elected a local government councillor if that person—

- (a) is suffering from mental illness;
- (b) is acting in or holding an office the functions of which involve a responsibility for or in connection with the conduct of an election under this Act;
- (c) is a traditional or cultural leader as defined in Article 246( 6 ) of the Constitution;
- (d) is under sentence of death or imprisonment exceeding six months without the option of a fine;
- (e) is employed by that local government council; or
- (f) is not ordinarily resident in that local government area.

(3)Under the movement political system, a person elected a chairperson or member of a local government executive committee when holding a public office shall resign the public office before assuming the office of chairperson or a member of the executive committee.

(4)Under the movement political system, a person holding a public office who wishes to be a candidate for a local government office or councillor under this Act shall apply for annual leave or leave without pay at least fourteen days before nominations commence.

(5)Under the multiparty political system, a public officer, a person employed in any department or agency of Government, an employee of a

local council or an employee of a body in which government has a controlling interest, who wishes to stand for election to a local council office shall resign his or her office at least thirty days before nomination day in accordance with the procedure of the service or employment to which he or she belongs.

(6) Subsection (5) does not apply to persons representing workers.

(7) For the avoidance of doubt, a public officer employed by a local council shall not be a councillor of that local council or any other local council.

### **130. Election of women representatives to councils**

(1) The election of women councillors on local government councils shall be conducted in accordance with the provisions for election of the relevant councils under this Part with such modifications as may be deemed necessary by the Electoral Commission.

(2) The election of women councillors shall be by universal adult suffrage through a secret ballot using one ballot box for candidates at each polling station.

### **131. Election of special interest groups councillors**

(1) The youth councillors shall be elected by an electoral college consisting of—

- (a) in case of a district council—
  - (i) all subcounty youth councils; and
  - (ii) the district youth executive;
- (b) in the case of a city council—
  - (i) all division youth councils; and
  - (ii) the city youth executive;
- (c) in the case of a municipal council—
  - (i) all parish or ward youth councils; and
  - (ii) the municipal youth executive; and
- (d) in the case of a subcounty, town or division council—
  - (i) all parish or ward youth councils; and
  - (ii) the subcounty, town or division youth executive as the case may be.

(2) A councillor representing persons with disabilities shall be elected in accordance with the electoral structure provided for in the Persons with Disabilities Act as follows—

- (a) in case of the village council, all willing persons with disability in each village shall assemble to elect five executive members, at least one of whom shall be a woman and the chairperson of the persons with disabilities executive committee shall become the secretary for disability affairs at the village council;
- (b) in case of the parish, the five persons with disabilities executive committee members for each village shall assemble at the parish or ward to elect the executive committee members for persons with disabilities and the chairperson of the persons with disabilities executive committee at the parish level or ward level shall become the representative of persons with disabilities at the parish council;
- (c) in case of a subcounty, division council, or town council, the five persons with disabilities from each parish or ward shall assemble at the subcounty division or town council to elect two councillors representing persons with disability, male and female, to the subcounty, division or town council; and
- (d) in case of a district or city council, the five executive members from each subcounty or division council or town council shall assemble at the district or city council to elect two representatives, male and female, to the district council.

(3) Councillors representing the older persons shall be elected by the associations of the older persons forming an electoral college composed as follows—

- (a) in the case of the district, all members of the district executive committee and subcounty executive committees in the district;
- (b) in the case of a city, all members of the city executive committee and division executive committees; and
- (c) in the case of other urban councils and subcounty councils, all members of the town or division or subcounty executive committees and parish or ward executive committees.

(4) The Electoral Commission shall, where existing organisations are formed into electoral colleges to elect representatives of persons with disabilities at different levels of local governments, facilitate the organisations to establish the different bodies that form the electoral colleges.

(5) The Electoral Commission shall appoint returning officers and presiding officers as may appear to the Electoral Commission reasonably necessary for the purpose of conducting elections of representatives of each special interest group.

(6) The Electoral Commission shall appoint a day and time on which the elections for each special interest group shall be held.

(7) For all other matters not provided for relating to elections under this section, including the nominations of candidates, voting procedure and declaration of results, the provisions for general elections under this Part shall apply, with such modifications as may be appropriate for the relevant special interest group.

### **132. Nomination of candidates for local government councils**

(1) The Electoral Commission shall publish in the *Gazette* and local media the nomination days and the time when candidates shall be nominated.

(2) The returning officer shall, in each district, name the places where and the time when nominations shall be made.

(3) The nomination of a candidate shall be submitted by the candidate himself or herself.

(4) A nomination paper specified as Form EC 4 in Schedule 8 to this Act shall be signed by the candidate and seconded by two registered voters and tendered to the returning officer with the following—

- (a) the names and signatures of not less than five persons who are registered as voters in the constituency where the person is seeking nomination, and each person shall indicate his or her name, village, occupation and voters registration number which shall be part of or appended to Form EC 4 in Schedule 8 to this Act;
- (b) Form EC 5 in Schedule 8 to this Act which shall be evidence of the candidate's appointment of his or her agent specifying the name, voters registration number, address and occupation of the official agent;

- (c) Form EC 6 in Schedule 8 to this Act indicating that the agent has accepted the appointment and has made a statement of oath before a commissioner for oaths or a person so authorised;
- (d) a statement under oath specified as Form EC 7 in Schedule 8 to this Act stating among other things—
  - (i) that the person seeking nomination is a citizen of Uganda;
  - (ii) that he or she is eighteen years of age or above; and
  - (iii) that he or she is not disqualified from being a local government councillor under this Act or any other law in force;
- (e) Form EC 8 in Schedule 8 to this Act indicating the candidate's consent to his or her nomination; and
- (f) a non-refundable nomination fee of
  - (i) in the case of a district, city or municipality, two and a half currency points; and
  - (ii) in the case of a town, city division or subcounty, one currency point,in cash or by bank draft payable to the respective local government council.

(5) The nomination paper shall be accompanied by two postcard-size photographs of the candidate's own face.

(6) A duplicate copy of the nomination paper certified by the returning officer shall be given to the candidate.

### **133. Sponsorship of candidates by political organisations or political parties**

Under the multiparty political system, nomination of candidates may be made for election under this Act by a political organisation or political party sponsoring a candidate or by a candidate standing for election as an independent candidate without being sponsored by a political organisation or political party.

### **134. Where no candidate or one candidate is nominated**

(1) Where at the close of the nomination day or days no person is duly nominated for election for an electoral area, the returning officer shall report to the Electoral Commission, and the Electoral Commission shall fix another day for nominations.

(2) Where only one candidate is nominated at the close of the nomination day or days, the person nominated shall be declared elected unopposed.

### **135. Withdrawal of candidature**

(1) A candidate may withdraw his or her candidature at any time before the polling day by a written notice addressed to the returning officer and signed by the candidate.

(2) Where a candidate withdraws his or her candidature, the presiding officer shall, on the polling day—

- (a) post a notice of the withdrawal in a conspicuous place at the polling station; and
- (b) when delivering a ballot paper to each voter, audibly inform the voter of the candidate's withdrawal, if that candidate's name appears on the ballot paper.

### **136. Candidates meetings**

(1) A candidate may hold individual public campaign meetings in any part of the local government electoral area for which the candidate seeks an election, between seven o'clock in the forenoon and six o'clock in the afternoon.

(2) Every candidate shall give a copy of his or her campaign programme to the returning officer and the returning officer shall ensure that campaign meetings by different candidates do not coincide.

(3) The returning officer shall forward a copy of every campaign programme submitted under subsection (2) to the Electoral Commission.

(4) The returning officer may, after consultation with all the candidates, organise one or more joint candidates' campaign meetings for those candidates who consent to hold such meetings.

(5) A candidate or a candidate's agent authorised in writing by the candidate to do so, may hold consultative meetings with the candidate's campaign agents for the purposes of planning and organising the candidate's election campaign.

(6) A candidate shall not hold any public campaign meeting under subsection (1) except in accordance with the programme submitted by the candidate to the returning officer under subsection (2).

(7) A candidate's agent may conduct campaign meetings on behalf of the candidate and otherwise conduct any campaign which the candidate is allowed to hold under this Act.

(8) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding forty-eight currency points or to imprisonment for a term not exceeding two years, or both.

### **137. Equal treatment for candidates**

(1) During the campaign period every public officer and public authority and institution shall, as far as possible, give equal treatment to candidates.

(2) Subject to the Constitution and any other law, every candidate shall enjoy freedom of expression and access to information in the exercise of the right to campaign under this Act, but shall not be protected against any abusive or slanderous statements.

(3) A person shall not, while campaigning, use or publish defamatory words or words which are insulting or which constitute incitement of public disorder, insurrection, hatred, violence or which threaten war.

(4) A person who contravenes subsection (3) commits an offence and is liable, on conviction, to a fine not exceeding ten currency points or to imprisonment for a term not exceeding two years, or both and shall be disqualified as candidate.

(5) The Electoral Commission may issue guidelines to be followed by the candidates in the conduct of election campaigns.

### **138. Rights of candidates**

(1) Every candidate in an election shall be afforded reasonable access to and use of State-owned communication media, if he or she requires it.

(2) Subject to any other law, during the campaign period any candidate may, either alone or in common with others, publish campaign materials in the form of books, booklets, pamphlets, leaflets, magazines, newspapers or posters intended to solicit votes from voters.

(3) A person shall not, during the campaign period, print, publish or distribute a newspaper, circular, book, booklet, leaflet, magazine or pamphlet containing an article, report, letter or other matter relating to the elections unless the author's names and addresses are appended to it.

(4) Any person who contravenes subsection (3) commits an offence and is liable, on conviction, to a fine not exceeding ten currency points or to imprisonment for a term not exceeding two years, or both.

### **139. Non-sectarian campaign**

(1) A person shall not use a symbol or colour, which has a tribal or religious affiliation or any other sectarian connotation as a basis for that person's candidature for election or in support of that person's campaign.

(2) Under the movement political system, a person shall not use as a basis for his or her candidature or campaign a symbol or colour of a political party or organisation.

(3) Subject to any law, under the multiparty political system, political party or organisation symbols or colours may be used.

(4) Any person who contravenes subsection (1) or (2) commits an offence and is liable, on conviction—

- (a) in the case of an offence under subsection (1), to a fine not exceeding forty-eight currency points or imprisonment not exceeding two years, or both; and
- (b) in the case of an offence under subsection (2), to a fine not exceeding twenty-four currency points or imprisonment not exceeding one year, or both.

### **140. Use of local council or Government facilities**

(1) Except as otherwise provided in this section, where a candidate is a chairperson or holds any other political or public office, he or she shall

not use local council or Government facilities for the purpose of campaigning for election under this Act.

(2) Where a candidate holds any political office, he or she shall, during the campaign period, restrict the use of the official facilities ordinarily attached to his or her office to the execution of his or her official duties.

(3) For the purpose of enforcing this section, the Electoral Commission shall, by writing, require any candidate to state in writing the facilities ordinarily attached to any office held by that person to which subsection (2) applies, and the candidate shall comply with the requirement.

(4) This section applies with the necessary modifications to an employee of a statutory corporation or company in which the Government owns a controlling interest and a member of a commission or committee established by the Constitution as it applies to a public officer.

(5) A person who contravenes any provision of this section commits an offence and is liable, on conviction, to a fine not exceeding twenty-four currency points or to imprisonment for a term not exceeding one year, or both.

*Voting and announcement of results*

#### **141. Polling and voting procedure**

(1) Voting at every election for local government councils shall be by secret ballot using one ballot box at each polling station for candidates contesting for the same post.

(2) At the polling station, no presiding officer or any other person shall inquire about or attempt to see for whom a voter intends to vote.

(3) On polling day, all voters intending to vote shall form one line from a point at least twenty metres away from the table at which each voter is to place the authorised mark of choice on the ballot paper.

(4) Voters who have cast their votes and all other persons in the vicinity of the polling station, other than election officers, candidates, agents,

observers and monitors, shall stand or sit at least one hundred metres away from the table mentioned in subsection (3).

(5) Subject to subsection (7), at every polling station there shall be positioned—

- (a) a table where every voter shall report for identification in the voters roll and collection of a ballot paper;
- (b) a second table positioned at least fifteen metres from the first table, with an ink pad, two pens, each pen being attached to the table with a string measuring about one metre in length where every voter shall proceed and vote for a candidate of the voter's choice by fixing a tick or a thumb print in the space provided in the box against the picture of the candidate on the ballot paper and, after voting, fold the ballot paper lengthwise to enable it to be deposited in the slot of the ballot box and on this table, a basin or a similar object into which a voter shall place the ballot paper to mark the candidate;
- (c) a third table located at least ten metres away from the second table and on top of which shall rest a ballot box into which every voter shall deposit the folded ballot paper in the full view of all present; and
- (d) a fourth table located at least ten metres from the ballot box where every voter, after depositing the ballot paper into the ballot box, shall proceed and have the thumb on the voter's right hand, marked with indelible ink to indicate that the voter has cast the ballot.

(6) Candidates' agents shall sit one metre away from the table referred to in subsection (5)(a).

(7) Where for purposes of subsection (5)(b)—

- (a) the voter has no thumb on the right hand, the process specified in that paragraph shall be applied to the finger nearest to the position of the thumb on the voter's right hand;
- (b) the voter has no right hand, the process shall be applied to the left hand;
- (c) a voter has no fingers on the left or right hand, the voter may mark the tip of any hand with indelible ink; or

(d) the voter has no hands, the process shall be applied to any other conspicuous part of the voter's body as the presiding officer may determine.

(8) The presiding officer at each polling station shall, at the commencement of the poll, in the presence of at least ten voters registered to vote at the polling station, open the first ballot box, turn it upside down with the open top facing down to ensure to the satisfaction of the voters present, that the ballot box is devoid of any contents and shall thereafter place the ballot box on the table in accordance with subsection (5)(d); and where more than one ballot box is used after the first is filled, the same procedure shall be followed in the full view of everyone present, prior to the placing on the table, of any additional ballot box.

(9) A person who contravenes subsection (8) commits an offence and is liable, on conviction, to a fine not exceeding twenty-four currency points or to imprisonment for a term not exceeding one year, or both.

(10) Where another election has to be held within three months after an election in which a voter and the hand of the voter has been marked in accordance with this section, the corresponding part of the hand other than the one marked in the first election shall be marked in the subsequent election; and where this is not possible such part of the body of the voter as the presiding officer shall determine, having regard to subsections (5) and (7), shall be marked.

(11) For the purposes of subsection (5), "table" includes a desk, a box, a chair, a stool and any other object with a hard and smooth surface that can be used as a table.

## **142. Assistance to illiterate voters and voters with disabilities**

(1) Where a voter is by reason of blindness, illiteracy, old age or any other disability unable to fix the authorised mark of choice on the ballot paper, that voter may report at the polling station accompanied by a person of his or her choice to assist the voter to fix the authorised mark of choice on the ballot paper, on the voter's behalf, or the voter may, subject to subsection (3), request another person present at the polling station to assist the voter in that behalf.

(2) Any member of a voter's family may assist a voter under subsection (1) notwithstanding the fact that the former is below the age of eighteen years.

(3) A person shall not assist more than two voters to vote under this section.

(4) An election officer, a candidate's agent, an observer or monitor at any polling station is not permitted to assist any voter with a disability under subsection (1).

(5) No person is authorised to assist any voter to mark the ballot paper under subsection (1) unless the voter has voluntarily requested the assistance.

(6) A person commits an offence of illegal practice who—

- (a) pretends to have a disability for the purposes of subsection (1) when he or she does not;
- (b) contravenes subsection (5); or
- (c) betrays the trust of the voter with a disability under this section.

(7) Any person who commits any offence under this section is liable, on conviction, to a fine not exceeding five currency points or to imprisonment for a term not exceeding two years, or both.

### **143. Person to vote once in election**

(1) Subject to the Constitution, no person shall vote or attempt to vote more than once in any election.

(2) For the purpose of ensuring that no voter casts a vote more than once, a presiding officer or a polling assistant shall, before issuing a ballot paper, inspect the fingers of any voter in order to ascertain whether or not the voter has been marked with indelible ink in accordance with section 141; and the presiding officer or a polling assistant, as the case may be, shall refuse to issue a ballot paper to that voter if the presiding officer or polling assistant has reasonable grounds to believe that the voter has already voted or if the voter refuses to be inspected under this subsection.

(3) Any person who refuses to be inspected under subsection (2) commits an offence and is liable, on conviction, to a fine not exceeding ten currency points or to imprisonment for a term not exceeding two years, or both.

#### **144. Returning officers to have powers of justices of the peace**

During an election and while the polls are open, every returning officer and presiding officer is a keeper of the peace and has all the powers of a justice of the peace to maintain law and order at the polling station, and he or she may—

- (a) require the assistance of a member of the Uganda Police Force or other persons present to aid him or her in maintaining peace and good order at the polling station;
- (b) warn or arrest or cause, by verbal order, to be arrested, and place or cause to be placed in the custody of any police officer or other person authorised by law, any person disturbing the peace and good order at the polling station; or
- (c) cause any arrested person to be imprisoned under an order signed by him or her until not later than an hour after the closure of the poll.

#### **145. Votes to be counted at each polling station**

(1) Votes cast at every polling station shall be counted at the polling station immediately after the presiding officer declares the polling closed, and the votes cast in favour of each candidate shall be recorded separately in accordance with this Part.

(2) Subject to section 146, no votes shall stay uncounted overnight and, where required, the presiding officer shall provide lanterns or any other source of adequate light for the purposes of counting votes.

(3) A candidate may be present in person or through his or her representative or polling agents at each polling station, and at the place where the returning officer tallies the number of votes for each candidate or conducts a recount, for the purposes of safeguarding the interests of the candidate with regard to all stages of the counting, tallying or recounting processes.

(4) At the commencement of the counting, the presiding officer shall, in the presence and full view of all present, open the ballot box and empty its

contents onto the polling table, and with the assistance of polling assistants proceed to count the votes separating the votes polled by each candidate.

#### **146. Interruption and postponement of counting, tallying or recounting**

(1) Where counting, tallying or recounting of votes is interrupted by a riot or violence or any other reasonable cause, the presiding officer or returning officer shall adjourn the counting, tallying or recounting to the next day or to any other time of the same day and shall immediately inform—  
(a) in the case of the presiding officer, the returning officer; or  
(b) in the case of the returning officer, the Electoral Commission, of that fact.

(2) Where the counting, tallying or recounting of votes is adjourned to the following day under subsection (1), the time, procedure and manner of the subsequent counting, tallying or recounting shall be as on the original occasion.

(3) Where counting is adjourned under this section, the ballot boxes shall be kept in safe custody and the candidates or their agents shall be entitled to be present to keep watch on the boxes until counting resumes.

#### **147. Declaration of winning candidate**

(1) Each returning officer shall, immediately after the addition of all the votes for each candidate or after any recount, declare elected a candidate who has obtained the largest number of votes by completing the return in the prescribed form.

(2) Upon completing the return, every returning officer shall transmit to the Electoral Commission the following documents—

- (a) the return form;
- (b) a report of the elections within the returning officer's electoral area; and
- (c) the declaration of results forms from which the official addition of the votes was made.

**148. Declaration of results forms**

(1) Each presiding officer shall complete the necessary number of copies of Form EC 9 prescribed in Schedule 8 to this Act for the declaration of results, sign them and—

- (a) one copy shall be retained by the presiding officer for display at the polling station;
- (b) one copy shall be enclosed in an envelope supplied by the Electoral Commission for the purpose, sealed by the presiding officer and delivered to the nearest result collection centre prescribed by the returning officer, together with the report book, for transmission to the returning officer;
- (c) one copy shall be delivered to each of the candidates' agents or, in the absence of those agents, to any voters present claiming to represent the candidates; and
- (d) one copy shall be deposited and sealed in the ballot box.

(2) The presiding officer shall, in the presence of the candidates and the candidates' agents as may wish to be present, seal the ballot box with a seal provided for the purpose by the Electoral Commission.

(3) The sealed ballot box referred to in subsection (2) shall contain the following items—

- (a) one duly signed declaration of results form;
- (b) the ballot papers received by each candidate, tied in separate bundles;
- (c) the invalid ballot papers, tied in one bundle;
- (d) the spoilt ballot papers, tied in one bundle;
- (e) the unused ballot papers; and
- (f) the voters roll used at the polling station.

(4) The declaration of results form shall be signed by the presiding officer and the candidates or their agents present who wish to do so, and the presiding officer immediately announce the results of the voting at that polling station before communicating them to the returning officer.

**149. Declaration of results and reports by Electoral Commission**

(1) The Electoral Commission shall, as soon as practicable after the election, ascertain, declare and, in writing under its seal, publish in the *Gazette* the results of the election for each constituency.

(2) The Electoral Commission shall, as soon as practicable after each general election, produce a detailed report on the conduct of the election.

(3) For the purposes of a report under subsection (2), every candidate at an election and every official agent of any candidate has the right to send to the Electoral Commission a statement in writing containing any complaint that he or she may wish to make with respect to the conduct of the election or of any election officer and any suggestions with respect to changes or improvements in the law that he or she may consider desirable.

*Election petitions***150. Petition against declared elected candidate**

(1) An aggrieved candidate for chairperson may petition the High Court for an order that a candidate declared elected as chairperson of a local government council was not validly elected.

(2) A person qualified to petition under subsection (3) who is aggrieved by a declaration of the results of a councillor may petition the chief magistrate's court having jurisdiction in the constituency.

(3) An election petition may be filed by any of the following persons—

- (a) a candidate who loses an election; or
- (b) a registered voter in the constituency concerned supported by the signatures of not less than five hundred voters registered in the constituency.

(4) An election petition shall be filed within fourteen days after the day on which the results of the election have been notified by the Electoral Commission in the *Gazette*.

**151. Grounds for setting aside election**

The election of a candidate as a chairperson or a member of a council shall only be set aside on any of the following grounds if proved to the satisfaction of the court that—

- (a) there was failure to conduct the election in accordance with the provisions of this Part and that the non-compliance and failure affected the result of the election in a substantial manner;
- (b) a person other than the one elected purportedly won the election;
- (c) an illegal practice or any other offence under this Act was committed in connection with the election by the candidate personally or with his or her knowledge and consent or approval; or
- (d) the candidate was, at the time of his or her election, not qualified or was disqualified from election.

**152. Criminal offence disclosed in hearing of petition**

- (1) Nothing in this section confers on the court, when hearing an election petition, power to convict a person for a criminal offence.
- (2) Where it appears to the court, on hearing an election petition, that the facts before it disclose that a criminal offence may have been committed, the court shall make a report on the matter to the Director of Public Prosecutions for appropriate action to be taken.
- (3) Where an election is set aside, a fresh election shall be held as if it were a by-election in accordance with section 188.

**153. Notice of petition to be served on respondent**

Notice in writing of the presentation of a petition accompanied by a copy of the petition shall, within seven days after the filing of the petition, be served by the petitioner on the respondent or respondents, as the case may be.

**154. Trial of election petition**

- (1) An election petition, filed under section 150, shall be tried in open court.

(2) The High Court or chief magistrate shall proceed to hear and determine the matter within three months after the day on which the petition was filed and may, for that purpose, suspend any other matter pending before court.

- (3) After due inquiry, the court hearing an election petition may—  
(a) dismiss the petition;  
(b) declare a candidate other than the candidate declared elected earlier to have been validly elected; or  
(c) set aside the election and order a new election.

(4) The court, before coming to a decision under subsection (3), may where applicable order a recount of the votes cast.

(5) At the conclusion of the trial of an election petition, the court shall determine whether the respondent was duly elected or whether any, and if so which, person other than the respondent was or is entitled to be declared duly elected, and if the court determines that—

- (a) the respondent was duly elected, the election shall be and remain valid as if no petition had been presented against the respondent's election;
- (b) the respondent was not duly elected but that some other person was or is entitled to be declared duly elected—  
(i) the respondent shall be ordered to vacate his or her seat; and  
(ii) the court shall notify the Electoral Commission and the speaker or chairperson of the relevant council of its determination, and the Electoral Commission shall thereupon, by notice in the *Gazette*, declare that other person duly elected with effect from the day of the determination by the court;
- (c) the respondent was not duly elected and that no other person was or is entitled to be declared duly elected—  
(i) the seat of the respondent shall be declared vacant; and  
(ii) the court shall immediately notify the Electoral Commission and the speaker or chairperson of the relevant council of its determination, and the Electoral Commission shall arrange a fresh election in the relevant constituency in accordance with section 132.

**155. Witness in election petition**

(1) In the hearing of a petition, the powers of the court and the rules of procedure shall be those, which apply to a civil action in a court of law.

(2) A witness who, in the course of the hearing of an election petition, wilfully makes a statement of fact material to the proceedings which he or she knows to be false or does not believe to be true, commits an offence and is liable, on conviction, to a fine of ten currency points or to imprisonment for a term not exceeding two years, or both.

**156. Withdrawal of election petition**

(1) An election petition shall not be withdrawn without the leave of the court and after such notice has been given as the court may direct.

(2) On the hearing of the application for withdrawal, any person who might have been a petitioner in respect of the election to which the petition refers may apply to the court to be substituted as a petitioner for the petitioner who desires to withdraw.

(3) The court may substitute as a petitioner any applicant under subsection (2) and may further, if the proposed withdrawal has been, in the opinion of the court, induced by any corrupt bargain or consideration, by order, direct that the security given on behalf of the original petitioner remain as security for any costs that may become payable by the substituted petitioner and that the original petitioner shall be liable to pay the costs.

(4) If a petition is withdrawn the petitioner shall be liable to pay the costs of the respondent.

**157. Appeals**

(1) Any person aggrieved by the determination of a lower court on hearing an election petition may appeal to the High Court or Court of Appeal against the verdict.

(2) The High Court or Court of Appeal in case of a subsequent appeal shall proceed to hear and determine an appeal under this section within three

months after the day on which the petition was filed and may, for that purpose, suspend any other matter pending before it.

(3) The decision of the Court of Appeal in an appeal under this section shall be final.

### **158. Petition to lapse on death of petitioner**

An election petition shall lapse at the death of a sole petitioner.

#### *Illegal practices and offences*

### **159. Offence of bribery**

(1) Any person who, with intent either before or during an election, either directly or indirectly influences another person to vote or to refrain from voting for any candidate, or gives, provides or causes to be given or provided any money, gift or other consideration to another person, to influence that person's voting, commits an illegal practice of the offence of bribery.

(2) Any person receiving any money, gift or consideration under subsection (1) commits the offence of illegal practice under that subsection.

(3) Subsection (1) does not apply in respect of the provision of refreshments or food—

- (a) offered by a candidate or a candidate's agent at a candidate's campaign planning and organisation meeting;
- (b) offered by any person other than a candidate or a candidate's agent at a candidate's campaign planning and organisation meeting.

(4) A candidate or candidate's agent who, by himself or herself or any other person, directly or indirectly, before the close of polls on polling day offers, procures or provides or promises to procure or provide alcoholic beverages to any person commits an offence of illegal practice.

(5) Any person who commits any offence stipulated in this section is liable, on conviction, to a fine not exceeding five currency points or to imprisonment for a term not exceeding two years, or both.

**160. Offence of illegal practice**

(1) A person who votes or induces or procures any person to vote at an election, knowing that he or she or that person is prohibited by law from voting at that election, commits the offence of illegal practice.

(2) A person who, before or during an election, publishes a false statement of the illness, death or withdrawal of a candidate at the election for the purpose of promoting or procuring the election of another candidate, knowing that statement to be false or not knowing or believing on reasonable grounds the statement to be true, commits the offence of illegal practice.

(3) A person who, at an election, or on a nomination day, wilfully obstructs a voter, or an aspiring candidate either at the polling station or nomination centre or on his or her way to or from the polling station or nomination centre, commits the offence of illegal practice.

(4) Any person who commits the offence of illegal practice under this section is liable, on conviction, to a fine not exceeding five currency points or to imprisonment for a term not exceeding two years, or both.

**161. Misconduct at candidates meetings**

(1) Any person who, at any candidates meeting under this Act, acts in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting is held, commits an offence and is liable, on conviction, to a fine not exceeding ten currency points or to imprisonment for a term not exceeding two years, or both.

(2) The chairperson of a meeting to which this section applies may direct any person who, in the opinion of the chairperson, is preventing the transaction of the business for which the meeting is being held, to leave the place; and if the person fails or refuses to leave, the chairperson may cause that person to be removed from the place using such force as may be reasonably necessary.

(3) Any person who has, in accordance with subsection (2), left or who has been removed from a place in which a meeting to which this section applies is taking place shall not, without the permission of the chairperson of the meeting, return to that place while the meeting is still in progress; and any

person who contravenes this subsection commits an offence and is liable, on conviction, to a fine not exceeding five currency points or to imprisonment for a term not exceeding six months, or both.

### **162. Failure by presiding officer to furnish election returns**

A presiding officer who fails, without reasonable cause, to furnish the returns of the election to the returning officer within the time stipulated by law commits an offence and is liable, on conviction, to a fine not exceeding five currency points or to imprisonment for a term not exceeding one year, or both.

### **163. Offences relating to voting**

- (1) Any person who—
  - (a) forges or alters any document or delivers to the returning officer any document, knowing it to be forged;
  - (b) fraudulently defaces or destroys any document relating to the holding of an election under this Act;
  - (c) forges, counterfeits or destroys any ballot paper or the official mark on any ballot paper;
  - (d) without authority, supplies any ballot papers to any person;
  - (e) without authority, sells or offers for sale, any document relating to the holding of an election under this Act to any person, or purchases or offers to purchase any such document from any person;
  - (f) not being a person entitled under this Act to be in possession of a document relating to the holding of an election, has that document in his or her possession;
  - (g) knowingly and intentionally puts into a ballot box anything other than a ballot paper;
  - (h) without authority, takes out of a polling station any ballot paper or other official document relating to an election or is found in possession of any ballot paper or such document outside a polling station;
  - (i) without due authority, destroys, takes, opens or otherwise interferes with a ballot box, ballot documents or any other property in use or intended to be used for the purpose of an election;

- (j) without due authority, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election; or
- (k) not being authorised under this Act, makes any mark on a ballot paper issued to a person, other than the person making the mark, with intent that the ballot paper be used to record the vote of that other person,

commits an offence and is liable, on conviction, to a fine not exceeding twenty currency points or to imprisonment for a term not exceeding five years, or both.

(2) A person committing an offence under subsection (1)(h) shall, in addition to the punishment provided in that subsection, be disqualified from standing or participating in an election for a period of not less than five years.

#### **164. Unauthorised voting**

Any person who knowingly—

- (a) votes or attempts to vote at an election at which that person is not entitled to vote; or
- (b) votes more than once at an election,

commits an offence and is liable, on conviction, to a fine not exceeding fifteen currency points or to imprisonment for a term not exceeding three years, or both.

#### **165. Personation**

(1) A person commits the offence of personation if he or she votes as some other person, whether that other person is living or dead or is a fictitious person.

(2) A person who commits an offence of personation is liable, on conviction, to imprisonment for a term not exceeding five years.

#### **166. Offence of undue influence**

A person commits the offence of undue influence—

- (a) if that person directly or indirectly, in person or through any other person—
  - (i) makes use of, or threatens to make use of, any force or violence; or

- (ii) inflicts or threatens to inflict in person or through any other person any temporal or spiritual injury, damage, harm or loss upon or against any person, in order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or refrained from voting; or
  - (b) if that person by abduction, duress or any fraudulent device or contrivance impedes or prevails upon a voter either to vote or to refrain from voting,
- and is liable, on conviction, to a fine not exceeding five currency points or to imprisonment for a term not exceeding two years, or both.

### **167. Prohibition of certain activities on polling day**

- (1) Without derogation from any provision of this Act or any other enactment, no person shall, on any polling day and in relation to the elections—
  - (a) convoke or take part in any gathering of more than twelve persons;
  - (b) canvass for votes;
  - (c) utter slogans;
  - (d) distribute leaflets or pamphlets for or on behalf of any candidate;
  - (e) organise or engage in public singing or dancing; or
  - (f) use bands of any music instruments.
- (2) During the hours when a polling station is open on a polling day, no person shall, within two hundred metres of any polling station, seek to influence in whatever manner any person to vote for any candidate or to ascertain for which candidate any voter intends to vote or has voted.
- (3) During the hours when a polling station is open on a polling day, no person shall, within four hundred metres of any polling station, sell any intoxicating liquor.
- (4) Any person who contravenes subsection (1), (2) or (3) commits an offence and is liable, on conviction, to a fine not exceeding five currency points or to imprisonment for a term not exceeding one year, or both.

**168. Defacement of notices and posters**

(1) Any person who, without lawful excuse, destroys, mutilates, defaces or removes any notice which is exhibited under the authority of this Act, or any document which is made available for inspection under this Act, commits an offence and is liable, on conviction, to a fine not exceeding five currency points or to imprisonment for a term not exceeding six months, or both.

(2) Any person who maliciously defaces or removes or tears any election poster of any nominated candidate commits an offence and is liable, on conviction, to a fine not exceeding five currency points or to imprisonment for a term not exceeding one year, or both.

(3) A court convicting a person of an offence under subsection (1) shall as soon as practicable after the conviction, report the conviction in writing to the Electoral Commission.

**169. Obstruction of election officers**

Any person who wilfully obstructs or interferes with an election officer in the execution of the officer's duty commits an offence and is liable, on conviction, to a fine not exceeding five currency points or to imprisonment for a term not exceeding three years.

**170. General penalty for offences**

Where no penalty is expressly provided under this Act for an offence other than an illegal practice, the offender is liable, on conviction, to a fine not exceeding five currency points or to imprisonment for a term not exceeding one year, or both.

**171. Director of Public Prosecutions' consent to prosecute**

(1) A person shall not be prosecuted for an offence under this Act without the consent, in writing, of the Director of Public Prosecutions or his or her authorised officer.

(2) Subsection (1) shall not prevent a person from being—  
(a) charged with an offence under this Act;

- (b) arrested with or without warrant in respect of an offence under this Act; or
- (c) remanded on bail or in custody in respect of any offence under this Act,

without the consent of the Director of Public Prosecutions.

(3) In a prosecution for an offence under this Act in relation to a ballot box or paper or any other document relating to elections, the property in the ballot box, ballot paper or other documents as well as the property in the counterfoil of any ballot papers, shall be vested in the Electoral Commission.

*Elections at administrative lower councils*

**172. Display of voters roll for administrative unit elections**

For the purposes of the village, parish and ward elections, the following provisions shall have effect notwithstanding the Electoral Commission Act

- (a) the period of display of the voters roll under section 26(1) of the Electoral Commission Act, shall be at least two days; and
- (b) objections to the voters roll shall be decided by Electoral Commission in accordance with section 185 of this Act.

**173. Instructions for voting**

When the electorate of a county, parish or village council is assembled for purposes of conducting an election, the presiding officer shall address the voters on the procedures of voting.

**174. Nomination, approval and removal of executive committee members**

(1) The members of the executive committee at the village and parish level shall be nominated by the chairperson from members of the council present and then be presented to their respective council for approval one by one by a show of hands.

(2) For the avoidance of doubt, the approval shall be done on the day of the election of the chairperson.

**175. Nomination of candidates**

(1) The presiding officer shall call for nominations for the office of chairperson at village and parish to be filled.

(2) The nomination of candidates may be made for elections at the village, parish or ward, or county council by a political organisation or political party sponsoring a candidate or by a candidate standing for election as an independent candidate without being sponsored by a political organisation or political party.

(3) The Electoral Commission shall publish in the *Gazette* and the local media a nomination day and the time when candidates who wish to stand for election as chairperson of a village, parish or ward, or county council shall be nominated.

(4) The Electoral Commission shall designate a period of at least one day after nomination, for candidates nominated under subsection (3) to campaign for the election.

(5) No voter may second more than one candidate for the same office.

(6) No candidate shall be nominated for an office of a local council unless he or she ordinarily resides in the area and is of the age of eighteen or above.

(7) Where a candidate is nominated in the manner provided for under this Part and the presiding officer is satisfied that all the provisions of this Part have been complied with, the presiding officer shall declare the candidate as nominated.

(8) A candidate may, at any time before the commencement of an election, withdraw his or her candidature by informing the electorate in session and the presiding officer.

(9) Where some reasonable time elapses after the nomination of a candidate for any office and there is only one candidate nominated for the office, the presiding officer shall declare the candidate elected in that office unopposed.

**176. Electoral Commission to appoint election day**

The Electoral Commission shall, by notice in the *Gazette* and the local media, appoint a day for elections at the village, parish or ward.

**177. Quorum at parish council elections**

(1) The quorum for any meeting of a parish council for elections shall be one-third of all the members of the council.

(2) Quorum shall not be taken to be realised under subsection (1) unless, in the case of a parish, the members of the executive committees of at least half of the villages in the parish are present.

**178. Elected person to have clear majority**

(1) The returning officer shall declare a candidate a winner where that candidate has obtained the largest number of votes cast or has been elected unopposed.

(2) Where there is a tie in the first position, then those tying in the first position shall be put to vote.

**179. Presiding officer to keep order**

(1) The presiding officer or any person acting in his or her place shall keep order at the polling station.

(2) If any person misconducts himself or herself at a polling station, or fails to obey the lawful orders of the presiding officer, that person may by order of the presiding officer, be removed from the polling station immediately by any person authorised by the presiding officer or by the returning officer, and the person removed shall not, unless permitted by the presiding officer again, be allowed to enter the polling station.

**180. Action where elections are interrupted**

(1) Where the proceedings at any polling station are interrupted or obstructed by riot, violence or any other unforeseen impediment, the

presiding officer shall adjourn the elections to a later time of the same day or till the following day and shall notify the returning officer.

(2) Where the poll is adjourned at any polling station, the hours of polling on the day to which it is adjourned shall be the same as on the original day.

### **181. Enumerators**

(1) The presiding officer in charge of elections shall appoint as many persons outside the persons entitled to vote as he or she shall consider necessary to assist in counting votes, and those persons shall be known as enumerators.

(2) After the counting of votes is completed at polling stations the presiding officer shall declare the winning candidate, but the presiding officer may, where he or she receives a complaint from any person entitled to vote at the election and he or she is satisfied that the complaint is not frivolous, order a recount of the votes before making the declaration.

### **182. Presiding officer to fill forms**

After the results are declared, the presiding officer shall fill in Forms EC 9, EC 10 and EC 11 set out in Schedule 8 to this Act and submit the forms to the relevant offices, as indicated on the forms, within two days.

### **183. Election petition for village and parish**

An election petition relating to elections for a village or parish shall be filed in the magistrate grade I court having jurisdiction in that constituency.

### **184. Non-citizens not to be members of local councils**

For the avoidance of doubt, a person shall not be a member of a local council unless that person is a citizen of Uganda.

### **185. Electoral Commission to settle disputes**

For the avoidance of doubt, the powers of the Electoral Commission to settle disputes in relation to elections under the Electoral Commission Act shall apply to elections at local councils.

*General provisions for elections***186. Transition of executive committee**

An incoming executive committee shall, before taking office, ensure that there is a formal handing over from the outgoing executive committee within one week from the date of the expiry of the term of office of the outgoing executive committee.

**187. Term of office of councils and chairperson**

The chairperson, local government councils and administrative councils shall be elected every five years.

**188. By-elections**

(1) Where the office of a chairperson becomes vacant, the Chief Administrative Officer shall within twenty-one days notify the Electoral Commission; and the Electoral Commission shall organise a by-election six months from the occurrence of the vacancy.

(2) Any Chief Administrative Officer who fails to report to the Electoral Commission within one month from the date the office fell vacant, commits an offence and is liable, on conviction, to a fine not exceeding five currency points or to imprisonment for a term not exceeding three months, or both.

(3) A person elected chairperson under subsection (1) shall hold office for the period covering the unexpired term of the council.

(4) Where the seat of a councillor becomes vacant under regulation 3 of Schedule 2 to this Act, the Chief Administrative Officer shall notify the Electoral Commission in writing within twenty-one days after the vacancy occurred and the Commission shall organise a by-election within six months after the occurrence of the vacancy.

(5) Where the seat of a chairperson of a subcounty council, town council, municipal division, municipal council or city division becomes vacant, the Chief Administrative Officer shall notify the district registrar within twenty-one days after the occurrence of the vacancy and the Electoral Commission

shall organise a by-election within six months after the occurrence of the vacancy.

(6) For the purposes of this section, the parish chief shall report to the subcounty chief any vacancy occurring in a parish or village council within ten days after the occurrence of the vacancy for onward transmission to the district registrar and the Electoral Commission shall organise a by-election within six months after the occurrence of the vacancy to fill the vacancy.

(7) Notwithstanding anything in this section, a by-election shall not be held where the term of the council to which the vacancy relates has less than six months to expire.

(8) A by-election for local government councils shall not be held where a vacancy occurs within six months to the general elections of local councils.

#### **189. Application of laws relating to presidential and parliamentary elections**

For any issue not provided for under this Part, the Presidential Elections Act and the Parliamentary Elections Act in force shall apply to the elections of local councils with such modifications as may be deemed necessary by the Electoral Commission.

### PART XI—MISCELLANEOUS

#### **190. Protection against court action**

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

- (a) any member of a local government or administrative council or a committee of a council;
- (b) any member of staff or other person in the service of a council; or
- (c) any person acting under the directions of a council,

shall, if that act, matter or thing was done or omitted in good faith in the execution of a duty or under direction, render that member or person personally liable to any civil action claim or demand.

**191. Persons not exempted to be accountable**

A person who is not exempted from liability under section 190 and who directs or concurs in the use of public funds contrary to existing legal rules or instructions shall be accountable for any loss arising from that use and shall be required to make good the loss even if that person has ceased to hold office.

**192. Minister to delegate**

Where, under this Act, the Minister is empowered to exercise any powers or perform any duties, 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.

**193. Regulations**

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

(2) The regulations made by the Minister under this section, prescribing the rates of local service tax in respect of commercial farmers who produce on a large scale, shall be made with the approval of Parliament.

(3) Notwithstanding the Interpretation Act, the Minister may, while exercising his or her powers under subsection (1), by statutory instrument, prescribe such fines as may be appropriate in the circumstances.

**194. Power to amend Schedules**

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

(2) The Minister may, by statutory instrument, with the approval of Cabinet, amend Schedules 2, 3, 4, 5, 6, 7 and 8 to this Act, and the Minister shall not have power to delegate this function.

(3) The Minister shall, as soon as is practicable after the publication of a statutory instrument under subsection (2), cause the instrument to be

laid before Parliament, and Parliament may amend or revoke the statutory instrument; and if no amendment or revocation is effected within two weeks of its being laid before Parliament, it shall be deemed to have been approved.

**195. Local government police and prisons**

Local government police and prisons existing at the enactment of this Act shall continue in existence until a new law covering them is enacted.

**196. Equitable sharing of property**

At the creation of a new local government unit, the Minister shall ensure the equitable sharing of property between the original and new local governments.

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**SCHEDULES***Schedule 1*

Sections 2, 194(1)

**Currency Point**

A currency point is equivalent to twenty thousand shillings.

*Schedule 2*

Sections 7(2), (3), (4), 30,  
40(5), (7), 41(6), 188(4), 194(2)

**Local Government Councils Regulations****Arrangement of Regulations****Regulation****PART I—PRELIMINARY**

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2. Oath and acceptance of office by councillor
3. Vacant seat on local government council
4. Pecuniary interest of members
5. Removal of chairperson of lower local government council
6. Vacant office of member of executive committee
7. Revocation of mandate of councillor
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**PART III—MEETINGS OF LOCAL GOVERNMENT COUNCILS**

9. Meetings of local government council
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**Local Government Councils Regulations****PART I—PRELIMINARY****1. Title**

These Regulations may be cited as the Local Government Councils Regulations.

**PART II—ELECTED COUNCILLORS TAKING OFFICE****2. Oath and acceptance of office by councillor**

- (1) A person elected a local government councillor shall, before taking office of a councillor, and before the first meeting of a local government council—
- (a) take an oath as prescribed in Schedule 4 to this Act administered by the Chief Administrative Officer or the Town Clerk, as the case may be; and
  - (b) make a written declaration addressed to the Chief Administrative Officer or the Town Clerk accepting the office of councillor.
- (2) In the case of other local councils an oral acceptance recorded in the minutes of the first meeting of that council shall suffice.

**3. Vacation of seat on local government council**

The seat of a member of a local government council shall fall vacant if—

- (a) the holder of the office dies or resigns in writing addressed—
  - (i) in the case of a district, to the speaker;
  - (ii) in the case of other local councils, to the chairperson;
- (b) the council is dissolved;
- (c) that person leaves a political party for which he or she stood as a candidate for election to the council to join another party or to remain in the council as an independent member;
- (d) without reasonable cause or the permission of the chairperson, a member fails to attend four consecutive ordinary meetings of the council;
- (e) the holder is found guilty of violation of the Leadership Code and punishment imposed includes the vacation of office of councillor;

- (f) the holder accepts appointment to a public office in a local council that employs him or her;
- (g) a member is under sentence of death or imprisonment exceeding six months, imposed on him or her by a court of law without the option of a fine;
- (h) a member has been convicted of an offence involving moral turpitude within the preceding six years;
- (i) a member is recalled by the electorate of his or her constituency;
- (j) circumstances arise which disqualify a member from membership under any other law; or
- (k) a member ceases to be a resident in the constituency which he or she represents on that council.

#### 4. Pecuniary interest of members

(1) If any member of the district, subcounty or urban council or of any committee, board or commission of a council—

- (a) has any pecuniary interest in a proposed contract or any other matter; and
- (b) is present at any meeting of that council, board, commission or committee at which that contract or other matter is the subject of consideration,

he or she shall at that meeting disclose that interest and shall not take part in any consideration or discussion or vote on any question relating to that contract or that matter, and that person shall withdraw from that meeting.

(2) This regulation shall not apply to a pecuniary interest which a member may have as a rate payer or taxpayer.

(3) Any person who fails to comply with subregulation (1) of this regulation commits an offence and is liable, on conviction, to imprisonment for a term not less than six months and not more than three years without an option of a fine unless that person establishes to the satisfaction of the court that he or she did not know—

- (a) that he or she had pecuniary interest in the contract, proposed contract or other matter; and
- (b) that the contract, proposed contract or other matter was the subject of consideration at any meeting.

(4) A prosecution for an offence under this section shall not be commenced except with the consent of the Director of Public Prosecutions.

## **5. Removal of chairperson of lower local government council**

The chairperson may be removed from office by the council as prescribed in section 14(21) of the Act.

## **6. Vacation of office of member of executive committee**

The office of a member of the executive committee shall fall vacant if—

- (a) the appointment of a member is revoked by the chairperson;
- (b) a member
  - (i) resigns from office;
  - (ii) becomes disqualified to be a member of the council; or
  - (iii) dies;
- (c) the council passes a vote of censure of a member; or
- (d) a new chairperson assumes office.

## **7. Revocation of mandate of councillor**

(1) Subject to this regulation, the mandate of an elected member of a local council shall be revoked if the member is recalled by the electorate on any of the following grounds—

- (a) failing to declare his or her assets within three months after assuming office; or
- (b) neglecting his or her duties as councillor or for having committed acts incompatible with his or her position as a member of the council.

(2) A local government councillor shall lose his or her seat as councillor if one-third of the registered electorate of his or her electoral area signs a petition and lodges it with the Electoral Commission.

(3) The Electoral Commission shall declare the seat vacant after ascertaining the authenticity of the petitioners and the validity of the petition.

**8. Duties of councillor**

- (1) A councillor shall—
  - (a) maintain close contact with the electoral area, and consult the people on issues to be discussed in the council, where necessary;
  - (b) present views, opinions and proposals to the council;
  - (c) attend sessions of the local council 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 council 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 council the benefit of his or her skill, profession, experience or specialised knowledge; and
  - (g) take part in communal and development activities in his or her electoral area and the district as a whole.
- (2) A member of a local government council shall, in the discharge of his or her duties, have due regard to the national and district interests and the interests of the people in the electoral area.

**PART III—MEETINGS OF LOCAL GOVERNMENT COUNCILS****9. Meetings of local government council**

- (1) A local government council shall meet for the discharge of its functions at least once in two months, at a time and place that the speaker, or chairperson in the case of a council without a speaker, may determine.
- (2) A notice calling a meeting, together with the agenda for that meeting, shall be circulated to each member of the council at least seven clear days before the date of the meeting, and a written notice may be supplemented by a public announcement over the radio or placed at a place of common interest or by any other means.
- (3) The meetings of a council shall be open to the public, but where in the opinion of the speaker or presiding chairperson or by resolution of the council, the deliberations at a particular meeting are of a confidential nature, the council may meet in camera.

(4) The speaker or presiding chairperson may require any member of the public behaving in a disorderly manner to withdraw from the meeting, and may order security personnel to eject that person if he or she refuses to withdraw.

(5) Fifty percent of the members of the council shall form quorum at any of its meetings.

(6) The questions proposed at a meeting of a council shall be determined by general consensus, but where a consensus cannot be reached, questions shall be determined by a simple majority of the members present and voting.

(7) Where the question proposed is a vote of no confidence or is the removal of a person from office, or any other matter when the council so decides, voting shall be by secret ballot.

(8) Subject to this regulation, a council may make byelaws regulating the procedure for meetings of the council and its working committees.

## **10. Minutes of council meetings**

(1) The records of every meeting of a local government council shall be kept in English.

(2) Any person other than a member of that council requiring a copy of the minutes may receive a copy on payment of a fee prescribed by the council.

## **11. Extension of term of council**

(1) The Minister may, with the prior approval of the Cabinet, extend the term of office of a local government council or a number of local government councils from four years for a further period not exceeding six months where—

- (a) Uganda is in a state of war;
- (b) a state of emergency has been declared under the Constitution; or
- (c) any district or part of a district has been declared a disturbed area under the Constitution.

(2) The extension referred to in subregulation (1) may be renewed by resolution of Parliament.

## 12. Extension of term of administrative unit councils

The Minister may, by notice in the *Gazette* and in a newspaper of national circulation or other media, with the prior approval of the Cabinet, extend, renew, reinstate or validate the term of office of administrative unit councils from five years for a further period not exceeding one hundred eighty days at a time, notwithstanding that the term may have expired, where—

- (a) Uganda is in a state of war;
- (b) a state of emergency has been declared under the Constitution;
- (c) any district or part of a district has been declared a disturbed area under the Constitution; or
- (d) it has become extremely difficult or impossible to conduct elections for the administrative unit councils.

## 13. Freedom of speech in proceedings

There shall be freedom of speech, debate and proceedings in every local government council, and that freedom shall not be impeached or questioned in any court, tribunal or place out of that council.

## 14. Immunity from court action

(1) Subject to this Act, no civil or criminal proceedings shall be instituted against a member of a local government council in any court or tribunal by reason of anything said in the local council by petition, motion or otherwise.

(2) Where in the opinion of the speaker or presiding chairperson a statement made by a member is *prima facie* defamatory of any person, the speaker or presiding chairperson shall refer the matter for inquiry to a committee appointed by the council for that purpose which shall report its findings to the council not later than fourteen days from the date of its appointment.

(3) Where the committee reports to the local council that the statement made by the member is defamatory of any person, the member who made the statement shall, within seven days from the receipt of communication of

the speaker or chairperson render an apology through the local council on terms approved by the council; and the apology shall be communicated to the person who has been defamed.

(4) Where a member refuses to render an apology pursuant to subregulation (3), the speaker shall suspend that member for two consecutive meetings of the local council.

(5) A member of the council suspended under subregulation (4) shall lose all privileges, immunities and allowances for the period of suspension; and the privileges and immunities shall be restored if, at any time before the end of the period specified in subregulation (4), he or she renders the apology required.

## **15. Unqualified persons sitting or voting in council**

Any person who sits or votes in a local council after his or her seat has become vacant or he or she has become disqualified from sitting or voting in the local council, 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 ten currency points or to imprisonment for a term not exceeding one year, or both.

## **PART IV—PROCEDURE FOR LEGISLATION**

### **16. Members may introduce bills for ordinances**

(1) Every member of the district council or city council has a right to introduce a bill for an ordinance in the council.

(2) A councillor introducing a bill for an ordinance shall be afforded reasonable assistance by the council's department whose area of operation is affected by the bill.

(3) A bill for an ordinance introduced by a member shall, before its publication, first be introduced by a motion to which the proposed bill is attached, and if the motion is carried then the bill shall be published.

**17. Method of publication of bill**

- (1) The council shall, not later than fourteen days before a bill is to be debated by the council, publish the draft
- (a) by fixing a copy of the bill in a conspicuous place on or near the outer door of the office of the district council during office hours;
  - (b) by including the bill as a supplement to an official local publication, if any;
  - (c) by availing copies of the bill to the public; or
  - (d) in any other manner as is customary in the area.
- (2) There shall be attached to the bill for publication a short memorandum signed by the person introducing the bill, setting out the policy matter of the bill and how the bill seeks to implement that policy.

**18. Bill to have title**

- (1) Each bill shall be identified by a title placed at the beginning of the bill.
- (2) The title of the bill shall include the subject matter of the ordinance in general terms.

**19. Ordaining clause**

- (1) Each bill shall have an ordaining clause placed immediately below the title of the bill.
- (2) The ordaining clause shall read as follows—

“BE IT ORDAINED by the council of the district of (name of district) as follows:”.

**20. Distribution of copies of bill to members**

On publication of the bill, the clerk shall distribute copies to the members ensuring that each councillor gets a copy to enable the members to study the bill and consult on it in their constituencies.

**21. Debating bill**

(1) Debating of the bill shall take place at least fourteen days after its publication.

(2) In case of a public emergency, subregulation (1) of this regulation may be waived by a resolution of the council.

(3) At the beginning of the debate, the speaker shall call out the name of the member introducing the bill to introduce it.

(4) The clerk shall then read the title of the bill after which the member called upon shall give the introductory speech giving reasons for introducing the bill.

(5) A full debate shall then follow on the basis of the memorandum and the introductory speech.

(6) Amendments to the bill may be moved by members, in writing, at any time before the closure of the debate.

(7) At the close of the debate the speaker shall put the question in respect of each clause of the bill as published or as is amended by any member.

(8) The bill shall be passed if all the clauses are passed by the members as published or as amended by the council.

**22. Signing bill into ordinance and publication**

(1) On the return of the bill from the Attorney General with or without amendments, the chairperson shall place his or her signature on five copies of the bill which copies shall be kept as follows—

- (a) the chairperson, one copy;
- (b) the speaker, one copy;
- (c) the Minister, one copy; and
- (d) the Attorney General, two copies one of which shall be for publication in the *Gazette*.

(2) On publication of the ordinance the date of signature and the date of commencement shall be indicated, and the ordinance shall be given a number in order of publication of the ordinances.

(3) An ordinance shall be published in the *Gazette* and in the district in the same manner as the bill is published in the district.

### **23. Procedure for making byelaws**

(1) Every councillor has a right to introduce a byelaw in his or her council.

(2) A councillor wishing to introduce a byelaw shall forward the byelaw to the chairperson who shall—

- (a) distribute or cause to be distributed copies to members of the council at least fourteen days before the byelaw is to be debated;
- (b) publish or cause to be published a notice of the intention of making the byelaw and invite representation in writing by any person who objects to the making of the byelaw within three weeks from the date of the notice; and
- (c) publish or cause to be published in a manner specified in subregulation (6), the relevant byelaw at the same period as the notice under paragraph (b).

(3) Subregulation 20(2), (4), (5), (6) and (8) shall apply to a meeting making a byelaw.

(4) During a debate on a byelaw any representation made under subregulation (2) shall be circulated to members and shall be taken into consideration.

(5) After the passing of a byelaw and after the fulfilment of the provisions of section 41 of the Act, the byelaw shall be signed by the chairperson and published in the manner specified under subregulation (6).

(6) The provisions of regulation 16 relating to the method of publication of a bill shall apply to the publication of a byelaw under this regulation.

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## PART V—COMMITTEES

### **24. Meetings of committees**

(1) Committees shall meet for the discharge of their functions at a time and place that the chairperson of the committee may decide.

(2) Regulation 9 regarding meetings of the local government council shall apply to meetings of the committees.

### **25. Working committees**

The local government council may establish and regulate working committees as it deems fit, but the number of members on each committee, including the chairperson, shall not be more than nine.

### **26. Joint committees**

Where the local council decides to concur with any other local government council in appointing a joint committee, the election of members and the regulation of the conduct of the joint committee shall be as agreed between the two local government councils.

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## PART VI—MISCELLANEOUS

### **27. Mode of service of summons, etc.**

(1) Any summons, notice or other document required or authorised to be served on a district, urban or subcounty council shall be served by delivering it to, or by sending it by registered post addressed to, the Town Clerk, Chief Administrative Officer or chief of the subcounty of the council.

(2) The court may, with regard to any particular suit or document, order service on the district, urban or subcounty council to be effected otherwise; and in that case service shall be effected in accordance with the terms of that order.

**28. Legal representation of council**

A district, urban or subcounty council which may wish to be represented by legal counsel in any civil cause or matter in which the local government is a party shall do so in consultation with the Attorney General.

**29. Service of notice by council**

(1) Subject to this regulation, any notice, order or other document required or authorised by this or any law to be served by or on behalf of a council on any person shall be deemed to have been duly served—

- (a) where the person to be served is a company, if the document is addressed to the secretary of the company at its registered office or at its principal office or place of business, and it is either—
  - (i) sent by post; or
  - (ii) delivered to that office or the principal office or place of business of the company;
- (b) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by name or the style under which its business is carried on, and is either—
  - (i) sent by post; or
  - (ii) delivered to that office or the principal office or place of business;
- (c) where the person to be served is a public body, a corporation, a council, society or other body, if the document is addressed to the president, secretary, treasurer or other principal officer of that body, as the case may be, at its principal office and is either—
  - (i) sent by post; or
  - (ii) delivered to that office; and
- (d) in any other case, if the document is addressed to the person to be served and is either sent to him or her by post or delivered to his or her residence or place of business.

(2) Any document which is required or authorised to be served on the owner or occupier of any premises may be addressed to “the owner” or “the occupier”, as the case may be, of those premises, naming them, without further name or description, and shall be deemed to have been duly served—

- (a) if the document is sent or delivered in accordance with subregulation (1)(d); or

- (b) if the document or a copy of it is affixed to some conspicuous part of the premises.
- (3) Where a document is served on a partnership in accordance with this regulation, the document shall be deemed to have been duly served on each partner.
- (4) For the purpose of enabling any document to be served on the owner of any premises, the council may require the occupier of the premises to state the name and address of the owner.

### **30. Authentication and execution of documents**

- (1) Subject to these Regulations, every order, or other document requiring authentication by a local council shall be deemed to be sufficiently authenticated without the seal of the local council if it is signed by the chairperson, the Chief Administrative Officer, the Town Clerk or by a member of the staff of the local council duly authorised in that behalf by a resolution of the council.
- (2) Every contract and any instrument and document which a local council is lawfully empowered to execute shall be deemed to be duly executed by or on behalf of the local council if it is signed by the chairperson, the Chief Administrative Officer, the Town Clerk and by any other member of staff of the local council duly authorised in that behalf by resolution of the council.

### **31. Publication**

Any document purporting to be a document duly authenticated or executed on behalf of the council shall, unless the publication of any order, notice or other document is required by these Regulations, be deemed to have been duly made—

- (a) if it is published in the *Gazette*; or
- (b) if it is fixed for a reasonable period in some conspicuous place of, on or near the outer door of the office of the local council during office hours or is made known in such other manner as is customary in the area of the local council.

**32. Meetings of lower local councils**

(1) A lower local council shall meet for the discharge of its functions under this Act, at least once in two months, at such time and place as the chairperson may determine; and, in addition, the chairperson shall convene a meeting—

- (a) upon the written request of one-third of the members of that local council; or
- (b) whenever the chairperson considers it necessary to do so.

(2) The provisions of regulation 9(3), (4), (5), (6), (7) and (8) shall apply to the lower local councils provided that in subregulation (4) of that regulation the title “speaker” shall be substituted for “chairperson”.

**33. Requirements for declaring urban area**

(1) Except for those areas which are already gazetted, before declaring an area to be a town, municipality or city, the following requirements should generally exist

- (a) the population must be, in the case of
  - (i) a town, above twenty-five thousand inhabitants;
  - (ii) a municipality, above one hundred thousand inhabitants;
  - (iii) a city, above five hundred thousand inhabitants;
- (b) the area shall—
  - (i) have capacity to meet its cost of delivery of services;
  - (ii) have its offices;
  - (iii) have a master plan for land use; and
  - (iv) have the presence of water sources.
- (c) Where a district headquarters is established, the area shall be declared a town.

*Schedule 3*

Sections 11(16), (17), 19(2),  
24(8), 31, 56, 63, 194(2)

**Local Governments Emoluments and Allowances Regulations****1. Payments to certain chairpersons, vice chairpersons, speakers, deputy speaker and secretaries**

(1) Subject to subregulation (2), the chairpersons of local governments, the vice chairpersons, speakers, deputy speakers and secretaries of district councils and vice chairpersons of municipal councils shall be paid such emoluments and allowances as the councils shall determine subject to the Local Governments (Financial and Accounting) Regulations.

(2) The Minister shall fix the minimum emoluments and allowances to be paid under subregulation (1) in consultation with the Minister responsible for finance and the Minister responsible for public service.

**2. Other facilities for chairperson of district or municipal council**

(1) The chairperson of a district or municipal council shall be entitled to such other facilities as the council may determine, but the facilities shall be limited to—

- (a) accommodation (residential);
- (b) transport (duty facilitating);
- (c) medical treatment for self and immediate family;
- (d) water;
- (e) electricity;
- (f) telephone; and
- (g) domestic servant.

(2) The councils may monetise the benefits of the chairperson.

(3) Where a chairperson opts for monetisation of the facility set out in subregulation (1)(a), he or she shall not be eligible for payment of office-home commuting allowance.

**3. Salaries of district and subcounty chairpersons**

The salaries of district chairpersons, chairpersons of municipal councils and chairpersons of town councils and subcounty councils shall be paid from local revenue generated from the district, municipality, town or subcounty as the case may be.

**4. Honoraria of chairpersons of village, parish and ward councils**

The honoraria of chairpersons of village, parish and ward councils shall be paid from the Consolidated Fund.

**5. Other facilities for speaker, deputy speaker and vice chairperson of district or municipal council or for secretaries of district council**

(1) The speaker, deputy speaker and vice chairperson of a district or municipal council and secretaries of a district council shall be entitled to such other facilities as the council may determine, but the facilities shall be limited to—

- (a) housing allowance;
- (b) medical treatment for self and immediate family;
- (c) water;
- (d) electricity; and
- (e) transport (duty facilitating).

(2) The councils shall monetise the benefits of the speaker, deputy speaker, vice chairperson and secretaries.

(3) The officials referred to in subregulation (1) shall not be eligible for payment of office-home commuting allowance.

**6. Limitation on expenditure for emoluments and allowances**

The expenditure of a local government council in a financial year on the emoluments and allowances of chairperson and councillors shall not exceed twenty percent of the total local revenue collected by that local government council in the previous financial year.

**7. Refund of excess expenditure**

A Chief Administrative Officer or Town Clerk who spends beyond twenty percent contrary to the provisions of regulation 6 without permission in writing from the Minister, shall be required to refund the excess expenditure.

**8. Terms and conditions of service of members of executive committee**

Subject to regulations 1, 2 and 5, the members of the executive committee shall serve on terms and conditions provided to councillors and shall only receive additional allowances in accordance with regulation 10.

**9. Categories of allowances**

The allowances payable to local government councillors and members of the District Service Commission, all local government committees or boards and other allowances of lower councils shall be determined by the Minister in consultation with the Minister responsible for finance and the Minister responsible for public service and shall be classified in the following categories—

- (a) night allowance in Uganda;
- (b) night allowance outside Uganda;
- (c) safari day allowance within Uganda;
- (d) transport allowance; and
- (e) sitting allowances.

**10. Retainer fees**

In addition to the allowances in regulation 9, the members of a District Service Commission shall be paid retainer fees as determined by the council.

*Schedule 4*

Sections 18(8), 25(5), 194(2),  
Regulation 2 in Schedule 2

**Oaths***Oath of Allegiance*

I, \_\_\_\_\_, swear in the name of the Almighty God/solemnly affirm that I will be faithful and bear true allegiance to the Republic of Uganda and that I will preserve, protect and defend the Constitution. (So help me God.)

*Oath of Chairperson and Vice Chairperson*

I, \_\_\_\_\_, swear in the name of the Almighty God/solemnly affirm that I shall faithfully exercise the function of the chairperson or vice chairperson of \_\_\_\_\_ district, municipal or town council and shall uphold, preserve, protect and defend the Constitution and observe the laws of Uganda and that I shall promote the welfare of the people of this district, municipal or town council. (So help me God.)

*Oath of Speaker and Deputy Speaker*

I, \_\_\_\_\_, swear in the name of the Almighty God/solemnly affirm that I will at all times well and truly serve the district or municipal of \_\_\_\_\_ in the office of speaker or deputy speaker and that I will support and uphold the Constitution of the Republic of Uganda as by law established. (So help me God.)

*Oath of Secretary*

I, \_\_\_\_\_, being appointed a secretary in the district, municipal or town of \_\_\_\_\_, swear in the name of the Almighty God/solemnly affirm that I will at all times well and truly serve the district, municipal or town council in the office of secretary for \_\_\_\_\_ and that I will support and uphold the Constitution of the Republic of Uganda as by law established; and that I will, to the best of my judgment at all times when required, freely give my counsel and advice to the chairperson and his or her successors in office as by law established for the good management of the public affairs of the district, municipal or town council; and that I will not directly or indirectly reveal any matter as shall come to my knowledge in the discharge of my duties and committed to my secrecy. (So help me God.)

*Oath of Councillor*

I, \_\_\_\_\_, swear in the name of the Almighty God/solemnly affirm that I will give faithful service to this council and support and uphold the Constitution of the Republic of Uganda as by law established. (So help me God.)

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*Schedule 5*

Sections 32, 33(1), 194(2)

**Functions and Services of Government and Local Governments***Part 1**Functions and services for which the Government is responsible*

1. Arms, ammunition and explosives.
2. Defence, security, maintenance of law and order.
3. Banks, banking, promissory notes, currency and exchange control.
4. Subject to the Constitution, taxation and taxation policy.
5. Citizenship, immigration, emigration, refugees, deportation, extradition, passport and national identity cards.
6. Copyrights, patents and trademarks and all forms of intellectual property, incorporation and regulation of business organisations.
7. Land, mines, mineral and water resources and the environment.
8. National parks, as may be prescribed by Parliament.
9. Public holidays.
10. National monuments, antiquities, archives and public records as Parliament may determine.
11. Foreign relations and external trade.
12. The regulation of trade and commerce.
13. Making national plans for the provision of services and coordinating plans made by local governments.
14. National elections.
15. Energy policy.
16. Transport and communication policy.
17. National censuses and statistics.
18. Public services of Uganda.
19. The Judiciary.
20. National standards.
21. Education policy.
22. National surveys and mapping.
23. Industrial policy.
24. Forests and game reserve policy.
25. National research policy.
26. Control and management of epidemics and disasters.
27. Health policy.
28. Agricultural policy.
29. Any matter incidental to or connected with the above functions and services.

*Part 2*

*Functions and services for which district councils are responsible, subject to Article 176(2) of the Constitution and sections 106 and 107 of the Act, include but are not limited to—*

1. Education services, which cover nursery, primary, secondary, trade, special education and technical education.
2. Medical and health services, including—
  - (a) hospitals, other than hospitals providing referral and medical training;
  - (b) health centres, dispensaries, sub dispensaries and first-aid posts;
  - (c) maternity and child welfare services;
  - (d) the control of communicable diseases, including HIV/AIDS, leprosy and tuberculosis;
  - (e) control of the spread of disease in the district;
  - (f) rural ambulance services;
  - (g) primary health care services;
  - (h) vector control;
  - (i) environment sanitation; and
  - (j) health education.
3. Water services, which cover the provision and maintenance of water supplies in liaison with the Ministry responsible for natural resources, where applicable.
4. Road services, which cover the construction, rehabilitation and maintenance of roads not under the responsibility of the Government.
5. All decentralised services and activities which include but are not limited to
  - (a) crop, animal and fisheries husbandry extension services;
  - (b) entomological services and vermin control;
  - (c) human resources management and development;
  - (d) recurrent and development budget;
  - (e) district statistical services;
  - (f) district project identification;
  - (g) district planning;
  - (h) local government development planning;

- (i) land administration;
- (j) land surveying;
- (k) physical planning;
- (l) forests and wetlands;
- (m) licensing of produce buying;
- (n) trade licences;
- (o) trade development services;
- (p) commercial inspectorate;
- (q) cooperative development;
- (r) industrial relations;
- (s) social rehabilitation;
- (t) labour matters;
- (u) probation and welfare;
- (v) street children and orphans;
- (w) women in development;
- (x) community development;
- (y) youth affairs;
- (z) cultural affairs; and
- (aa) district information services.

*Functions and services for which district councils are responsible include—*

- 6. Regulating, controlling, managing, administering, promoting and licensing any of the things or services which the council is empowered or required to do, and establishing, maintaining, carrying on, controlling, managing or administering and prescribing the forms to be used to fix fees or charges to be levied in that respect.
- 7. Aiding and supporting the establishment and maintenance of schools, hospitals, libraries, art galleries, museums, tourist centres, homes for the aged, destitute or infirm or for orphans, and providing bursaries to assist in the education of children of persons residing in the district, making donations to charitable and philanthropic, welfare, youth, persons with disabilities, women and sports organisations.
- 8. Preserving public decency, and preventing offences against public order in public places and preventing damage to the property of the Government and the council.

9. Undertaking private works and services and charging, recovering the costs and contracting out public services to the private sector.
10. Selling all by-products resulting from carrying on by or on behalf of the council of any works or services.
11. Promoting publicity for the council and the district as a whole.
12. Promoting schemes of health, education and road safety sensitisation.
13. Providing and managing—
  - (a) sporting and recreational facilities and programmes of informal education for both adults and young people, including the running or provision 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 and older persons; and
  - (e) public vehicular parking.
14. The registration of marriages, births and deaths for transmission to the Registrar General and National Identification and Registration Authority, as the case may be.
15. Assisting the Government to preserve the environment through protection of forests, wetlands, lake shores, streams and prevention of environmental degradation.
16. Upon delegation by the Government, identification and preservation of sites and objects or buildings of historical and architectural value.
17. The payment of salaries to all established staff and this function shall not be devolved to subcounties.
18. Any other service or function which is not specified in this Schedule.

*Part 3*

*Functions and services for which urban councils are responsible include  
but are not limited to—*

1. Establish, acquire, erect, maintain, promote, assist or control with the participation of the citizens—
  - (a) the lighting of streets and public places;
  - (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 accommodations, 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) slaughterhouses, cold storage facilities and premises for the 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) laundries and other places for the washing of clothes;
  - (n) canteens, social centres, clubs and hospitals, including such facilities for employees and staff;
  - (o) public lavatories and urinals;
  - (p) pounds for stray animals and clinics for the treatment of sick animals;
  - (q) camping and grasing grounds;
  - (r) lairages;
  - (s) dipping tanks;
  - (t) disinfecting stations;
  - (u) public weighing machines;
  - (v) public monuments;
  - (w) sanitary services for the removal and disposal of night soil, rubbish, carcasses of dead animals and all kinds of refuse and effluent;

- (x) water supplies outside the jurisdiction of the National Water and Sewerage Corporation;
  - (y) education services which cover primary and secondary schools, special education, trade and technical schools; and
  - (z) 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) establish, erect, maintain and control aquariums, aviaries, piers, pavilions, cafes, restaurants, refreshment rooms and other buildings or erections that the council may deem necessary;
    - (b) 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
    - (c) provide or permit any other person to provide any apparatus, equipment or other amenity.
  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 place;
    - (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 washing or drying of clothes other than on private premises;
  - (j) the quarrying of stone, lime, clay, murram or other material;
  - (k) 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;
  - (l) billiard saloons, dance halls and other places of public resort;
  - (m) lodging houses;
  - (n) the burning of rubbish and grassland;
  - (o) prostitution and brothels; and
  - (p) cinema and video halls.
- 4 Lay out and adorn any street, square or open space vested in the council by the erection of statues, 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 any 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 urban council.

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 to prevent offences against public order in streets and public places, and to 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 to 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 to charge and recover costs on those private works and services and contract out public services to the private sector.  
At the request of the owner of the land situate within its area of jurisdiction, construct, in such manner as the council may think fit, by its servants or by contract, a footway or pavement along any street contagious with the land or vehicular crossings over any footway or pavement and to recover the whole or any part of the cost of the construction, including the cost of supervision, plant, machinery and tools from such owner in the manner it may think fit.
15. Sell all by-products resulting from the carrying on, by or on behalf of the council, of any works or services.
16. Promote publicity for the council.
17. Promote schemes of housing, health education and road safety sensitisation.
18. Make provision for the return of destitute persons to their homes.

20. Arrange for the insurance of all assets of the council against financial risks of any kind to which the council 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 or persons with disabilities, or for 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 make presentations to other local authorities or public bodies.
24. Provide—
  - (a) gowns, chains and badges of office for councillors and officers of the council;
  - (b) badges, medallions or scrolls for presentation to persons who have given meritorious service to the urban councils; 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 council is required or empowered to do and establish, maintain, carry on, control, manage or administer, and prescribe the forms to be used to fix fees or charges to be made in respect of the things or services.
27. With the consent of a neighbouring local government, render advice or 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; and
  - (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 functions in this Part.
31. Any other function not reserved for the Government.
32. The payment of salaries for all established staff and this function shall not be devolved to a lower local government.

*Part 4**Functions and services to be devolved by a district council to lower local government councils*

1. The provision of nursery and primary education.
2. The provision of agricultural ancillary field services.
3. The provision and control of soil erosion and protection of local wetlands.
4. The control of vermin in consultation with the Ministry responsible for tourism and wildlife and any other relevant Ministry.
5. The taking of measures for the prohibition, restriction, prevention, regulation or abatement of grass, forest or bush fires, including the requisition of able-bodied male persons to extinguish such fires and to cut fire breaks and general local environment protection.
6. The control of local hunting and fishing.

7. The provision of—
  - (a) hygiene services and health units other than health centres;
  - (b) adult education; and
  - (c) community-based healthcare services.
8. The provision and management of ferries.
9. The provision of measures to prevent and contain food shortages, including relief work, the provision of seed and the storage of foodstuffs.
10. Market establishment, management and collection of revenue.
11. The establishment, control and management of recreation grounds, open spaces and parks.
12. The making, altering, diversion and maintenance of works, paths, culverts, bridges, road drains and water courses, and the regulation of the making of pits and other excavations.
13. Measures requiring owners and occupiers of land or premises to close and keep free from vegetation any road adjoining their land or premises.
14. The enforcement of—
  - (a) standards of building and standards of maintenance of buildings, including dwelling houses, latrines, kitchens and stables for animals; and
  - (b) proper methods for the disposal of refuse, and the making, improving, operation and maintenance of wells, dams and other water supplies.
15. The control of trading centres, markets and landing sites; and the carrying on of local industries and the organisation and encouragement of local trade.
16. The regulation of traditional liquor.
17. The organisation of social, cultural and sporting activities and social, cultural and sporting clubs.

18. The publication of news papers and periodicals and the provision of information services.
19. The provision of community development schemes as may be approved by the district council and the regulation of any labour reasonably required as part of normal communal or civic obligations.
20. The maintenance of community roads (*bulungi bwansi* roads).
21. The protection and maintenance of local water resources.
22. The maintenance of community infrastructure.
23. Any other functions which the district council deems fit to devolve or as agreed upon between the district council and the lower council.

*Part 5*

*(A) Functions and services to remain at city or municipal council (not to be devolved to divisions)*

1. Staff establishment structure and setting of remuneration levels.
2. Setting of service delivery standards.
3. Recruitment and payment of salaries of established staff.
4. Property valuation and valuation lists (valuation court).
5. Setting of levels of trade licences and fees.
6. Monitoring the general administration and provision of services in divisions.
7. Ordinances legislation.
8. Determination of taxation levels and supply of receipting media.
9. Procurement of drugs.
10. Central laboratory services.
11. Mortuary and cemeteries.
12. Local examinations (schools).
13. Co-curricular activities.
14. Procurement and management of refuse tipping sites.
15. Procurement and maintenance of heavy plant and equipment.
16. Loan repayment (external).
17. The construction and maintenance of major drains.
18. The installation of traffic signals.

19. Road construction and maintenance (tarmac).
20. National and district functions.
21. Legal services (interpretation and prosecution).
22. Architectural and design standards.
23. Approval of building plans.
24. Master structure plan.
25. Cadstral survey and mapping.
26. Approval of schemes.
27. City councillors' expenses.
28. Street lighting energy charges.
29. Audit.
30. Contracts committee expenses.
31. District service commission expenses.
32. Broad policy and objectives guidelines.
33. Advertising standards.
34. Mailo land administration.
35. Staff training.

*(B) Functions and services to be devolved by a city or municipal council to divisions*

1. Payment of salaries for support staff
2. Determining levels of staff numbers (support staff)
3. Division council expenses
4. Poverty eradication
5. Administration of licences
6. Revenue collection
7. Health education and visiting
8. Vector and vermin control
9. Secondary drains
10. Curative services (clinics)
11. Immunisation
12. Food and drug inspection
13. AIDS education
14. Administration of markets
15. Control of development and enforcement of building rules
16. Primary and nursery education
17. Monitoring the utilisation of grants to schools
18. Grass cutting and maintenance of parks
19. Road sweeping

- 
- 20. Repair of murram and earth roads
  - 21. Environmental care and protection
  - 22. Neighbourhood structure plans
  - 23. Local land management
  - 24. Resolving local land issues
  - 25. Law enforcement
  - 26. Welfare and community services
  - 27. Agriculture and veterinary extension services
  - 28. Youth, persons with disabilities, women and sports
  - 29. Cooperative societies and groups
  - 30. Spring protection and provision of drinking water
  - 31. Any other service imposed by Parliament or agreed upon between the division and city or municipal council
- 

*Schedule 6*

Sections 35(1), 194(2)

**Functions and Powers of Local Government Council not to be Delegated**

- 1. Approval of annual budget estimates
  - 2. Approval of supplementary estimates
  - 3. Making byelaws for the proper conduct of the council's own business
  - 4. Approval of development plans
  - 5. Passing of bills for ordinances and byelaws
  - 6. Power to raise loans and mortgaging council property
  - 7. Any other function or power that may be added to the functions and powers in this Schedule by the Minister with the approval of Cabinet
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*Schedule 7*

Sections 81(1), 83(1), (5),  
86(2), 87, 88(10), 194(2)

**The Local Governments Revenue Regulations****Arrangement of Regulations****Regulation****PART I—PRELIMINARY**

1. Title

**PART II—RATES FOR LOCAL GOVERNMENT HOTEL TAX AND  
LOCAL SERVICE TAX**

2. Rates of local government hotel tax
3. Local service tax
4. Rates of local service tax in respect of persons in gainful employment and earning monthly take-home salary
5. Rates of local service tax in respect of self employed professionals
6. Rates of local service tax in respect of self employed artisans
7. Rates of local service tax in respect of businessmen and businesswomen

**PART III—GENERAL PROVISIONS RELATING TO LOCAL  
GOVERNMENT HOTEL TAX AND LOCAL SERVICE TAX****DIVISION I—GENERAL PROVISIONS RELATING TO LOCAL  
GOVERNMENT HOTEL TAX**

8. Local government hotel tax
9. Enforcement

**DIVISION II—GENERAL PROVISIONS RELATING TO LOCAL SERVICE TAX**

10. Local service tax
11. Tax enumeration committee
12. Tax assessment committee
13. Assessment of taxes by tax assessment committee

14. Appeal against assessment
15. Attendance before committee, *etc.*
16. Recovery of tax and penalty for non-payment

#### PART IV—RATES FOR PARK USER

17. Interpretation
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#### PART V—OTHER REVENUE

23. Other revenue

#### PART VI—DISTRIBUTION OF GRANTS FROM CITY COUNCILS TO DIVISION COUNCILS

24. Grants from city or municipal council to division councils
25. Distribution of grants by subcounty council to administrative councils
26. Distribution of revenue by town councils to parish and village councils
27. Distribution of grants to village, parish and ward councils

#### PART VII—MISCELLANEOUS

28. Information to be supplied
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## Local Governments Revenue Regulations

### PART I—PRELIMINARY

#### **1. Title**

These Regulations may be cited as the Local Governments Revenue Regulations.

### PART II—RATES FOR LOCAL GOVERNMENT HOTEL TAX AND LOCAL SERVICE TAX

#### **2. Rates of local government hotel tax**

The local government hotel tax shall be levied on the room occupants as follows—

<b>Hotel Category</b>	<b>Rate of local government hotel tax per room occupied (in Shs.)</b>
1. Five and four star hotel	US \$ 2 per room or its equivalent in shillings
2. Three and two star hotel and other hotels charging above Shs.50,000/= per room	Shs. 2,000/= per room
3. Hotels, lodges and guest houses charging Shs.10,000/= up to Shs.50,000/= per room	Shs. 1,000/= per room
4. Hotels, lodges and guest houses charging less than Shs.10,000/= per room	Shs. 500/= per room

#### **3. Local service tax**

(1) The local service tax shall be levied on the wealth and income of the following categories of people, and the assessment shall be fair, equitable and not regressive—

- (a) persons in gainful employment;

- (b) self employed and practising professionals (including medical and veterinary doctors, engineers, accountants, consultants, technicians, lawyers, dentists, pharmacists, architects, scientists, surveyors, valuers, ICT specialists);
  - (c) self employed artisans (including craftsmen, plumbers, builders, electricians, masons, carpenters, mechanics, blacksmiths, painters, welders, bakers, furniture makers, florists, tailors, radio and television repairers, hair dressers, semi-skilled artisans but excluding sole petty artisans and *jua kalis*, who are not fully established and not business entities);
  - (d) businessmen and businesswomen (including owners of shops, fuel stations, restaurants, bars, furniture workshops, directors and shareholders of business companies, printery workshops, food vendors, commission agents, insurance brokers, butchers, real estate service providers, owners of road construction firms, outside catering service providers, coffee millers, maize millers, fish mongers, timber merchants, garage owners and shoe makers);
  - (e) commercial farmers who produce at a large scale.
- (2) The salaries of the following are exempted from the payment of local service tax—
- (a) members of the Uganda Peoples' Defence Forces;
  - (b) members of the Uganda Police Force;
  - (c) member of the Uganda Prisons Service;
  - (d) members of the Local Defence Forces; and
  - (e) members of the diplomatic missions accredited to Uganda.
- (3) The following persons are exempted from the payment of local service tax—
- (a) unemployed persons and peasants;
  - (b) a person engaged in subsistence or occasional economic activities;
  - (c) petty food vendors;
  - (d) boda-boda cyclists;
  - (e) sole petty artisans and *jua kalis*, who are not fully established and are not business entities; and
  - (f) people living in poverty who are unable to earn a minimum income to access basic necessities of life.

(4) For the purposes of this regulation, “peasants” include people who produce for their own subsistence and have nothing or very little to sell to the market.

**4. Rates of local service tax in respect of persons in gainful employment and earning monthly take-home salary**

(1) The local service tax on persons in gainful employment and earning a monthly take-home salary shall be levied as follows—

	<b>Amount of monthly income earned (in Shs.)</b>	<b>Rate of local service tax (in Shs.) per year</b>
1	Exceeding 100,000/= but not exceeding 200,000/=	5,000/=
2	Exceeding 200,000/= but not exceeding 300,000/=	10,000/=
3	Exceeding 300,000/= but not exceeding 400,000/=	20,000/=
4	Exceeding 400,000/= but not exceeding 500,000/=	30,000/=
5	Exceeding 500,000/= but not exceeding 600,000/=	40,000/=
6	Exceeding 600,000/= but not exceeding 700,000/=	60,000/=
7	Exceeding 700,000/= but not exceeding 800,000/=	70,000/=
8	Exceeding 800,000/= but not exceeding 900,000/=	80,000/=
9	Exceeding 900,000/= but not exceeding 1,000,000/=	90,000/=
10	Exceeding 1,000,000/=	100,000/=

(2) In this regulation, “take-home salary” means gross salary after deducting income tax in the form of Pay as You Earn (PAYE).

## 5. Rates of local service tax in respect of self-employed professionals

The local service tax in respect of self-employed professionals shall be levied as follows—

<b>Professionals who are self employed and consultants in various fields.</b>	<b>Amount of monthly income earned (in Shs)</b>	<b>Rate of local service tax (in Shs.) per year</b>
Medical and veterinary doctors, engineers, accountants, consultants, technicians, lawyers, dentists, pharmacists, architects, scientists, surveyors, valuers, ICT specialists and any other self-employed professionals not mentioned.	1,000,000/= or more	100,000/=
	Exceeding 500,000/= but below 1,000,000/=	50,000/=

## 6. Rates of local service tax in respect of self employed artisans

(1) The local service tax on self employed artisans shall be levied as follows—

<b>Artisans who are self-employed.</b>	<b>Amount of monthly income earned (in Shs.)</b>	<b>Rates of local service tax (in Shs.) per year</b>
Craftsmen, plumbers, builders, electricians, masons, carpenters, mechanics, blacksmiths, painters, welders, bakers, furniture makers, florists, tailors, radio and TV repairers, hair dressers, semi-skilled artisans and any other artisans not mentioned.	Exceeding 100,000/= but not exceeding 200,000/=	5,000/=
	200,000/= but not exceeding 300,000/=	10,000/=
	Exceeding 300,000/=	20,000/=

(2) For the avoidance of doubt, all the professionals, technicians, consultants and artisans who are in gainful employment and earn a monthly salary shall pay local service tax according to their monthly salary.

**7. Rates of local service tax in respect of businessmen and business women**

The local service tax on businessmen and businesswomen including owners of shops, fuel stations, restaurants, bars, furniture workshops, printery workshops, directors and shareholders of business companies, food vendors, commission agents, insurance brokers, butchers, real estate service providers, owners of road construction firms, outside catering service providers, coffee millers, maize millers, fish mongers, timber merchants, garage owners and shoe makers and any other businessmen and businesswomen not mentioned, shall be levied as follows—

	<b>Monthly turnover (in Shs.)</b>	<b>Rate of local service tax (in Shs) per year.</b>
1	500,000/= but not exceeding 1,000,000/=	5,000/=
2	Exceeding 1,000,000/= but not exceeding 2,000,000/=	10,000/=
3	Exceeding 2,000,000/= but not exceeding 3,000,000/=	20,000/=
4	Exceeding 3,000,000/= but not exceeding 4,000,000/=	30,000/=
5	Exceeding 4,000,000/= but not exceeding 5,000,000/=	40,000/=
6	Exceeding 5,000,000/= but not exceeding 6,000,000/=	50,000/=
7	Exceeding 6,000,000/= but not exceeding 7,000,000/=	60,000/=
8	Exceeding 7,000,000/= but not exceeding 8,000,000/=	70,000/=
9	Exceeding 8,000,000/= but not exceeding 9,000,000/=	80,000/=
10	Exceeding 9,000,000/= but not exceeding 10,000,000/=	90,000/=
11	Exceeding 10,000,000/=	100,000/=

## PART III—GENERAL PROVISIONS RELATING TO LOCAL GOVERNMENT HOTEL TAX AND LOCAL SERVICE TAX

### DIVISION I—GENERAL PROVISIONS RELATING TO LOCAL GOVERNMENT HOTEL TAX

#### **8. Local government hotel tax**

(1) The local government hotel tax shall be levied on hotel and lodge accommodation per room per night and the tax shall be paid by the room occupants.

(2) The tax shall be collected by the management of the hotel, which shall remit the tax to the relevant local council on a monthly basis.

(3) In these Regulations, a hotel is a house intended for accommodating travellers or visitors for payment.

#### **9. Enforcement**

(1) Where the local government hotel tax is collected and any part of it remains unremitted to the respective local government at the end of the financial year, the local government shall notify the hotel liable, requiring it to pay the outstanding tax together with a surcharge of forty percent, within two months after notification.

(2) A district or urban local council may sue a hotel for failure to collect the tax or failure to remit the tax collected.

### DIVISION II—GENERAL PROVISIONS RELATING TO LOCAL SERVICE TAX

#### **10. Local service tax**

(1) Every district or urban local council shall levy an annual tax to be known as local service tax on every person in gainful employment, practising professionals, business persons and commercial farmers.

(2) The salaried employees shall pay the tax in four equal instalments during the financial year.

(3) The rest of the taxpayers shall pay the tax once in full.

(4) The payment of the tax shall be completed within the first four months of the financial year for which it was assessed.

(5) The tax on salaried employees shall be collected by the employer and remitted to the respective local governments.

(6) Local service tax shall be payable to the district, municipality or town council where the person liable to pay the tax resides.

(7) A person liable to pay local service tax shall register with the nearest tax office of the local government in the area where he or she resides.

(8) Local service tax shall be paid on the basis of an assessment and each local service tax payer shall keep evidence of his or her assessment.

(9) The businessmen and businesswomen shall pay the tax at the time of paying for their annual trading and operational licenses at their respective local governments.

(10) Where a commercial farmer produces more than one agricultural produce, the assessment committee shall only assess him or her for local service tax based on the main or dominant agricultural product he or she is producing.

(11) In these Regulations, a commercial farmer is a person producing farm produce on a large scale for the market.

(12) For the purposes of these Regulations, “residence” means continuous residence for at least six months in a city, municipality, town, district or other local government, and continuity of residence shall be deemed not to have been broken by reason of any absence of less than five weeks.

## **11. Tax enumeration committee**

A subcounty chief, an Assistant Town Clerk and a Town Clerk shall respectively appoint a tax enumeration committee for a subcounty, city division or municipal division and town council, composed of technical officers with a chairperson of a village or ward, where the enumeration is

taking place, as an *ex officio* member to carry out enumeration of sources of income of persons to feed into the work of the tax assessment committee.

## **12. Tax assessment committee**

(1) The local service tax payable under this Part by a person resident in a subcounty shall be assessed under these Regulations by a tax assessment committee appointed by the subcounty council.

(2) The local service tax payable under this Part by a person resident in the area of jurisdiction of an urban council shall be assessed by a tax assessment committee appointed by the city or municipal division council or town council, as the case may be.

## **13. Assessment of taxes by tax assessment committee**

(1) Where a person satisfies the assessment committee or person appointed to do the assessment that he or she is unable to speak or to understand the language used by the tax assessment committee, the committee carrying out the assessment shall be assisted by an interpreter who understands the language of the person to be assessed.

(2) Where within one year after the making of an assessment by an assessment committee, the council concerned discovers in the assessment, an error or miscalculation, the council shall order the amendment of the assessment, and a fresh certificate of assessment shall accordingly be issued.

(3) Any amendment under subregulation (2) resulting in a higher tax shall not be made without affording a hearing to the taxpayer, and the taxpayer shall have the right to appeal against the amended assessment.

(4) Where an amendment under subregulation (2) results in a lower tax, a taxpayer shall be credited with the balance in his or her favour for the tax of the following year.

## **14. Appeal against assessment**

(1) There shall be a tax assessment appeals tribunal in every subcounty or urban council which shall be constituted in the manner prescribed by the Minister by statutory instrument.

- (2) A person—  
(a) assessed to pay local service tax for which he or she is not liable under these Regulations;  
(b) assessed to pay a rate of local service tax higher than the standard rate of tax;  
(c) refused exemption from the payment of local service tax; or  
(d) whose complete exemption or partial exemption from the payment of local service tax has been revoked or varied by a tax assessment committee,

may appeal to the tax assessment appeals tribunal, and the tax assessment appeals tribunal may confirm or vary the decision.

- (3) Where a chief in charge of a subcounty or Town Clerk in an urban council in which any person resides is satisfied that a person—  
(a) has not been required to pay local service tax for which he or she is liable under these Regulations;  
(b) has been required to pay local service tax at a lower rate than he or she should pay; or  
(c) has been granted partial or complete exemption from the payment of local service tax unreasonably,

that officer may appeal to the tribunal, and the appeals tribunal may confirm or vary the decision appealed against.

(4) Any appeal under this regulation shall be brought within thirty days after the decision of the assessment committee has been made known to the taxpayer and the subcounty chief, the Assistant Town Clerk or Town Clerk respectively of the subcounty, city division or municipal division or town council, as the case may be.

(5) A person aggrieved by the decision of the tax assessment appeals tribunal may appeal to the Minister.

## 15. Attendance before committee, etc.

(1) A tax assessment committee or a tax assessment appeals tribunal may require any person, other than a person who agrees in writing to pay the maximum rate of local service tax, to attend before it when his or her case is being considered; and that person or the employer of that person shall furnish the committee, officer or tribunal with the information that may be required of him or her to enable the committee, officer or tribunal to reach a proper decision.

(2) Any person who wilfully neglects or refuses to attend or when attending wilfully neglects or refuses to furnish information lawfully required of him or her commits an offence and is liable, on conviction, to a fine not exceeding half a currency point or to imprisonment for a term not exceeding one month, or both.

## **16. Recovery of tax and penalty for non-payment**

(1) Where the local service tax payable or any part of it remains unpaid at the end of the first four months of the financial year, there shall be a surcharge of fifty percent of the amount remaining unpaid.

(2) The provisions relating to the collection and enforcement of tax shall apply to the collection and enforcement of surcharges.

(3) Subject to this regulation, any person who without lawful excuse, the proof of which shall lie on him or her, refuses, neglects or fails to pay the tax to which he or she is liable under these Regulations, four months from the date the tax is due, commits an offence and is liable, on conviction, to a fine not exceeding double the amount of the tax due or to imprisonment for a term not exceeding one month.

(4) Notwithstanding any other provision of this regulation, a taxpayer may be sued by a district or urban council for the recovery of the local service tax due.

(5) For the purposes of this regulation, local service tax due includes local service tax due and payable during the two years immediately preceding the year in which proceedings are instituted.

## **PART IV—RATES FOR PARK USER**

### **17. Interpretation**

In this Part, unless the context otherwise requires—

“authorised officer” means a member of staff of the Kampala Capital City Authority, a district or urban authority or a person assigned by the Executive Director Kampala Capital City Authority, Chief Administrative Officer or Town Clerk to enforce these Regulations;

“heavy omnibus” means a motor vehicle having seating accommodation exceeding sixty passengers excluding the driver;

“Kampala Capital City” means the territorial boundaries delineated in Schedule 2 of the Kampala Capital City Act;

“light omnibus” means a motor vehicle having seating accommodation for more than seven but not exceeding twenty passengers excluding the driver;

“medium omnibus” means a motor vehicle having seating accommodation for more than twenty but not exceeding sixty passengers excluding the driver;

“park” means any public or private land or area gazetted and physically identified or planned by an urban authority within its territorial boundaries for the purpose of loading or offloading passengers;

“taxicab” means a motorcar used as a passenger vehicle which stands on a rank or plies for hire on a road or a fixed place of business and is licensed to carry passengers for hire or reward under a contract, express or implied, for the use of the vehicle as a whole at the authorised fee and rates displayed on the vehicle and the sum indicated on the meter;

“year” means twelve calendar months.

## 18. Levy of park user fees

(1) There is charged an annual park user fee on every taxicab, light omnibus, medium omnibus or heavy omnibus licensed as a public service vehicle, loading or offloading passengers within a district, urban authority or Kampala Capital City.

- (2) The park user fees in respect of each taxicab, light omnibus, medium omnibus or heavy omnibus shall be levied as follows—
- (a) a person operating a taxicab or light omnibus within more than one district, urban authority or within and outside Kampala Capital City shall pay eight hundred forty thousand shillings (840,000/=) per year;
  - (b) a person operating a taxicab or light omnibus within one district, urban authority or within Kampala Capital City only shall pay seven hundred twenty thousand shillings (720,000/=) per year;
  - (c) a person operating a medium omnibus or heavy omnibus shall pay two million four hundred thousand shillings (2,400,000/=) per year.

**19. Payment of park user fees**

(1) The park user fees shall be collected by Uganda Revenue Authority and remitted to the Consolidated Fund.

(2) For purposes of paying the park user fees, a person shall fill in a bank payment advice form to be provided by the Uganda Revenue Authority or complete an online registration, assessment and payment on the Uganda Revenue Authority online platform.

(3) A person paying the park user fees using a bank payment advice form provided by the Uganda Revenue Authority under subregulation (2), shall deposit the amount assessed in the Bank indicated on the payment advice form.

(4) A person who has paid the park user fees under this regulation, shall retain the bank slip or receipt as proof of payment of the park user fees.

(5) A person shall not be issued with a public service vehicle licence issued under the Traffic and Road Safety Act unless the person has proof of payment of the park user fees.

**20. Allocation of park user fees**

(1) In accordance with the Public Finance Management Act, the Accountant General shall allocate the park user fees paid in respect of each taxicab, light omnibus, medium omnibus or heavy omnibus to a district, urban authority or Kampala Capital City Authority where it operates on a monthly basis.

(2) Where a taxicab, light omnibus, medium omnibus or heavy omnibus operates within more than one district, urban authority or within and outside Kampala Capital City the Accountant General shall allocate the paid park user fees amongst the districts, urban authorities or Kampala Capital City Authority as follows—

(a) five hundred four thousand shillings (504,000/=) shall be allocated to a district, urban authority or Kampala Capital City Authority where a taxicab or light omnibus originates as indicated on the route chart;

- (b) three hundred thirty-six thousand shillings (336,000/=) shall be allocated to a district, urban authority or Kampala Capital City Authority where a taxicab or light omnibus destinates as indicated on the route chart;
- (c) allocate equally the park user fees amongst the districts, urban authority or Kampala Capital City Authority on the route chart in case of medium omnibus or heavy omnibus.

## 21. Display of routes

A driver of a taxicab, light omnibus, medium omnibus or heavy omnibus shall display the routes on the taxicab, light omnibus, medium omnibus or heavy omnibus specified in the route chart, in a position that is clearly visible by any person.

## 22. Enforcement

(1) An authorised officer may enforce these Regulations, and in the exercise of that power, he or she may impound any vehicle operating without paying the park user fee, tow and park the vehicle, at the designated parking yard.

(2) The towing and parking fees where applicable shall be paid by the driver or the owner of the impounded vehicle.

(3) A person who fails to pay a park user fee or obstructs an authorised officer in the exercise of his or her powers under subregulation (1), commits an offence and is liable, on conviction, to a fine not exceeding ten currency points or to imprisonment for a term not exceeding one year, or both.

## PART V—OTHER REVENUE

### 23. Other revenue

In addition to grants from the Government, local government revenue shall consist of—

- (a) fees and fines on licences and permits in respect of any service rendered or regulatory power exercised by the local council;
- (b) interest on investments;
- (c) rents from lease of property owned by the local council;
- (d) fees and fines imposed by courts administered by the local council;

- (e) donations, contributions and endowments;
- (f) charges or profits arising from any trade, services or undertaking carried on by the local council;
- (g) parking fees;
- (h) advertisement fees;
- (i) user charges where applicable;
- (j) agency fees;
- (k) charcoal burning licences; and
- (l) any other revenue which may be prescribed by the local government and approved by the Minister.

**PART VI—DISTRIBUTION OF GRANTS FROM CITY COUNCILS  
TO DIVISION COUNCILS**

**24. Grants from city or municipal council to division councils**

(1) The minimum of thirty percent of the total revenue collected and remitted by all city or municipal divisions to a city or municipal council shall be distributed as grants to division councils based on a formula provided under subregulation (4).

(2) A city or municipal council shall distribute at least thirty percent of the total amount of its revenue collection to division councils in its area of jurisdiction on a monthly basis in accordance with the formula in subregulation (4).

(3) Where a city or municipal council fails to remit funds due to a division council under subregulation (2) for two consecutive months, the division council may retain the amount due to it.

(4) The amount to be given to individual divisions shall be calculated in accordance with the following formula—

*Formula for distribution of grants from city or municipal councils to division councils*

$$A = \frac{3B}{10} \left[ \frac{W_1 x_i}{X} + \frac{W_2 y_i}{Y} + \frac{W_3 z_i}{Z} + \frac{W_4 q_i}{Q} \right]$$

Where—

A	= minimum annual amount for a division
B	= city/municipal council actual collected revenue for that period
$W_1$	= weight of the parameter for child mortality
$W_2$	= weight of the school-going-age population (5-12 yrs.)
$W_3$	= weight of the number of inhabitants
$W_4$	= weight of the land area (sq. km.)
X	= city/municipal council total number of child deaths (1-5 yrs.)
Y	= city/municipal council school-going-age population (5-12 yrs.)
Z	= city/municipal council population
Q	= city/municipal council land area (sq. km.)
$x_i$	= division (i) total number of child deaths (1-5 yrs.) division school-going-age population (5-12 yrs.) division population
$q_i$	= division land area (sq. km.)
	= division, e.g. Nakawa

Recommended weights of the parameters—

(a)	child mortality	40%
(b)	school-going-age population (5-12 yrs.)	25%
(c)	population	20%
(d)	land area (sq. km.)	15%
	Total	100%

## 25. Distribution of grants by subcounty council to administrative councils

A subcounty shall retain sixty-five percent of the amount retained and distribute the thirty-five percent as follows—

- (a) five percent to be remitted to the county councils;
- (b) five percent to be distributed among the parishes; and
- (c) twenty-five percent to be distributed among the village councils.

## 26. Distribution of revenue by town councils to parish and village councils

A town council shall distribute twenty-five percent of its total revenue as follows—

- (a) five percent to be distributed amongst parishes; and
- (b) twenty percent to be distributed amongst the village councils.

**27. Distribution of grants to village, parish and ward councils**

Twenty-five percent of the total of what a division retains and receives from the city or municipal council shall be distributed among the village councils within its area of jurisdiction, and ten percent among the parish or ward councils.

**PART VII—MISCELLANEOUS****28. Information to be supplied**

(1) Every person paying any rate or tax or obtaining exemption from a rate or tax shall furnish the collector with information that may be required by the collector in preparing the requisite receipt or certificate of exemption, and shall, if so required by the collector, attend personally before the assessment committee that carried out the assessment.

(2) Any person who, on being required under this regulation to attend before the assessment committee, wilfully neglects or refuses to attend or, when attending, wilfully refuses to furnish any information lawfully required of him or her commits an offence and is liable, on conviction, to a fine not exceeding half a currency point.

**29. Penalties for false information**

When required to give information, any person who wilfully gives false information to an assessment committee, assessment office, a tax assessment appeals tribunal, a Chief Administrative Officer or Town Clerk or a collector or who gives any information which he or she knows or has reason to believe is false commits an offence and is liable, on conviction, to a fine not exceeding 0.5 currency points or to imprisonment for a term not exceeding one month, or both.

**30. Borrowing powers**

(1) A local government council may, from time to time, raise loans by way of debenture, issue of bonds, or any other method, in amounts not exceeding twenty-five percent of the locally generated revenue, provided that the local government council demonstrates ability to meet its statutory requirements.

- (2) Borrowing shall be exercised by a local government council—
  - (a) with the approval of the Minister, if the amount to be borrowed exceeds ten percent of the total amount the local government council is eligible to borrow;
  - (b) after the Auditor General has certified the books of accounts of the preceding financial year;
  - (c) if the Auditor General's report is not qualified;
  - (d) if the funds are intended for investment in priority activities as identified by the whole council; and
  - (e) after the executive committee has given a guarantee to the effect that repayment of the loan shall not adversely affect the operations of the local government council and, in particular, meeting the statutory obligations, including salaries.
- (3) All loans approved by the Minister shall be published in the *Gazette*.

### **31. Temporary loans and overdraft**

(1) Whenever a district or urban council has lawfully incurred expenditure which has been provided for in its approved estimates, it may—

- (a) pending revenue receipts; or
- (b) pending the raising of a loan as provided under regulation 30 which has been duly approved by the council,

obtain advances of money, not exceeding ten percent of the approved budget by way of temporary loan or overdraft and as part of the total amount to be borrowed, for the purposes of defraying that expenditure.

(2) The money advanced under this regulation may be secured upon any property of the council obtaining the advance, other than office and residential buildings and the furniture in the office or residential buildings, rolling stock and engineering plants, to the extent that may be necessary to secure the repayment of the money advanced.

### **32. Investment of council funds**

A local government council may invest money of the council in a manner that must be approved by a resolution of the council, upon proof that the investment is made in a secure and sound institution of high repute as may be confirmed by Bank of Uganda.

*Schedule 8.*

Sections 123, 132, 148, 182, 194(2)

**Local Government Election Forms****PART I—Forms for Chairperson Elections****Form EC 1****Nomination Paper for Chairperson Elections**

We, the undersigned, being registered voters, nominate the under-mentioned person as a candidate at the chairperson election.

Candidate's surname	Other names	Place of residence and address	Occupation or profession	Voters registration number	Age and sex

Name Proposer Seconder	Place of residence and address	Voter registration number	Signature
------------------------------	--------------------------------	---------------------------	-----------

We, the undersigned, being registered voters, support the foregoing nomination.

Name	Place of residence and address	Voter registration number	Signature
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Proposed Candidate.

I, \_\_\_\_\_, consent to my nomination as a candidate for the office of chairperson election, and my name and address for serving papers are—

Name in full (*block capitals*)

\_\_\_\_\_

Address

Date \_\_\_\_\_ Signature \_\_\_\_\_

Attach list of names of \_\_\_\_\_ \* supporters from each electoral area in attached form. N.B. \*1. In the case of a city or municipality, fifty registered voters.  
2. In the case of a town/division or subcounty, twenty registered voters.

Form EC 2  
**Declaration of Person Seeking to be Nominated as Candidate for Election as  
Chairperson**

I,

solemnly and sincerely declare that

1. I am a citizen of Uganda.
2. I am registered as a voter in the \_\_\_\_\_ electoral area with voter's registration number \_\_\_\_\_
3. I have the following educational qualification \_\_\_\_\_
4. I do not owe allegiance to any country other than Uganda.
5. I have paid all the taxes due from me.
6. I have not been adjudged or otherwise declared to be suffering from mental illness under any law in force in Uganda.
7. I am not under sentence of death or other sentence of imprisonment without the option of a fine, imposed on me by any competent court.
8. I am not disqualified by reason of my holding or acting in any office the functions of which involve a responsibility for or in connection with the conduct of an election.

I make this solemn declaration knowing and believing it to be true. Subscribed and solemnly declared by me on this \_\_\_\_\_ day of \_\_\_, 20\_\_

\_\_\_\_\_  
Candidate

Form EC 3  
**Declaration of Income, Assets and Liabilities**

1. Full name — — — — —  
(Surname) (First name) (Other names)
2. Date of birth — — — — Sex
3. Place of birth (*village, parish, subcounty, county and district*)  
\_\_\_\_\_
4. Present address (*physical and postal*) \_\_\_\_\_
5. Present profession/present occupation \_\_\_\_\_
6. (a) Name of employer \_\_\_\_\_  
 (b) Date of employment \_\_\_\_\_  
 (c) Salary (U) shs. \_\_\_\_\_  
 (d) Subsidy \_\_\_\_\_  
 (e) Other emoluments \_\_\_\_\_  
  
 (f) Rewards for personal services for consultancy, lecturing, research  
 (g) Details of employment (*permanent, contract, temporary, etc.*)  
  
 (h) Others \_\_\_\_\_
7. If self-employed, income per year \_\_\_\_\_
8. Present assets, business interests and contracts. \_\_\_\_\_

<b>Statement of assets held by person or his or her nominee</b>	<b>Location</b>	<b>Approx. value (shs.)</b>
(a) Land		
(b) Buildings		
(c) Farms		
(d) Ranches		
(e) Vehicles (types and make)		
(f) Boats/ships/aircraft		
(g) Shares _____ Bank deposit/investment income and incomes incidental to these		
(h) Additional information, if any		

## 9. Present indebtedness (or liabilities) if any.

<b>Statements of indebtedness of a person or his or her nominee</b>	<b>Location</b>	<b>Total (shs.)</b>
Details of liabilities— Overdraft, loans and securities in respect of		
(a) land		
(b) buildings		
(c) farms		
(d) ranches		
(e) vehicles types and make		
(f) boats/ships/aircraft		
(g) shares _____ Bank deposit/investment income and incomes incidental to these		

10. Do you have any interests which are likely to conflict with your duties and responsibilities? \_\_\_\_\_

If so, state interest—  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I, \_\_\_\_\_, solemnly declare that the information I have given above is true, complete and correct to the best of my knowledge, and I declare that I have no objection to this declaration being made public.

Date \_\_\_\_\_

Signature \_\_\_\_\_

Signature of witness \_\_\_\_\_

Full name of witness \_\_\_\_\_

Address of witness

---

*N.B. If you find this form not adequate for your purposes, please state the rest of your information on sheets of paper and attach them to the form.*

PART II—FOR COUNCILLOR ELECTIONS

Form EC 4.

**Nomination Paper for Councillors Election.**

We, the undersigned registered voters in the electoral area of \_\_\_\_\_, propose the following person as a candidate for election as a district, city, municipality, town/subcounty councillor for the \_\_\_\_\_ electoral

area in \_\_\_\_\_ district, and we certify that to the best of our belief he/she is qualified to be elected as such.

PARTICULARS OF CANDIDATE

Surname	Other names	Age	Sex	Voter registration number	Address	Address for service of process and papers	Occupation

---

Signature of candidate

Date

Names and signatures of persons making the nomination

Place of residence and address

Voter registration number

1. \_\_\_\_\_

\_\_\_\_\_

2. \_\_\_\_\_

We, the undersigned registered voters in the electoral area of \_\_\_\_\_  
support the nomination of \_\_\_\_\_

Names and signatures of  
persons supporting nomination  
of candidates

Village

Voters reg. no.

Occupation

Signatures

1. \_\_\_\_\_

\_\_\_\_\_

2. \_\_\_\_\_

\_\_\_\_\_

3. \_\_\_\_\_

\_\_\_\_\_

4. \_\_\_\_\_

\_\_\_\_\_

5. \_\_\_\_\_

\_\_\_\_\_

6. \_\_\_\_\_

\_\_\_\_\_

7. \_\_\_\_\_

\_\_\_\_\_

8. \_\_\_\_\_

\_\_\_\_\_

9. \_\_\_\_\_

\_\_\_\_\_

10. \_\_\_\_\_

\_\_\_\_\_

Form EC 5  
**Appointment of Official Agent of Candidate**  
*(To be filled in by candidate)*

I, \_\_\_\_\_, candidate for \_\_\_\_\_  
Name \_\_\_\_\_ appoint \_\_\_\_\_  
*(surname first)* \_\_\_\_\_ of \_\_\_\_\_ Voter  
registration number \_\_\_\_\_  
Address \_\_\_\_\_  
Occupation \_\_\_\_\_  
to be my official agent for my election as member of district, city,  
municipality, town or subcounty council for the electoral area at \_\_\_\_\_  
Date \_\_\_\_\_ Signature \_\_\_\_\_

Form EC 6  
**Acceptance of Appointment**  
*(To be filled in by official agent)*

I, \_\_\_\_\_, of the name, voter registration number, address and occupation on Form EC 5, do consent to my appointment as official agent of the candidate named in this nomination paper.

---

Date

Signature

**Oath Authenticating Statement**

I, \_\_\_\_\_, solemnly swear in the name of the Almighty God/solemnly affirm that the statement in this nomination paper of my name, age, address, occupation, address for service of process and papers and the name and address of my appointed agent are correct to the best of my knowledge and belief.

---

Date

Signature

Before me

\_\_\_\_\_  
(A commissioner for oaths or magistrate, chief registrar of the High Court (including deputy and district registrars) or other person authorised by law to administer oaths).

Date \_\_\_\_\_

## Form EC 7

**Statement Under Oath by Person to be Nominated as District Urban or Subcounty Councillor**

I, \_\_\_\_\_, solemnly and sincerely state that

1. I am a citizen of Uganda.
2. I am not below the age of eighteen years.
3. I am registered as a voter in the \_\_\_\_\_ electoral area, district of \_\_\_\_\_ with registration number \_\_\_\_\_
4. I am not a traditional or cultural leader as defined in Article 246(6) of the Constitution of Uganda.
5. I have the following educational qualifications for standing for district, city, municipality, town, subcounty election
  - (a) \_\_\_\_\_ (e) \_\_\_\_\_
  - (b) \_\_\_\_\_ (f) \_\_\_\_\_
  - (c) \_\_\_\_\_ (g) \_\_\_\_\_
  - (d) \_\_\_\_\_ (h) \_\_\_\_\_
6. I do not owe allegiance to any country other than Uganda.
7. I am not under sentence of death or other sentence of imprisonment without the option of a fine, imposed on me by any competent court.
8. I have not been adjudged or otherwise declared—
  - (a) bankrupt under any law in force in Uganda from which I have not been discharged; nor
  - (b) to be suffering from mental illness, under any laws in force in Uganda.
9. I am not disqualified—
  - (a) by reason of my holding any office the functions of which involve a responsibility for or in connection with the conduct of an election; or
  - (b) for any other reason under the Local Governments Act or any other law in force in Uganda.

Form EC 8  
**Consent to Nomination as Candidate**

I consent to my nomination as candidate for \_\_\_\_\_ electoral area, and I make this solemn statement knowing and believing it to be true.

Subscribed and solemnly declared by me at \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Candidate

Before me \_\_\_\_\_

(A commissioner for oaths or magistrate, chief registrar of the High Court (including deputy and district registrar) or other person authorised by law to administer oaths).

**Form EC 9**  
**Declaration of Results**

Electoral area of \_\_\_\_\_  
 Polling station of \_\_\_\_\_

Candidates' names (surname first)	Number of valid votes polled by each candidate
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
Total number of valid votes cast for candidates	
Total number of rejected (invalid) ballot papers	
Total number of ballot papers counted	
Total number of spoilt ballot papers	
Total number of ballot papers issued	

I, the undersigned, certify that the above information is true and correct.

## Names and signatures of candidates' agents present

1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	

Presiding Officer

Date \_\_\_\_\_

Place and time \_\_\_\_\_

**Form EC 10**  
**Return Form for Transmission of Results**

District \_\_\_\_\_ Electoral area \_\_\_\_\_ Code \_\_\_\_\_

I, \_\_\_\_\_, being the returning officer for

electoral area, having added up the number of votes cast as recorded on each Declaration of Results Form in accordance with the Local Governments Act, declare that the total number of valid votes cast for each candidate is as follows.

Candidates' names (surname first)	Votes
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
Total votes cast for candidates	
Invalid votes	
Total number of ballot papers counted	

Accordingly, as returning officer for \_\_\_\_\_ electoral area and in accordance with the Local Governments Act, I declare \_\_\_\_\_ who has obtained the largest number of votes to be the elected candidate for the \_\_\_\_\_ electoral area.

---

Date

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Returning Officer

Form EC 11  
**Declaration of Election Results of Parish and  
Village Administrative Unit Elections**  
*(Fill in triplicate)*

District \_\_\_\_\_  
County \_\_\_\_\_  
Subcounty \_\_\_\_\_  
Parish \_\_\_\_\_  
Village \_\_\_\_\_

\* Office contested for: parish/village administrative unit.

Offices	Names of elected candidates
1. Chairperson	_____
2. Vice chairperson	_____
3. General secretary/ secretary for children welfare	_____
4. Secretary for information, education and mobilisation	_____
5. Secretary of production and environment protection	_____
6. Secretary for security	_____
7. Secretary for finance	_____

I declare that the above-named candidates have been duly elected in accordance with the Local Governments Act, and rules and regulations made under it.

Name and signature of presiding officer

Designation \_\_\_\_\_ Date \_\_\_\_\_

*Making a false declaration* who makes a false declaration shall be liable to prosecution.

Distribution:

**Original-village/parish. Duplicate-district. Triplicate-county.**

**History:** Act 1/1997; Act 5/1997; Cap. 243 (Revised Edition, 2000); Act 13/2001; Act 17/2001; S.I. 39/2001; S.I. 48/2001; Act 18/2003; S.I 51/2004; Act 8/2005; Act 20/2005; Act 2/2006; Act 27/2006; Act 1/2008; Act 8/2008; Act 16/2010; Act 5/2013; S.I. 47/2014; Act 16/2015; Act 1/2017; Act 17/2020; Act 18/2020; S.I. 73/2020; Act 15/2021; S.I. 63/2023

### Cross References

Constitution  
Electoral Commission Act, Cap. 176  
Interpretation Act, Cap. 2  
Kampala Capital City Act, Cap. 195  
Labour Unions Act, Cap. 228  
Local Government (Financial and Accounting) Regulations, S.I. 138–15  
National Council for Older Persons Act, Cap. 112  
Parliamentary Elections Act, Cap. 177  
Pensions Act, Cap. 89  
Persons with Disabilities Act, Cap. 115  
Physical Planning Act, Cap. 142  
Presidential Elections Act, Cap. 179  
Public Finance Management Act, Cap. 171  
Public Procurement and Disposal of Public Assets Act, Cap. 205  
Traffic and Road Safety Act, Cap. 347

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