

## THE NATIONAL ENVIRONMENT ACT.

Statutory Instrument 153—1.

### The National Environment (Environmental Impact Assessment) Regulations. (Under section 107 of the Act.)

#### PART I—PRELIMINARY.

##### 1. Citation.

These Regulations may be cited as the National Environment (Environmental Impact Assessment) Regulations.

##### 2. Application of these Regulations.

- (1) These Regulations shall apply—
  - (a) to all projects included in the Third Schedule to the Act;
  - (b) to any major repairs, extensions or routine maintenance of any existing project which is included in the Third Schedule to the Act.

(2) No developer shall implement a project for which environmental impact assessment is required under the Act and under these Regulations unless the environmental impact assessment has been concluded in accordance with these Regulations.

(3) Except as provided for in the Act and these Regulations, a licensing authority under any law in force in Uganda shall require the production of a certificate of approval of environmental impact assessment before issuing a licence for any project identified in accordance with subregulation (1) of this regulation.

(4) An inspector may, at all reasonable times, enter on any land, premises or other facilities to determine whether a project has complied with the requirements for environmental impact assessment under the Act.

### 3. Interpretation.

In these Regulations, unless the context otherwise requires—

- (a) “Act” means the National Environment Act and may, where the context so requires, include any other enactment;
- (b) “authority” means the National Environment Management Authority established under section 4 of the Act;
- (c) “board” means the board established under section 8 of the Act;
- (d) “developer” has the same meaning as assigned to it under section 1 of the Act and includes, for the purpose of these Regulations, any person who proposes to undertake a new project or to repair, extend or maintain an existing project which falls within the projects provided for in the Third Schedule to the Act;
- (e) “economic analysis” means the use of analytical methods which take into account economic, sociocultural and environmental issues on a common yardstick in the assessment of projects;
- (f) “environmental audit” has the same meaning assigned to it under section 1 of the Act and carried out as provided in section 22 of the Act;
- (g) “environmental impact assessment” has the meaning assigned to it under section 1 of the Act;
- (h) “environmental impact statement” means the statement described under sections 20 and 21 of the Act and regulations 13, 14, 15 and 16 of these Regulations;
- (i) “environmental impact study” means the study conducted to determine the possible environmental impacts of a proposed project and measures to mitigate their effects as provided under sections 19, 20 and 21 of the Act and as described in regulations 10, 11 and 12 of these Regulations;
- (j) “executive director” means the executive director appointed under section 11 of the Act and includes, for the purpose of these Regulations, any person who has been authorised by the executive director to act on his or her behalf or has been delegated to perform the functions of the authority under section 6(2) of the Act;
- (k) “guidelines” means the guidelines describing the methodology for implementation of environmental impact assessment requirements adopted by the authority under section 19(8) of the Act;

- (l) "individual person" excludes corporate entities and means the human person;
- (m) "inspector" means an inspector designated under section 79 of the Act;
- (n) "lead agency" means any agency on whom the authority delegates its functions under section 6(2) of the Act;
- (o) "mass media", for the purpose of these Regulations, includes publicly exhibited posters, newspapers, radio, television or other electronic media used for public communication;
- (p) "mitigation measures" include engineering works, technological improvements, management measures and ways and means of ameliorating losses suffered by individuals and communities, including compensation and resettlement;
- (q) "project brief" has the meaning assigned to it in section 1 of the Act and constitutes the first stage in the environmental impact assessment process as described in section 19 of the Act. Without prejudice to the definition contained in the Act, a reference to a project proposal in any other enactment or guidelines shall be construed as a reference to a project brief under the Act;
- (r) "proprietary information" has the meaning assigned to it under section 1 of the Act and the protection guaranteed under section 85(3) of the Act;
- (s) "technical committee" means the technical committee on environmental impact assessment established under section 10 of the Act;
- (t) "transboundary impacts" means impacts beyond the borders of Uganda.

#### 4. Functions of the technical committee.

- (1) The technical committee on environmental impact assessment shall advise the board and the executive director on technical issues relating to the carrying out of environmental impact assessments as required under the Act and other relevant laws, and its specific functions shall include—
  - (a) reviewing and advising on the implementation procedures for environmental impact assessment and making recommendations to the board and the executive director;
  - (b) reviewing and recommending guidelines to be issued by the authority to developers;

- (c) reviewing and advising on the environmental impact statements and audit reports;
- (d) considering potential conflicts that might arise through competing requirements for environmental resources;
- (e) recommending priority environmental controls, and management measures to be put in place during implementation of proposed projects;
- (f) advising on harmonisation of environmental impact assessment policy with sectoral policies on natural resources and the environment;
- (g) advising and recommending mechanisms for ensuring effective communication of environmental concerns associated with development projects in order to promote multisectoral and public participation in implementation of environmental policy;
- (h) participating in public hearings related to adoption or modification of Uganda's environmental impact assessment process; and
- (i) advising the authority on any other issues related to environmental impact assessments.

(2) The technical committee shall prepare and submit to the board annual reports on its activities.

(3) The meetings of the technical committee, which shall be held whenever necessary, shall be arranged in consultation with and facilitated by the authority.

(4) The technical committee may co-opt any member of the staff of the authority or any other person whom the technical committee deems necessary for its proper functioning.

## PART II—PROJECTS BRIEFS.

### 5. Preparation of the project brief.

- (1) A developer shall prepare a project brief stating, in a concise manner—
  - (a) the nature of the project in accordance with the categories identified in the Third Schedule to the Act;

- (b) the projected area of land, air and water that may be affected;
- (c) the activities that shall be undertaken during and after the development of the project;
- (d) the design of the project;
- (e) the materials that the project shall use, including both construction materials and inputs;
- (f) the possible products and by-products, including waste generation of the project;
- (g) the number of people that the project will employ and the economic and social benefits to the local community and the nation in general;
- (h) the environmental effects of the materials, methods, products and by-products of the project, and how they will be eliminated or mitigated; and
- (i) any other matter which may be required by the authority.

(2) In preparing the project brief, the developer shall pay particular attention to the issues specified in the First Schedule to these Regulations.

## **6. Submission of the project brief.**

(1) The developer shall submit ten copies of the project brief to the executive director.

(2) If the executive director deems the project brief to be complete, he or she may transmit a copy of the project brief to the lead agency for comments within seven working days of receiving the project brief.

## **7. Comments of the lead agency.**

(1) The lead agency shall make comments and transmit them to the executive director within fourteen working days of receiving the project brief.

(2) Where the lead agency fails to make comments and transmit them to the executive director within the period specified in subregulation (1) of this regulation, the executive director may proceed to consider the project brief.

**8. Consideration of the project brief.**

The executive director shall consider the project brief and the comments under regulation 7(1) of these Regulations made by the lead agency.

**9. Approval of the project brief.**

(1) If the executive director finds that the project will have significant impacts on the environment and that the project brief discloses no sufficient mitigation measures to cope with anticipated impacts, he or she shall require that the developer undertakes an environmental impact study.

(2) If the executive director is satisfied that the project will have no significant impact on the environment, or that the project brief discloses sufficient mitigation measures to cope with the anticipated impacts, he or she may approve the project.

(3) Where the executive director approves the project under subregulation (2) of this regulation, he or she shall issue a certificate of approval on behalf of the authority in the form provided in the Second Schedule to these Regulations.

(4) Where the executive director requires that the developer undertakes an environmental impact study under subregulation (1) of this regulation, he or she shall notify the developer in writing within twenty-one days from the date of the submission of the project brief under regulation 6 of these Regulations.

**PART III—ENVIRONMENTAL IMPACT STUDIES.****10. Terms of reference for an environmental impact study.**

(1) An environmental impact study shall be conducted in accordance with terms of reference developed by the developer in consultation with the authority and the lead agency.

(2) The terms of reference shall include all matters required to be included in the environmental impact statement provided for in regulation 14 of these Regulations, and such other matters as the executive director may in writing provide.

(3) An environmental impact study shall be conducted in accordance with the guidelines adopted by the authority in consultation with the lead agency under section 19(8) of the Act.

## 11. Approval of persons to conduct the assessment.

(1) The developer shall, on the approval of the terms of reference under regulation 10 of these Regulations, submit to the executive director the names and qualifications of the persons who shall undertake the study.

(2) The executive director may approve or reject the name of any person submitted under subregulation (1) of this regulation and require that another name be submitted within the period specified by the executive director in writing.

(3) The persons undertaking the study shall conduct themselves in accordance with the guidelines, an established code of practice or the written directions issued by the executive director under regulation 10(2) of these Regulations.

(4) The code of practice established under subregulation (3) of this regulation shall be published in the Gazette.

## 12. Public participation in making the study.

(1) The developer shall take all measures necessary to seek the views of the people in the communities which may be affected by the project during the process of conducting the study under these Regulations.

(2) In seeking the views of the people under subregulation (1) of this regulation, the developer shall—

- (a) publicise the intended project, its anticipated effects and benefits through the mass media in a language understood by the affected communities for a period of not less than fourteen days;
- (b) after the expiration of the period of fourteen days, hold meetings with the affected communities to explain the project and its effects; and
- (c) ensure that the venues and times of the meetings shall be convenient to the affected persons and shall be agreed with the leaders of local councils.

**PART IV—ENVIRONMENTAL IMPACT STATEMENT.****13. Environmental impact statement.**

(1) Where the executive director has, under regulation 9(1) of these Regulations, determined that an environmental impact study be made under these Regulations, the developer shall make an environmental impact statement on completing the study.

(2) In making an environmental impact statement, the developer shall pay attention to the issues laid down in the First Schedule to these Regulations.

**14. Contents of the environmental impact statement.**

Without prejudice to the generality of the terms of reference specified under regulation 10 of these Regulations, the environmental impact statement shall provide a description of—

- (a) the project and of the activities it is likely to generate;
- (b) the proposed site and reasons for rejecting alternative sites;
- (c) the potentially affected environment, including specific information necessary for identifying and assessing the environmental effects of the project;
- (d) the material inputs into the project and their potential environmental effects;
- (e) an economic analysis of the project;
- (f) the technology and processes that shall be used, and alternative technologies and processes, and the reasons for not selecting them;
- (g) the products and by-products of the project;
- (h) the environmental effects of the project, including the direct, indirect, cumulative, short-term and long-term effects and possible alternatives;
- (i) the measures proposed for eliminating, minimising or mitigating adverse impacts;
- (j) an identification of gaps in knowledge and uncertainties which were encountered in compiling the required information;
- (k) an indication of whether the environment of any other State is likely to be affected and the available alternatives and mitigating measures;

- (l) how the information provided for in this regulation has been generated; and
- (m) such other matters as the executive director may consider necessary.

#### **15. Executive summary of the statement.**

An environmental impact statement shall contain an executive summary stating the main findings and recommendations of the study.

#### **16. Signature of the statement.**

The environmental impact statement shall be signed by each of the individual persons making the impact study.

### **PART V—REVIEW PROCESS OF THE ENVIRONMENTAL IMPACT STATEMENT.**

#### **17. Submission of the environmental impact statement.**

(1) The developer shall submit twenty copies of the environmental impact statement to the executive director.

(2) The executive director shall maintain a register of environmental impact statements submitted under subregulation (1) of this regulation.

#### **18. Comments of the lead agency.**

(1) The executive director shall transmit the environmental impact statement to the lead agency and request the lead agency to make comments on the statement.

(2) The lead agency shall make comments on the environmental impact statement and transmit them back to the executive director within thirty working days of receiving the environmental impact statement.

(3) Where the lead agency fails to make comments within the period specified in subregulation (2) of this regulation, the executive director may make the decision under regulation 21 of these Regulations.

(4) The lead agency in considering the environmental impact statement under this regulation may carry out any other procedures that the technical committee may consider necessary.

(5) The lead agency shall not be required to make comments under subregulation (2) of this regulation where that lead agency is the developer.

(6) Where the lead agency is the developer, it shall be required to submit its environmental impact statement to the executive director who shall make comments or invite other lead agencies to make comments.

## **19. Invitation of general public comments.**

(1) The executive director shall, within ten days of receiving the comments of the lead agency, and if he or she is satisfied that the environmental impact statement is complete, invite the general public to make written comments on the environmental impact statement.

(2) The invitation of the general public to make written comments shall be made in a newspaper having national or local circulation and shall be exhibited in the newspaper for such period as the executive director considers necessary.

(3) The invitation under subregulation (2) of this regulation shall state—

- (a) the nature of the project;
- (b) the location of the project;
- (c) the anticipated negative and positive impacts of the project; and
- (d) the proposed mitigation measures to respond to the negative impacts.

(4) The comments under subregulation (1) of this regulation shall be received by the executive director within twenty-eight days from the date of the invitation issued under subregulation (2) of this regulation.

**20. Invitation for comments from persons specifically affected by the project.**

(1) The executive director shall on receiving the comments of the lead agency under regulation 18(2) of these Regulations invite the comments of those persons who are most likely to be affected by the proposed project.

(2) The invitation of the persons who are most likely to be affected by the project shall be made in a newspaper having local circulation in the area where the project shall be located and on other mass media and through the distribution of the necessary information through lower governments established under the Local Governments Act, and shall be in languages understood by the majority of the affected persons.

(3) The invitation under subregulation (2) of this regulation shall state—

- (a) the nature of the project;
- (b) the location of the project;
- (c) the benefits of the project to the local community;
- (d) the anticipated positive and negative environmental impacts of the project; and
- (e) the proposed mitigation measures to respond to the negative impacts.

(4) The individual or collective written comments of the persons likely to be affected by the project shall be received by the executive director within twenty-one days from the date of the invitation issued under subregulation (2) of this regulation.

**21. Determination to make a decision or hold a public hearing.**

(1) The executive director shall consider the environmental impact statement and all the comments received under regulations 18, 19 and 20 of these Regulations and make the decision under regulation 25 of these Regulations or determine whether a public hearing be held under regulation 22 of these Regulations.

(2) The executive director shall call for a public hearing under these Regulations where there is a controversy or where the project may have transboundary impacts.

## 22. Public hearing.

- (1) On the written request of the executive director, the lead agency shall hold a public hearing on the environmental impact statement if—
- (a) as a result of the comments made under regulations 18, 19 and 20 of these Regulations, the executive director is of the opinion that a public hearing will enable him or her to make a fair and just decision;
  - (b) the executive director considers it necessary for the protection of the environment and the promotion of good governance.
- (2) The public hearing shall be held within such period as the executive director in consultation with the lead agency may determine, but that period shall not be less than thirty days nor more than forty-five days of receiving comments under regulations 18, 19 and 20 of these Regulations.
- (3) The public hearing shall be presided over by a suitably qualified person known as a presiding officer, appointed by the lead agency in consultation with the executive director.
- (4) The person appointed under subregulation (3) of this regulation shall serve on such terms and conditions as the lead agency and the person so appointed may agree.
- (5) Notwithstanding subregulation (3) of this regulation, the scope of the public hearing determined in the terms and conditions under subregulation (4) of this regulation shall be commensurate with the nature and size of the project.
- (6) The public hearing shall be conducted at a venue which shall be convenient and accessible to those persons who are likely to be specifically affected by the project.
- (7) The date and venue of the public hearing shall be advertised through the mass media, so as to bring it to the attention of persons most likely to be affected by the project and those persons making comments under regulation 20 of these Regulations.
- (8) On the conclusion of the public hearing, the presiding officer shall make a report of the views presented at the public hearing and make

factual findings to the lead agency and the executive director within thirty days from the day on which the public hearing was concluded.

(9) The lead agency shall make a report to the executive director containing the findings and recommendations from the public hearing within twenty-one days from the day the public hearing was concluded.

### **23. Persons eligible to make presentations at public hearings.**

(1) Any person may attend either in person or through a representative and make presentations at a public hearing, provided that the presiding officer shall have the right to disallow frivolous and vexatious presentations which lead to the abuse of the hearing.

(2) The developer shall be given an opportunity to answer to any presentation made at the public hearing and to provide further information relating to the project.

(3) The technical committee shall advise on the procedure for the making of presentations at public hearings under these Regulations.

## **PART VI—DECISION OF THE EXECUTIVE DIRECTOR ON ENVIRONMENTAL IMPACT STATEMENTS.**

### **24. Basis of decision.**

(1) In making a decision regarding an environmental impact assessment under these Regulations, the executive director shall take into account—

- (a) the validity of the predictions made in the environmental impact statement under Part V of these Regulations;
- (b) the comments made under these Regulations;
- (c) the report of the presiding officer at a public hearing under regulation 22 of these Regulations, where applicable;
- (d) analysis of the economic and sociocultural impacts of the project; and
- (e) other factors which the executive director considers crucial in the particular circumstances of the project.

(2) The executive director shall make a decision under this regulation within less than 180 days from the date on which the environmental impact statement was submitted under regulation 17 of these Regulations.

## 25. Decision of the executive director.

(1) The executive director in taking into account the whole review process may—

- (a) approve the project or part of the project;
- (b) require that the project be redesigned, including directing that different technology or an alternative site be chosen;
- (c) refer back the project or part of the project to the developer where there is insufficient information for further study or submission of additional information as may be required to enable the executive director to make a decision; or
- (d) reject the project.

(2) A decision of the executive director under this regulation shall be communicated to the developer within fourteen days of the decision.

## 26. Conditions of approval of a project.

In making his or her decision to approve the project, the executive director shall—

- (a) give approval subject to such conditions as he or she deems necessary;
- (b) state the period for which the approval shall remain valid; and
- (c) issue a certificate of approval of the project in the form contained in the Second Schedule to these Regulations.

## 27. Rejection of the project.

(1) Where the executive director makes a decision to reject a project under regulation 25(1)(d) of these Regulations, he or she shall state the reasons in writing.

(2) The decision of the executive director in accordance with regulation 25(1)(d) of these Regulations and subregulation (1) of this

regulation shall be communicated to the developer within fourteen days of the decision.

## 28. Cancellation of approved environmental impact assessment.

(1) At any time after the issuance of a certificate of approval of the project, the executive director may revoke the approval where—

- (a) there is noncompliance with the conditions set out in the certificate;
- (b) there is a substantial modification of the project implementation or operation which may lead to adverse environmental impacts; or
- (c) there is a substantive undesirable effect not contemplated in the approval.

(2) A revocation under subregulation (1) of this regulation shall lead to the automatic cancellation of the certificate issued under regulation 26(c) of these Regulations.

(3) Where a certificate of approval is cancelled under subregulation (2) of this regulation, the developer shall stop any further development pending rectification of the adverse impact.

## PART VII—ACCESS TO ENVIRONMENTAL IMPACT ASSESSMENT REPORTS AND INFORMATION.

## 29. Documents deemed to be public documents.

(1) Subject to article 41 of the Constitution and section 85(3) of the Act, any project brief, environmental impact review report, environmental impact evaluation report, environmental impact statement, terms of reference, public comments, report of the presiding officer at a public hearing or any other information submitted to the executive director or the technical committee under these Regulations shall be public documents.

(2) Any person who desires to consult the documents described in subregulation (1) of this regulation shall, subject to section 85 of the Act, be granted access by the authority on such terms and conditions as the authority considers necessary.

### **30. Protection of proprietary information.**

- (1) Where at any stage of the process of implementing these Regulations the developer claims in writing that any information submitted to the authority is, under section 85(3) of the Act, proprietary—
- (a) the executive director shall review that claim and take adequate precautions to prevent disclosure of the information; and
  - (b) no person shall copy, circulate, publish or disclose that information.
- (2) The executive director, after reviewing the claim, may request the developer to submit such additional information to determine whether the information is proprietary or not.
- (3) Where the executive director determines that the information is proprietary, the information will be excluded from the project brief or the environmental impact statement, whichever the case it may be, but shall remain available to the authority; and the authority shall take all measures to maintain the confidentiality of the information.
- (4) Where the executive director rejects the claim that the information is proprietary, he or she shall communicate to the developer and request the developer to either—
- (a) waive the claim and continue with the assessment and review process under these Regulations; or
  - (b) withdraw the information submitted from the assessment and withdraw from the review process under these Regulations.

## **PART VIII—POST-ASSESSMENT ENVIRONMENTAL AUDITS.**

### **31. Self-auditing.**

- (1) In executing the project, after the environmental impact assessment has been approved by the executive director, the developer shall take all practicable measures to ensure that the predictions made in the project brief or environmental impact statement are complied with.
- (2) Within a period of not less than twelve months and not more than thirty-six months after the completion of the project or the commencement of its operations, whichever is earlier, the developer shall undertake an initial

environmental audit of the project, provided that an audit may be required sooner if the life of the project is shorter than the period prescribed under this subregulation.

(3) The initial environmental audit under subregulation (2) of this regulation shall be carried out by persons whose names and qualifications have been approved by the executive director for the purpose.

(4) Subsequent to the initial environmental audit, the executive director may require the developer to carry out such other audits at such times as the executive director considers necessary.

(5) An environmental audit report shall be prepared after each audit and shall be submitted to the executive director by the developer.

### **32. Audit by the authority.**

(1) An inspector designated under section 79 of the Act may, at all reasonable times, enter on any land, premises or other facility related to a project for which a project brief or an environmental impact statement has been made under these Regulations, to determine how far the predictions made in the project brief or the environmental impact statement, whichever the case may be, are complied with.

(2) An inspector acting pursuant to this regulation may examine and copy records and exercise all or any of the powers provided for under section 80 of the Act.

(3) A member of the public, after showing reasonable cause, may petition the executive director to cause an audit to be carried out on any project.

### **33. Mitigation measures.**

(1) After studying the audit report made under regulations 31 and 32 of these Regulations, the executive director may require that the developer takes specific mitigation measures to ensure compliance with the predictions made in the project brief or environmental impact statement, whichever the case may be.

(2) The mitigation measures in subregulation (1) of this regulation shall be communicated to the developer in writing, specifying the period within which the measures shall be taken.

(3) Where a developer fails to implement the mitigation measures communicated under subregulation (2) of this regulation, an inspector may issue against the developer an improvement notice under section 80 of the Act and commence such criminal and civil proceedings provided for under the Act as are appropriate.

#### PART IX—MISCELLANEOUS PROVISIONS.

### 34. Environmental impact assessment of policies and projects.

(1) An environmental impact assessment of a policy under these Regulations does not exclude the need to assess the environmental impact of specific projects proposed in accordance with the policy.

(2) The executive director may, in approving the terms of reference of an environmental impact study for a project under regulation 10 of these Regulations, exclude those general matters which have already been covered in the assessment of a policy.

(3) A previous environmental impact assessment of a similar project under these Regulations does not exclude the environmental impact assessment of a later project.

### 35. Effect of approval or rejection of project.

(1) No civil or criminal liability, in respect of an approval of a project or consequence resulting from an approved project, shall be incurred by the executive director or any person acting on his or her behalf, by reason of the approval, rejection or denial or any conditions attached to the approval.

(2) The fact that an approval is made in respect of an environmental impact assessment shall afford no defence to any civil action or to a criminal prosecution under any enactment concerning the project or the manner it is operated or managed.

**36. Offences and penalties.**

(1) Notwithstanding any licence, permit or approval granted under any enactment, any person who commences, proceeds with, carries out, executes or conducts or causes to commence, proceed with, carry out, execute or the conduct of any project without approval from the authority under the Act or these Regulations commits an offence contrary to section 96 of the Act and is liable on conviction to a penalty prescribed under that section.

(2) Any person who—

- (a) fails to prepare and submit a project brief to the executive director contrary to regulations 5 and 6 of these Regulations;
- (b) fails to prepare and submit an environmental impact statement contrary to regulations 13, 14, 15 and 16 of these Regulations; or
- (c) is in breach of any condition of approval of the environmental impact assessment,

commits an offence contrary to section 96 of the Act and is liable on conviction to the penalty prescribed under that section.

(3) Any person who—

- (a) fraudulently makes a false statement in a project brief or impact statement contrary to these Regulations;
- (b) fraudulently alters a project brief or an environmental impact statement contrary to these Regulations;
- (c) fails, in the development of a project, to abide by the conditions of approval under regulation 26 of these Regulations; or
- (d) fraudulently makes a false statement in an environmental audit contrary to these Regulations,

commits an offence contrary to section 96 of the Act and is liable on conviction to the penalty prescribed under that section.

**37. Fees.**

(1) For the purpose of giving full effect to these Regulations, and by virtue of sections 88(2)(c) and 107(1) of the Act, the authority shall, depending on the size of the project in question and on the circumstances of each particular case, charge a fee on the developer for the following activities—

- (a) for a project brief or an environmental impact assessment, and the fees payable shall be as specified in the Third Schedule to these Regulations;
- (b) access to records under section 85(1) of the Act; and
- (c) any other amount that is necessary.

(2) The developer shall, in addition to the fees under subregulation (1) of this regulation, pay for any advertisements required under regulations 19, 20 and 22(7) of these Regulations.

(3) The Minister may, on the recommendation of the executive director, amend the Third Schedule to these Regulations.

### **38. Appeals.**

Notwithstanding section 104 of the Act, any person who is aggrieved by any decision of the executive director may, within thirty days of the decision, appeal to the High Court.

### **39. Delegation of powers and functions.**

The executive director may, where necessary, delegate any of the functions and powers under these Regulations to any other officer of the authority or to a lead agency.

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## SCHEDULES

### *First Schedule.*

regs. 5(2), 13.

#### **Issues to be considered in making environmental impact assessments.**

The following issues may, among others, be considered in the making of environmental impact assessments.

##### 1. Ecological considerations—

- (a) biological diversity including—
  - (i) effect of proposal on number, diversity, breeding habits, etc. of wild animals and vegetation; and
  - (ii) gene pool of domesticated plants and animals, e.g., monoculture as opposed to wild types;
- (b) sustainable use including—
  - (i) effect of proposal on soil fertility;
  - (ii) breeding populations of fish and game or wild animals;
  - (iii) natural regeneration of woodland and sustainable yield; and
  - (iv) wetland resource degradation or wise use of wetland; and
- (c) ecosystem maintenance including—
  - (i) effect of proposal on food chains;
  - (ii) nutrient cycles;
  - (iii) aquifer recharge, water runoff rates etc.;
  - (iv) areal extent of habitants; and
  - (v) fragile ecosystems.

##### 2. Social considerations including—

- (a) effects of proposal on generation or reduction of employment in the area;
- (b) social cohesion or disruption;
- (c) effect on human health;
- (d) immigration or emigration;
- (e) communication—roads opened up, closed, rerouted;
- (f) local economy; and
- (g) effects on culture and objects of cultural value.

3. **Landscape—**
  - (a) views opened up or closed;
  - (b) visual impacts (features, removal of vegetation, etc.);
  - (c) compatibility with surrounding area; and
  - (d) amenity opened up or closed, e.g., recreation possibilities.
4. **Land uses—**
  - (a) effects of proposal on current land uses and land use potentials in the project area;
  - (b) possibility of multiple use; and
  - (c) effects of proposal on surrounding land uses and land use potentials.

*Second Schedule.*

regs. 9(3), 26.

**Certificate of Approval.**

Republic of Uganda

Certificate of Approval of Environmental Impact Assessment.<sup>1</sup>*The National Environment Management Authority.**The National Environment Act.**The National Environment (Environmental Impact Assessment)**Regulations.*

Certificate No. NEA/EA./1.

This is to certify that the project brief/environmental impact statement (EIS)<sup>2</sup> received from \_\_\_\_\_ of \_\_\_\_\_ submitted in accordance with the National Environment Act to the National Environment Management Authority (NEA) regarding:

(title of project)

briefly described as

(nature, purpose)

located at

(district/subcounty/city/town/ward)

has been reviewed and was found to<sup>2</sup>:

- have no significant environmental impacts and was approved
- have significant environmental impacts and the following appropriate mitigation measures were identified and made a condition precedent for approval and implementation:

<sup>1</sup> To be issued in quadruplicate; original to developer; duplicate to lead agency; triplicate to the authority; quadruplicate to any other relevant agency.

<sup>2</sup> Delete whichever is inapplicable.

(attach relevant details where necessary)

Dated at \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_

*Seal*

Executive Director, National  
Environment Authority

*Third Schedule.*

reg. 37.

**Fees.**

Fees payable on project briefs and environmental impact assessments under regulation 37(1) of the National Environment (Environmental Impact Assessment) Regulations.

1. Where the total value of the project does not exceed 50,000,000 shillings the amount payable shall be 250,000 shillings.
2. Where the total value of the project is more than 50,000,000 shillings but does not exceed 100,000,000 shillings the amount payable shall be 500,000 shillings.
3. Where the total value of the project is more than 100,000,000 shillings but does not exceed 250,000,000 shillings the amount payable shall be 750,000 shillings.
4. Where the total value of the project is more than 250,000,000 shillings but does not exceed 500,000,000 shillings the amount payable shall be 1,000,000 shillings.
5. Where the total value of the project is more than 500,000,000 shillings but does not exceed 1,000,000,000 shillings the amount payable shall be 1,250,000 shillings.
6. Where the total value of the project is more than 1,000,000,000 shillings but does not exceed 5,000,000,000 shillings the amount payable shall be 2,000,000 shillings.
7. Where the total value of the project is more than 5,000,000,000 shillings, the amount payable shall be 0.1% of the total value of the project.

## Cross References

Constitution of 1995.

Local Governments Act, Cap. 243.