

THE EXPROPRIATED PROPERTIES ACT.

Statutory Instrument 87—8.

The Expropriated Properties (Repossession and Disposal) (No. 1) Regulations.

Arrangement of Regulations.

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THE EXPROPRIATED PROPERTIES ACT.

Statutory Instrument 87—8.

The Expropriated Properties (Repossession and Disposal) (No. 1) Regulations.

(Under section 16 of the Act.)

1. Citation.

These Regulations may be cited as the Expropriated Properties (Repossession and Disposal) (No. 1) Regulations.

2. Application.

An application for repossession of property shall be made in the form specified in the First Schedule to these Regulations, and shall be addressed and sent to the Minister either directly to the address specified on the application form or through a Ugandan diplomatic mission or such other authorised agent as the Minister may determine.

3. Fee and documents.

- (1) Every application form shall be accompanied by the following—
 - (a) a nonrefundable fee of twenty-five thousand shillings or its equivalent in convertible currency or such other nonconvertible currency that the Minister may allow;
 - (b) in the case of a company or firm, a certified copy of the memorandum and articles of association or a copy of the certificate of registration as applicable;
 - (c) copies of the title deed relating to the property at the time of its expropriation, or if unavailable particulars of the title deed;
 - (d) copies of Forms PRO/1 and PRO/2 completed under the Declaration of Assets (Noncitizen Asians) Decree; and
 - (e) copies of declarations and claims submitted under the Properties and Businesses (Acquisition) Decree.

- (2) The Minister may require any applicant to furnish him or her with such further or other information as he or she may determine.

4. Separate applications.

There shall be made a separate application in respect of every different property or business which an applicant wishes to repossess.

5. Acknowledgement of applications.

(1) Every application received shall be acknowledged by an acknowledgement receipt issued to the person who makes the application.

(2) An acknowledgement receipt issued under this regulation shall be in the form specified in the First Schedule to these Regulations.

6. Custodian Board Divestiture Committee.

(1) There is established a committee to be known as the Custodian Board Divestiture Committee in these Regulations referred to as "the committee".

(2) The committee shall consist of a chairperson and three other members appointed by the Minister.

(3) The executive secretary of the Departed Asians' Property Custodian Board shall be secretary to the committee.

7. Meetings of the committee.

(1) The committee shall meet for the discharge of its functions under these Regulations as often as is necessary at such time and place as the chairperson may appoint.

(2) The chairperson shall preside at all meetings of the committee, and in his or her absence such member as the members present may elect shall preside at the meeting.

(3) The committee may invite any person to give information or other assistance at any of its meetings.

(4) The quorum of the committee shall be two members.

(5) Any member of the committee who has any personal interest in

any matter before the committee shall disclose the nature of his or her interest to the committee and shall be disqualified from taking part in the deliberations of the committee with respect to that matter.

(6) The committee may appoint such subcommittees consisting either of its members or its members and such other persons as it may consider necessary for the discharge of its duties.

(7) Subject to subregulations (1) to (6) of this regulation, the committee may regulate its own procedure.

8. Functions of the committee.

The committee shall advise the Minister on matters relating to the implementation of the Act, and, without prejudice to the generality of the foregoing, shall—

- (a) examine and verify the authenticity of each application to repossess a property or business;
- (b) examine and verify the authenticity of documents accompanying each application form;
- (c) examine and verify the authenticity of claims of any interest of whatever description in a property or business for which application to repossess has been made;
- (d) determine whether any property or business for which an application to repossess has been made is the subject of a caveat, lien, loan, charge, mortgage or any other registered incumbrance in favour of a bank, financial institution or any other lender;
- (e) examine and verify the authenticity of competing claims for repossession of a property or business;
- (f) identify and advise whether any property or business for which application has been made to repossess is a property or business in which the Government may wish to participate;
- (g) assist the Minister in all matters requiring negotiation under the Act, and advise him or her on what decisions to take regarding the disposal of properties under the Act; and
- (h) generally recommend to the Minister how to deal with any property or business affected by the Act.

9. Claims of interest.

- (1) Any person who has a claim of any interest of whatever

description in any property or business affected by the Act, other than a claim for repossession, or a claim for compensation by a former owner, may within ninety days from the commencement of the Act, lodge the claim with the committee by writing under his or her hand to the chairperson of the committee.

(2) Any person who lodges a claim under subregulation (1) of this regulation shall give details of the origin, nature and substance of the claim.

10. Certificates.

(1) Where, under section 5(2) of the Act, negotiations for a joint venture company are successfully concluded, the Minister shall under his or her hand issue to the new joint venture company a certificate in the form set out in the Second Schedule to these Regulations.

(2) Where the Minister validates the transfer of any property or business made pursuant to a joint venture agreement, he or she shall under his or her hand issue the joint venture company a certificate in the form set out in the Second Schedule to these Regulations.

(3) Where the Minister has been satisfied with the merits of an application for repossession, he or she shall under his or her hand issue to the applicant a certificate in the form set out in the Second Schedule to these Regulations.

11. Sale.

(1) Where the Minister makes an order that any property or business be sold, then—

- (a) the property or business shall be valued by such valuers as the Minister may appoint subject to the guidance of the board of valuers in accordance with section 13 of the Act;
- (b) the property or business shall be sold by competitive tender;
- (c) the board of valuers shall determine the reserve price for the property or business.

(2) The committee shall be responsible for advising the Minister on the merits of tender bids made for the purposes of subregulation (1)(b) of this regulation.

- (3) The committee shall receive and consider tender bids either—
(a) for the sale of property or business situated in specified areas; or
(b) for the sale of such sets or types of a property or business as may be specified.

(4) The Minister shall issue a certificate under his or her hand in the form set out in the Second Schedule to these Regulations to a person or body who purchases a property or business under this regulation.

12. Disposal other than by sale.

(1) Where the Minister makes an order that a property or business be retained by Government or be disposed of in any other manner other than by sale, the retention or disposal shall be made in accordance with such directions as the Minister may in writing under his or her hand issue in any particular case.

(2) Where property or business is retained or disposed of under this regulation, the Minister shall under his or her hand issue to the recipient of the property a certificate in the form set out in the Second Schedule to these Regulations.

13. Expired leases, etc.

For the purposes of section 2(2)(b) of the Act, every expired lease, agreement for a lease or other tenancy shall be deemed to continue, after the property has been dealt with in accordance with the Act, for a further period of two years or a period equivalent to the unexpired period of the lease, agreement for a lease or tenancy at the time of expropriation of the property whichever is the greater period.

14. Proprietary residence.

For the purposes of section 3(2) of the Act, where the applicant is a corporate body or a firm, then at least one shareholder or partner of the corporate body or firm shall physically reside in Uganda and effectively manage the property or business.

15. Appeals.

The rules of civil procedure governing the institution of suits in the High

Court shall apply to appeals made under section 15 of the Act.

SCHEDULES

First Schedule.

regs. 2, 5.

Forms.

Republic of Uganda

Form 1.

Application to Repossess Property or Business.

(Under section 4 of the Expropriated Properties Act.)

(Four copies to be filled in for each application. Please fill in a separate form for each property or business claimed. Delete where not applicable.)

Reg. fee: shs. 25,000

Attach passport-size
photograph here

To: The Minister Responsible for Finance
P.O. Box 8147
Kampala

Part I—Particulars of applicant. In case of an individual.

1. Surname _____
2. Other names _____
3. Place and date of birth _____
4. Present address and country of residence _____

5. Contact address _____

6. Citizenship _____ Passport No. _____
7. (a) Have you ever held Uganda citizenship? Yes / No
(b) If yes, state—

- (i) Immigration file no. _____
- (ii) Passport no. _____
8. Where was your property/business expropriated? _____
9. Are you applying as a legal heir or successor? Yes / No
If yes, attach photocopies of relevant documentary proof.

In case of a company or firm.

1. Name _____
2. Place and date of incorporation _____
3. (a) Was the company/firm registered in Uganda? Yes / No
(b) If yes, state particulars of registration _____

4. When was your property/business expropriated? _____
5. Status of person applying on behalf of the company/firm _____
6. Present address _____

Part II—Particulars of real (immovable) property.

1. Plot No. _____ Road/ Street/Other _____
2. City/Town/Other _____
3. Leasehold register volume _____ Folio _____
4. Mailo/Freehold register volume _____ Folio _____
5. Block No. _____ County _____ District _____
6. Registered proprietor at time of expropriation _____
7. What interest do you own in the property? (give details)

8. This property was being used as _____
9. (a) Have you or any other person been paid any compensation in respect of this property? Yes / No
(b) If yes, state the amount _____
Name of payer _____
Name of payee _____
Date of payment _____
10. (a) Was there any incumbrance on the title of this property at the time of expropriation? Yes / No
(b) If yes, state the nature of the incumbrance

and by whom _____

Part III—Particulars of movable property/business.

1. Description of property/business _____
2. Location _____
3. What interest do you have in this property/business? (*give details, e.g., in case of partnership or company indicate shares*)

4. (a) Have you or any other person been paid any compensation in respect of this property/business? Yes / No
(b) If yes, state the amount _____
Name of payer _____
Name of payee _____
Date of payment _____
5. (a) Was there any incumbrance on the title of this property/business at the time of expropriation? Yes / No
(b) If yes, by whom _____

Part IV—Declaration oath.

I, _____, declare
that the particulars given in this form are true in all respects.

Declared by the applicant, _____, this
____ day of _____, 20 ____.

Before _____

Notary Public/Commissioner for Oaths/
Justice of the Peace

Republic of Uganda

Form 2.
Acknowledgement Receipt.

This is to acknowledge receipt of Mr./Mrs./Miss/Messrs. _____

claim for property/business _____

Fee paid: shs. _____

Date _____ Signature of Receiving Officer

Second Schedule.

regs. 10, 11, 12.

Certificates.

Republic of Uganda

Form 3.

Certificate Authorising Repossession.

(Under sections 5 and 6 of the Expropriated Properties Act.)

In exercise of the powers conferred upon the Minister by sections 5 and 6 of the Act and after being satisfied with the merits of the application of Mr./Mrs./Miss/Messrs. _____

to repossess the property/business _____

this certificate is issued, subject to section 9(1)(d) of the Act, authorising the applicant to repossess that property/business.

Date

Minister Responsible for Finance

Republic of Uganda

Form 4.

Certificate Validating Transfer of Property/Business Under a Joint Venture Agreement.

(Under section 5(3) of the Expropriated Properties Act.)

In exercise of the powers conferred upon the Minister by section 5(3) of the Act and after being satisfied that the property/business _____

is being occupied/managed/rehabilitated under a joint venture agreement between the Government of Uganda and _____

which agreement is in the best interests of Uganda, this certificate is issued validating the transfer of the property/business made pursuant to the agreement.

Date

Minister Responsible for Finance

Republic of Uganda

Form 5.

Certificate of Purchase or Receipt of a Property/Business.
(Under section 9 of the Expropriated Properties Act.)

In exercise of the powers conferred upon the Minister by section 9 of the Act,
this is to certify that Mr./Mrs./Miss/Messrs. _____
is the purchaser/recipient of the property/business

the particulars of which are

Date

Minister Responsible for Finance

History: S.I. 6/1983; S.I. 7/1983; S.I. 44/1983; S.I. 8/1991; S.I. 82/1993.

Cross References

Declaration of Assets (Noncitizen Asians) Decree, Decree 27/1972.
Properties and Businesses (Acquisition) Decree, Decree 11/1975.