



PARLIAMENT OF UGANDA

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**REPORT OF THE COMMITTEE ON PHYSICAL INFRASTRUCTURE ON THE
PHYSICAL PLANNERS' REGISTRATION BILL, 2021**

Office of the Clerk to Parliament

Parliament Building

Kampala

April

2022

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1.0 Introduction

The Physical Planners' Registration Bill 2021 was read for the first time on Wednesday 29th September 2021 and referred to the Parliamentary Committee on Physical Infrastructure for consideration.

In accordance with Rules 129 and 189 (c) of the Rules of Procedure of Parliament, the Committee scrutinized the Bill and now presents its report to the House for consideration.

2.0 Background

Currently there is no legal framework regulating Physical Planners in Uganda. The absence of a legal framework has compounded the practice of preparation of arbitrary physical development plans, unethical planning practices, violation of minimum physical planning standards, rampant abuse of environmentally sensitive areas, degradation of the environment, encroachment of public areas, depletion of natural resources and disorganized urban and rural development in the country.

Further, nonexistence of a legal framework raises a challenge of identifying qualified physical planners from the unqualified persons purporting to be physical planners. The Physical Planning Act 2010 declared the whole of Uganda a planning area, therefore there is need to regulate the physical planning profession.

The purpose of the Bill therefore is to provide a legal framework to regulate the practice and activities of physical planners, to set and monitor the standards of physical planners to organize urban development in the country and to reap from the benefits of the urbanization process. It is in this vein that the Bill provides for a Physical Planners' Registration Board that will register Physical Planners and Physical Planning Assistants and to provide disciplinary

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procedures for errant members of the profession and also to provide for other related matters.

3.0 Methodology

The Committee:

- i. Perused the Physical Planners' Registration Bill, 2021.
- ii. Held consultative meetings with key stakeholders namely:
 - a. Ministry of Lands, Housing and Urban Development (MoLHUD) Officials led by the Minister;
 - b. Uganda Institute of Physical Planners (UIPP);
 - c. Association of Physical Planners in Uganda (APPU);
 - d. Architects' Registration Board (ARB);
 - e. Uganda Society of Architects; and
 - f. Independent Physical Planners represented by Dr. Wilson Kayoum
- iii. Received and considered written submissions from:
 - a. Shelter and settlements Alternatives;
 - b. Sanyu Rita, Mirembe Lucy and Mulabi Esther who are individual stakeholders based in Mbale city.

4.0 Preliminaries

i. Compliance with Gender Equity

The Physical Planners' Registration Bill 2021 is compliant with Gender Equity as the Physical Planners' Registration Board that it seeks to establish complies with the gender requirements.

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ii. Compliance with the Sustainable Development Goals (SDGs)

The Physical Planners’ Registration Bill, 2021 promotes the realization of SDG 11 which aims at developing sustainable cities and communities.

5.0 Committee Observations and Recommendations

1. Functions of the Physical Planners’ Registration Board

The Bill under Clause 3 provides for functions of the Physical Planners’ Registration Board. The Committee notes that the functions of the Board do not include regulation of physical planning firms in Uganda yet this area is currently unregulated. It observes that this is a loophole that creates leeway for unprofessional persons purporting to be Physical Planners to practice untracked.

The Committee recommends that the functions of the Board should include monitoring and regulating standards for private physical planning firms in Uganda.

2. Powers of the Physical Planners’ Registration Board

The Committee observes that the Bill does not explicitly provide for the powers of the Board. For purposes of clarity the powers of the Board must be clearly provided for in the law to include the following:

- i. to register and de-register Physical Planners;
- ii. to inspect work premises of Physical Planners;

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- iii. to conduct any investigation or inquiry relevant to the performance of its functions;
- iv. to control, supervise and administer the assets of the Board;
- v. to regulate professional fees for Physical Planners;
- vi. to accredit institutions undertaking continued professional development programs for registered Physical Planners; and
- vii. to arbitrate physical planning matters that involve its members and or its member(s) and another party.

The Committee recommends that the Bill be amended to provide for the powers of the Board.

3. Composition of the Physical Planners' Registration Board

The Bill under Clause 4 provides for membership of the Physical Planners' Registration Board to comprise of a Chairperson, two persons from the public service, three persons from the private sector and one person from the academia all of whom shall be physical planners.

The Committee observes that physical planning is a multi-sectoral discipline that touches many facets of the natural and built environment. It includes landscape professionals, water systems professionals, Architects and Agriculturalists among others. The proposed composition of the Board leaves no room for growth from inter-disciplinary interactions.

The Committee proposes that the composition of the Physical Planners' Registration Board should be diversified to depict the multi-sectoral nature of the profession so as to ensure balanced decisions.

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4. Qualifications of the Registrar of the Board

The Bill under clause 6 provides for the appointment of a registrar who shall be the Chief Executive Officer of the Board but the Committee observes that it does not provide for the person specifications of this officer.

The Committee recommends that the Bill be amended to provide for the required qualifications of the Registrar of the Board.

5. Conditions and Qualification for Registration

Clause 11 of the Bill provides that a person can register as a physical planner if they are holders of bachelors or postgraduate degree in urban and regional planning or other qualifications by whatever name called from a university or other institution recognized by the Board and two years practical experience; and a physical planning assistant if they are a holder of a diploma in urban planning, urban and regional planning, spatial planning, physical planning or other qualification by whatever name called, from a university or other institution recognized by the Board and two years practical experience obtained under supervision of a registered physical planner.

The Committee observes that for a physical planner to be referred to as a registered physical planner it is important that in addition to the academic qualifications they accomplish an individual professional project under the supervision of a registered physical planner. This can best be done under a physical planners society where all graduate physical planners are eligible to membership and have opportunity for mentorship.

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Dr. J. K. Njiru
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Dr. J. K. Njiru
SP

The Committee recommends that requirements for registration of physical planning therefore should include the following:

- i. a degree in Physical Planning
- ii. completion of an individual professional project.
- iii. two years practical experience in physical planning under the supervision of a registered physical planner.

The Committee also recommends that upon attainment of the requisite academic qualifications physical planners and physical planning assistants should register with a Society of Physical Planners as graduate physical planners/graduate physical planning assistants.

6. Inclusion of the Uganda Institute of Physical Planners in the Law

The Bill proposes that all members of the Board be persons registered with the Uganda Institute of Physical Planners incorporated under the Companies Act, 2012, registration number 203480 of 2015 or persons nominated by it.

The Committee observes that the institute is a private company whose membership does not include all physical planners therefore any reference to it in the law is irregular.

The Committee recommends that in place of this private institute the Bill should establish a society that brings together professional physical planners for purposes of association and mentorship.

7. The Disciplinary Committee

The Bill under clause 18 establishes a Disciplinary Committee that comprises of a Chairperson and members, appointed from among members of the Board.

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The Committee is concerned that the proposed Disciplinary Committee is just a subcommittee of the Board which could predispose it to conflict of interest.

The Committee recommends that the Disciplinary Committee should be comprised of a Chairperson from the Board and other persons from outside the Board.

8. Punishment

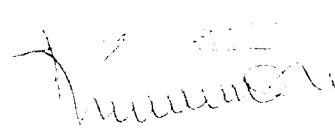
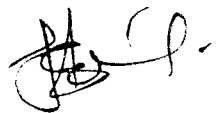
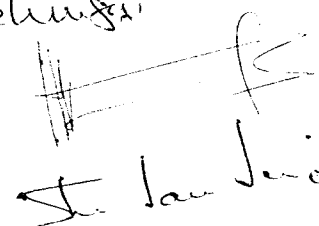

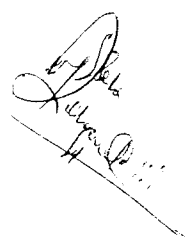
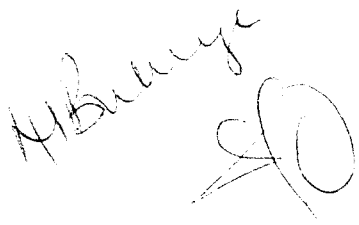
The Committee observes that under clause 43, the punishment of a fine not exceeding 48 currency points or imprisonment not exceeding two years or both for offences cited in the Bill is not punitive enough given that some of the offending activities are actually very lucrative. Some offenders cannot be deterred from the unlawful practices when the punishment is so lenient.

The Committee proposes that the Bill should increase the fine payable by an offender to 100 currency points or imprisonment not exceeding two years or both to deter potential offenders.


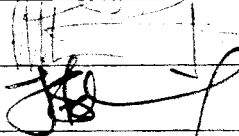
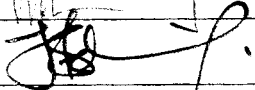

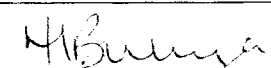
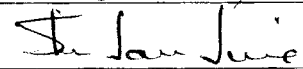
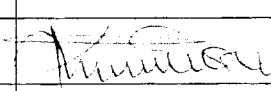

5.0 Conclusion

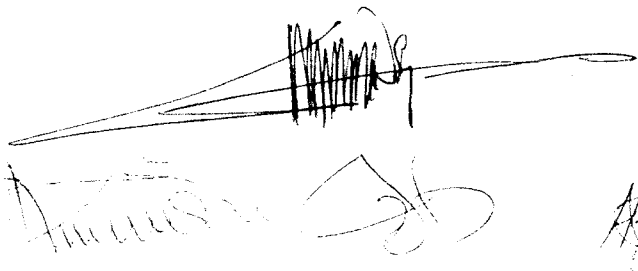
The Committee recommends that the Bill be passed, subject to the proposed amendments.

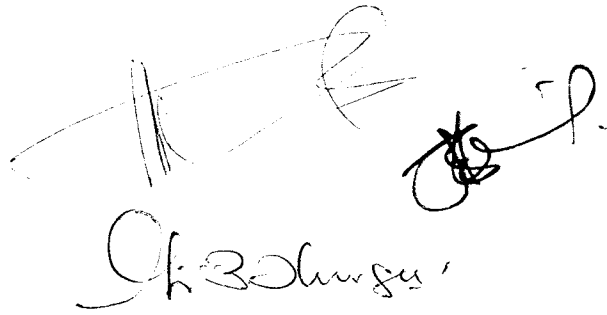
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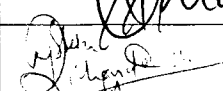
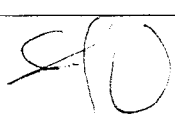
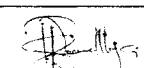


**MEMBERS OF THE COMMITTEE ON PHYSICAL INFRASTRUCTURE
 ENDORSING THE REPORT ON THE PHYSICAL PLANNERS' REGISTRATION
 BILL, 2021**

NO	NAME	PARTY	SIGNATURE
1	Hon. Karubanga David C/P	NRM	
2	Hon. Kasolo Robert D/CP	NRM	
3	Hon. Sarah Opendi	NRM	
4	Hon. Thembo Gideon Mujungu	NRM	
5	Hon. Nsegumire Muhamad Kibedi	NRM	
6	Hon. Lokwang Hillary	NRM	
7	Hon. Mawanda Michael	NRM	
8	Hon. Asaba Paul Nsabimana	NRM	
9	Hon. Bukenya Michael Iga	NRM	
10	Hon. Byanyima Nathan	NRM	
11	Hon. Agaba Aisa	NRM	
12	Hon. Pascal Mbabazi	NRM	
13	Hon. Atyang Stella	NRM	
14	Hon. Kabanda David	NRM	
15	Hon. Namujju Cissy	NRM	
16	Hon. Awas Sylvia Vicky	NRM	
17	Hon. Ssemwanga Gyaviira	NRM	
18	Hon. Naigaga Mariam	NRM	
19	Hon. Atwakiire Catherine Ndamira	NRM	
20	Hon. Kabuusu Moses	FDC	





21	Hon. Attan Moses	FDC	
22	Hon. Sebamala Richard	DP	
23	Hon. Okello Nelson	UPC	
24	Hon. Saazi Godfrey	NUP	
25	Hon. Nambeshe John Baptist	NUP	
26	Hon. Ssekabira Denis	NUP	
27	Hon. Balimwezo Ronald Nsubuga	NUP	
28	Hon. Okupa Elijah	INDEP.	
29	Hon. Mugema Peter	INDEP.	
30	Hon. Roland Ndyomugenyi	INDEP.	
31	Hon. Nsanja Patrick	INDEP.	
32	Hon. Rwemulikya Ibanda	INDEP.	












**PROPOSED AMENDMENTS TO THE PHYSICAL PLANNERS'
REGISTRATION BILL, 2021**

CLAUSE 2: Interpretation

a) Definition of “corporate member”

Replace the definition of corporate member with the following:

“*corporate member*” means a person who–

(a) at the commencement of this Act possesses a degree in physical planning or other physical planning related qualification, with 10 years’ working experience as a physical planner in the public service; or

(b) after the commencement of this Act, attains 10 years’ experience of practicing as a registered physical planner;

and is a holder of a certificate of recognition as such issued by the Society.

Justification

To ensure that a corporate member has the requisite experience and qualifications and is recognized by the society which issues the certificate of recognition.

b) Definition of “Institute”

Delete the definition of Institute.

Justification

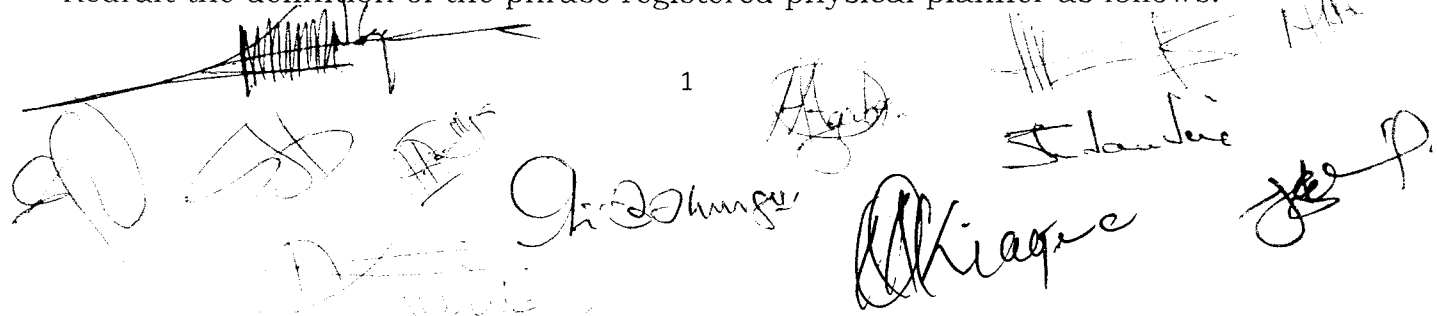
Uganda Institute of Physical Planners is a private company with individual shareholders.

The law should not be enacted to take care of private interests.

c) Registered physical planner

Redraft the definition of the phrase registered physical planner as follows:

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registered physical planner” means a person whose name is duly entered in the register and for the purposes of Part IV of this Act includes any person permitted to practice under section 13;

Justification;

The redraft makes the definition it clearer in terms of who a registered physical planner is.

d) Definition of “Society”

Insert a new definition of the word “society” immediately after the definition of the word “Registrar” as follows;

“Society” means the Society of professional physical planners established under this act;”

Justification;

This is consequential to the amendment for the establishment of *the Society of Professional Physical Planners of Uganda.*

CLAUSE 3: Functions of the Board

Insert immediately after.

Paragraph (g) the following new paragraph (h)

(h) to ensure and promote a high standard of education and training in the physical planning profession.

Justification:

This gives the Board the function of ensuring that the physical planning profession adheres to high standards of education and training.

CLAUSE 4: Membership of the Board

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a) Sub-clause (1) (c)

Substitute the word “Society” for the word “Institute”

Justification

This is consequential to the amendment on the establishment of *the Society of Professional Physical Planners of Uganda*.

b) Sub-clause (1) (d)

Substitute the word “Society” for the word “Institute”

Justification

This is consequential to the amendment on the establishment of *the Society of Professional Physical Planners of Uganda*

CLAUSE 11: Conditions and qualifications for registration

Redraft Clause 11 as follows;

11. Conditions and qualifications for registration

- (1) *A person is entitled to be registered and have his or her name entered in the register of registered physical planners or registered physical planning assistants if he or she is a member of the Society.*

- (2) *An application under subsection (1) shall be made to the Board in the prescribed form and upon payment of the prescribed application fee.*

- (3) *A person is qualified for registration as a registered physical planner if the Board is satisfied that the applicant—*
 - (a) *is a holder of a bachelor’s or postgraduate degree in either urban planning, regional planning, spatial planning, physical planning or other related qualifications from a university or other institution recognized by the Board;*

 - (b) *has not less than two years’ practical physical planning experience;*

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- (c) *has successfully undertaken a physical planning project under the supervision of a registered physical planner for not less than six months; and*
- (d) *a certificate of recognition as a graduate physical planner issued by the Society.*
- (4) *A person is qualified for registration as a registered physical planning assistant if the Board is satisfied that the applicant—*
- (a) *is a holder of a diploma in either urban planning, regional planning, spatial planning, physical planning or other related qualifications from a university or other institution recognized by the Board;*
- (b) *has not less than two years' practical physical planning experience;*
- (c) *has successfully undertaken a physical planning project under the supervision of a registered physical planner for not less than six months; and*
- (d) *a certificate of recognition as a graduate physical planning assistant issued by the Society.*
- (5) *Save for the requirement of a certificate of recognition as a graduate physical planner issued by the society, a holder of a Doctorate of Philosophy in the field of either urban planning, regional planning, spatial planning, physical planning or other related qualifications from a university or other institution recognized by the Board shall be qualified for*

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registration as a registered physical planner without further need to satisfy the Board as to the requirements under subsection (2).

Justification

1. To provide clear requirements for registration as a registered physical planner or registered physical planning assistant.
2. To include the professional project requirements before registration.
3. To exempt a PhD holder from the prescribed requirements given the level of academic rigor involved in the attainment of a Doctorate in Physical Planning.

NEW CLAUSE

Insert a new clause after Clause 12 as follows;

“Recognition of Corporate Member

A person who qualifies as a corporate member may apply in the prescribed form and upon payment of the prescribed application fee to the Society for a certificate of recognition as such.”

Justification

To cater for the involvement of the society which fraternizes the professional guild of physical planners in determining who among the physical planners qualifies as a corporate member.

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INSERTION OF A NEW PART

Insert the following NEW PART immediately after clause 17(6) and before Part IV and number accordingly as follows:

“ PART IV – ESTABLISHMENT OF THE SOCIETY OF PROFESSIONAL PHYSICAL PLANNERS OF UGANDA

Establishment of the Society.

- (1) *There is established a Society to be known as the Society of Professional Physical Planners of Uganda.*

- (2) *The Society shall be a body corporate with perpetual succession and a common seal and shall be capable of suing and being sued in its corporate name and, subject to this Act, may borrow money, acquire and dispose of property and do all such other things as a body corporate may lawfully do.*

- (3) *The Society shall be a member led voluntary professional association of professional physical planners of Uganda.*

- (4) *The seal of the society shall be authenticated by the signatures of the President of the Society and the secretary to the Executive Council.*

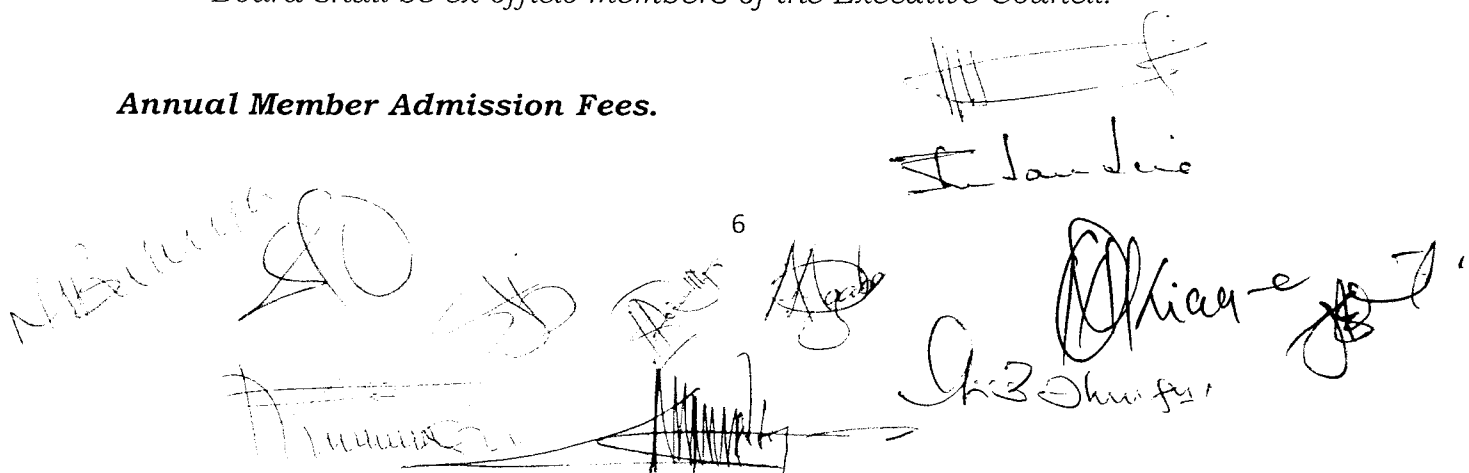
Membership.

- (1) *A person who qualifies to be registered as a registered Physical Planner under this Act, and who applies for membership, shall be admitted as a member of the Society of Professional Physical Planners.*

- (2) *The Commissioner – physical planning in the ministry responsible for physical planning and the Chairperson of the National Physical Planning Board shall be ex-officio members of the Executive Council.*

Annual Member Admission Fees.

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Members of the Society of Professional Physical Planners shall pay such annual member admission fees as may be prescribed by the Society, save that the initial annual member admission to the Society shall be free of charge.

Functions of the Society.

The functions of the Society are—

- (1) to promote and protect the interests of the physical planning profession.
- (2) to promote and maintain high standard of professional ethics among members of the physical planning profession.
- (3) to provide programmes that support the professional interests of physical planners.
- (4) to do all such lawful acts as maybe incidental or conducive to the promotion and carrying out of the physical planning profession.
- (5) to nominate representatives from the Society to the board.
- (6) to issue certificates of recognition as pursuant to the provisions of this Act.

Executive Council of the Society.

1. There is established the executive council of the Society as the governing body responsible for the supervision of the affairs of the Society.

2. The Executive Council shall consist of the following—

- (a) the President;
- (b) the Secretary;
- (c) the Treasurer; and
- (d) four council members;

elected by the members of the Society at a general meeting.

3. The Commissioner – physical planning in the ministry responsible for physical planning and the Chairperson of the National Physical Planning Board shall be ex-officio members of the Executive Council.

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4. The Minister shall within six month of the coming into force of this Act appoint an interim Executive Council which shall organize the inaugural general meeting of the Society within twelve months of its appointment at which the first Executive Council shall be elected.

Tenure of office.

A member of the Executive Council other than an ex-officio member shall hold office—

- (a) in the first instance, for a period not exceeding three years; and
- (b) shall be eligible for reelection only for a subsequent period not exceeding three years.

Certificate of recognition.

The Society may, upon payment of the prescribed fee, issue to an applicant a certificate of recognition as a graduate physical planner or graduate physical planning assistant if the Society is satisfied that the applicant is a holder of a bachelor's or postgraduate degree or diploma in urban planning, regional planning, spatial planning, physical planning or other related qualifications respectively, from a university or other institution recognized by the Board.

Delegation of functions

For proper management of the Society of Professional Physical Planners, the Executive Council may appoint Committees and other officers to carry out delegated functions. ”

Justification

Just like is applicable in the Medical, Architectural, Pharmacy, Accountancy, Engineering, Surveyors and Legal professions, this will ensure physical planners associate in an organized manner as professionals of Uganda.

The right to associate is constitutional

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CLAUSE 18: Disciplinary Committee

Sub-clause (1) (b)

Redraft sub-clause (1) (b) as follows;

(b) four persons appointed by the Board on recommendation of the Society.

Justification

- To involve the society in appointment of the members of the Disciplinary Committee
- To avoid conflict of interest by ensuring that the Disciplinary Committee is not entirely constituted from the Board members.

CLAUSE 45: Regulations

Sub-clause (2)

In Sub-clause (2) insert a new paragraph (b) as follows and renumber accordingly:

(b) The conduct of the affairs of the society including, elections guidelines for the Executive Council of the Society, financial regulation of the society, and other related matters;

CLAUSE 47: Transition

Redraft the Clause as follows:

“Where, on the coming into force of this Act, a person is qualified to apply for registration as a registered physical planner or registered physical planning assistant, that person shall be entitled to continue practice as a registered physical planner or registered physical planning assistant upon issuance of a six months interim registration certificate issued by the Minister.”

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