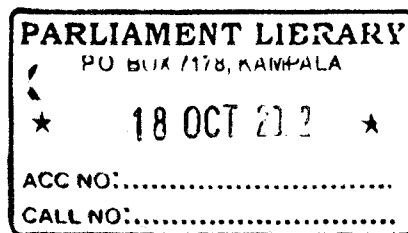




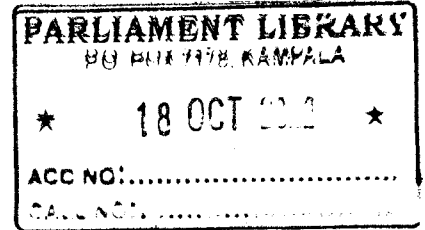
THE REPUBLIC OF UGANDA

**THE PHYSICAL PLANNERS' REGISTRATION
ACT, 2022.**





THE REPUBLIC OF UGANDA



I SIGNIFY my assent to the bill.

Y. Museveni

President

Date of assent: 14/10/2022

THE PHYSICAL PLANNERS' REGISTRATION ACT, 2022

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THE REPUBLIC OF UGANDA

THE PHYSICAL PLANNERS' REGISTRATION ACT, 2022

An Act to provide for the establishment of a Physical Planners' Registration Board; to provide for the powers and functions of the Board, to provide for the registration of physical planners; to provide for disciplinary procedures for errant physical planners and for other related matters.

BE IT ENACTED by Parliament as follows—

PART I—PRELIMINARY

1. Interpretation

In this Act, unless the context otherwise requires—

“Board” means the Physical Planners' Registration Board established under section 2 of this Act;

“Committee” means the Disciplinary Committee established under section 27 of this Act;

“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 six years' working experience as a physical planner; or
- (b) after the commencement of this Act, attains six years' experience of practicing as a registered physical planner,
and is a holder of a certificate of recognition issued by the Society;

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

“member” means a member of the Physical Planners' Registration Board;

“Minister” means the Minister responsible for physical planning;

“planning assistant” means a person who has a diploma in physical planning or other diploma in physical planning related qualifications, by whatever name called, recognised by the Board;

“registered physical planner” means a person whose name is duly entered in the register and for the purposes of Part V of this Act, includes any person permitted to practice under section 14;

“register” means the register of physical planners and planning assistants kept under section 8 of this Act;

“registrar” means the registrar appointed by the Board under section 6 of this Act;

“Society” means the Society of professional physical planners established under this Act.

PART II—PHYSICAL PLANNERS' REGISTRATION BOARD

2. Establishment of the Physical Planners' Registration Board

(1) There is established a Board to be known as the Physical Planners' Registration Board.

(2) The Board is a body corporate with perpetual succession and a common seal and may, for the purposes of discharging its functions under this Act—

- (a) acquire, hold and dispose of moveable and immovable property;
- (b) sue and be sued in its corporate name; and
- (c) do all acts and things as a body corporate may lawfully do.

3. Functions of the Board

The functions of the Board are—

- (a) to set, monitor and regulate standards for physical planners;
- (b) to register all persons eligible to practice as physical planners or planning assistants in accordance with this Act;
- (c) to verify the qualifications and eligibility of all applicants seeking registration with the Board;
- (d) to exercise, through the Committee, disciplinary control over physical planners and planning assistants;
- (e) to act as an authentication centre for qualified physical planners and planning assistants in consultation with the relevant degree or diploma awarding institution;

- (f) to set and regulate the conduct of professional examinations under this Act;
- (g) to issue codes of practice to regulate the conduct of physical planners and planning assistants; and
- (h) to ensure and promote a high standard of education and training in the physical planning profession.

4. Membership of the Board

(1) The Board shall consist of seven members who shall be qualified physical planners appointed by the Minister on such terms and conditions as the Minister may prescribe in their instruments of appointment, as follows—

- (a) a chairperson who shall have experience of at least ten years in physical planning and who is a corporate member;
- (b) two persons from public service who are corporate members;
- (c) three persons from the private sector one of whom shall be nominated by the Society; and
- (d) one person from the academia, who shall be a corporate member nominated by the Society.

(2) At least one third of the members of the Board shall be women.

(3) A member of the Board shall hold office for three years and is eligible for reappointment for one further term.

(4) A member of the Board may, in writing, addressed to the Minister, resign his or her office.

(5) The Minister may remove a member of the Board from office—

- (a) for abuse of office;

- (b) for inability to perform his or her functions arising from infirmity of body or mind;
- (c) for incompetence;
- (d) for failure to attend three consecutive meetings of the Board without reasonable grounds; or
- (e) on conviction of an offence involving moral turpitude.

(6) The members of the Board shall be paid such remuneration or other allowances as the Minister shall, in consultation with the Minister responsible for finance, determine.

5. Meetings of Board

Schedule 2 applies to meetings of the Board.

PART III—REGISTRATION OF PHYSICAL PLANNERS

Management and Staff of the Board

6. Registrar

(1) The Board shall appoint a registrar who shall hold office in accordance with the terms and conditions of his or her appointment.

(2) The registrar appointed under subsection (1) shall possess a minimum qualification of a degree in the requisite field.

(3) The registrar shall be the chief executive officer of the Board and shall be a full-time employee of the Board.

(4) The registrar shall—

- (a) keep and maintain the register of physical planners and planning assistants;
- (b) make necessary alterations and corrections in the register in relation to any entry as may be directed by the Board;

- (c) remove from the register—
 - (i) the name of any person ordered to be removed under this Act;
 - (ii) the name of a deceased physical planner or planning assistant;
 - (iii) any entry which may have been incorrectly or fraudulently made in the register; or
 - (iv) with the consent of the physical planner concerned, the name of the physical planner who has ceased to practice.
- (5) The registrar shall be the secretary to the Board and shall be responsible for—
 - (a) recording the minutes of meetings of the Board and its committees; and
 - (b) keeping custody of all records and documents of the Board.
- (6) The registrar shall cease to hold office if—
 - (a) he or she resigns;
 - (b) he or she is declared or becomes insolvent or has made an arrangement with his or her creditors; or
 - (c) he or she has been convicted of an offence and sentenced to imprisonment for six months or more by a competent court in Uganda or outside Uganda without the option of a fine.
- (7) The registrar may be removed from office by the Board—
 - (a) for abuse of office;
 - (b) for inability to perform his or her functions arising from infirmity of body or mind;

- (c) for incompetence; or
- (d) for misbehaviour or misconduct.

7. Other officers and staff

(1) The Board may, on the advice of the registrar, appoint other officers and staff of the Board.

(2) The officers and staff appointed under this section shall hold office on such terms and conditions as the Board shall determine in their instruments of appointment.

Registration of Physical Planners

8. Register of physical planners and planning assistants

(1) The registrar shall keep and maintain a register of physical planners and planning assistants approved for registration by the Board.

(2) The register shall indicate against every physical planner or planning assistant registered—

- (a) his or her name;
- (b) the date of entry in the register;
- (c) his or her address;
- (d) his or her qualifications; and
- (e) any other particulars as the Board may direct.

(3) The registrar shall cause to be published in the Gazette, the name of every person entered or struck off the register as soon as is practicable.

(4) The registrar shall, after the 1st day of January and not later than the 31st day of March in each year, cause to be published in the Gazette, the up-to-date register maintained under this section.

(5) The register published under subsection (4) shall be *prima facie* evidence that a person named in the register is a registered physical planner or planning assistant.

9. Inspection of register

Any person may, during office hours and on payment of the prescribed fee, inspect the register or any document or entry in the register and may obtain from the registrar, a copy of, or an extract from the register.

10. Proof of documents

(1) In any legal proceedings, a document purporting to be a copy of, or an extract from the register or any document kept or published by the registrar which is certified by the registrar to be a true copy or extract shall be admissible as *prima facie* evidence of the contents of the register or document.

(2) The registrar shall not, in any legal proceedings to which he or she is not a party, be compelled—

- (a) to produce the register or any document if its contents can be proved under subsection (1); or
- (b) to appear as witness to prove an entry in the register or the matters recorded in the register or any document, unless the court, for special cause, so orders.

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) The person in subsection (1) shall apply to the Board in the prescribed form and pay the prescribed 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 graduate degree in either urban planning, regional planning, spatial planning, physical planning or other related qualifications from a university or other institution recognised 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) has 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 either in urban planning, regional planning, spatial planning, physical planning or other related qualifications from a university or other institution recognised 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) has a certificate of recognition as a graduate physical planning assistant issued by the Society.
- (5) Notwithstanding the requirements of subsection (3), a holder of a Doctorate in Philosophy in the field of either urban planning, regional planning, spatial planning, physical planning or other related field from a university or other institution recognised by the Board shall be qualified for registration as a physical planner if he or she is in possession of a certificate of recognition as a graduate physical planner issued by the Society.

12. Approval for registration

(1) An application made to the Board under section 11 shall be considered by the Board and if the Board is satisfied that the applicant is qualified, the Board shall approve the applicant for registration.

(2) Where the Board approves an applicant for registration under subsection (1), the Board shall authorise the registrar to enter the name of the applicant in the register.

(3) For the avoidance of doubt, the approval of an application under this section shall be done by the Board and shall not be delegated to any committee of the Board.

13. Recognition of a 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.

14. Temporary registration

(1) Where a person satisfies the Board that he or she—

- (a) is qualified under section 11(3);
- (b) is a corporate member in his or her country of origin or a corporate physical planner, by whatever name called, recognised by the Board and furnishes sufficient guarantee of academic knowledge and practical experience in physical planning;
- (c) is not ordinarily resident in Uganda; and
- (d) is, or intends to be resident in Uganda and engage in practice as a physical planner for the specific work for which he or she has been engaged,

the Board may direct the registrar to register that person either for a period not exceeding one year or for the period of the duration of the specific work which he or she has been engaged to do.

(2) An application for registration under this section shall be made in the prescribed form and shall be accompanied by—

- (a) the prescribed fee; and
- (b) documentary evidence of the applicant's work or employment immediately prior to his or her coming to Uganda.

(3) The Board may require the applicant to appear before it for the purposes of considering his or her application.

(4) For the avoidance of doubt, this Act applies to a person registered under this section, for the duration of his or her registration.

15. Certificate of registration and effect of registration

(1) The registrar shall issue a certificate of registration to every person registered under sections 12 or 14.

(2) A person whose name has been entered in the register under sections 11(3), 12 or 14, shall, so long as his or her name remains in the register, and subject to section 18, be entitled to adopt and use the style and title "physical planner" and to offer his or her services to the public for gain or reward or by way of trade as a professionally qualified physical planner.

16. Removal of name from register

(1) The Board may direct that the name of a registered physical planner be removed from the register where it is satisfied that the registered physical planner has—

- (a) died;
- (b) failed to pay the prescribed fee within the stipulated time;

- (c) failed, within a period of six months from the date of a written inquiry sent by the registrar to his or her last known address, to notify the registrar in writing of his or her current address;
- (d) requested that his or her name be removed from the register;
- (e) had his or her name entered in the register by mistake or by reason of any false or misleading information;
- (f) had his or her qualification under section 11 withdrawn or cancelled by the institution through which it was acquired or awarded;
- (g) been adjudged bankrupt;
- (h) been found by the Committee to be guilty of professional misconduct; or
- (i) been convicted of an offence under this Act.

(2) Except in the circumstances specified in subsection (1)(a), a registered physical planner whose name is removed from the register shall be informed in writing by the registrar of the removal of his or her name from the register.

(3) The registrar shall cause to be published in the Gazette and in a newspaper of national circulation as soon as practicable, the name, address and qualifications of a person whose name is removed from the register under this section.

(4) Except in the circumstances specified in subsection (1)(a), whenever a registered physical planner's name is removed from the register, his or her practicing certificate shall immediately be deemed to be cancelled, and he or she shall return the practicing certificate to the registrar.

17. Restoration of name on register

(1) Where the name of a registered physical planner has been removed from the register under section 16, his or her name shall not be re-entered on the register, unless the Board otherwise directs.

(2) Where the name of a registered physical planner has been removed from the register under section 16, the Board may, either of its own motion or on the application of any person made in the prescribed form and in either case after holding an inquiry—

- (a) uphold the removal of the name from the register; or
- (b) direct that the name of the physical planner be restored on the register.

(3) A direction given by the Board under subsection (2) may include the date upon which restoration of the name on the register shall take effect and provide for the payment by the physical planner concerned of a fee, not exceeding the fee payable in respect of an application for registration.

18. Issue of practicing certificates and right to practice

(1) The registrar shall issue a practicing certificate to every physical planner whose name appears on the register and who applies for a certificate and pays the prescribed fee.

(2) A practicing certificate shall be in the prescribed form and shall be valid until the 31st day of December next after its issue.

(3) A practicing certificate issued under this Act may be renewed on application to the registrar and on payment of the prescribed fee.

(4) Subject to any regulations made under this Act, a registered physical planner who has a valid practicing certificate issued under this Act may practice as such in Uganda.

(5) A registered physical planner who is not in possession of a valid practicing certificate or whose practicing certificate has been suspended or cancelled and who practices as a physical planner, commits professional misconduct.

(6) In addition to any punishment prescribed under this Act, the client of a physical planner to whom subsection (5) relates, is entitled to a refund by the physical planner concerned of any fees paid to that physical planner by the client and to compensation in respect of any costs or loss incurred by the client as a result of the conduct of the physical planner.

PART IV— ESTABLISHMENT OF THE SOCIETY OF PROFESSIONAL
PHYSICAL PLANNERS OF UGANDA

19. 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 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.

20. Membership

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.

21. Annual member admission fees

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.

22. Functions of the Society

The functions of the Society are—

- (a) to promote and protect the interests of the physical planning profession;
- (b) to promote and maintain high standards of professional ethics among members of the physical planning profession;
- (c) to provide programmes that support the professional interests of physical planners;
- (d) to nominate representatives from the Society to the Board;
- (e) to issue certificates of recognition pursuant to the provisions of this Act;
- (f) to do all such lawful acts as may be incidental or conducive to the promotion and carrying out of the physical planning profession.

23. 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.

(3) The members of the Executive Council shall be elected by the members of the Society at a general meeting.

(4) 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.

(5) The Minister shall, within six months of the coming into force of this Act, appoint an interim Executive Council which shall organise the inaugural general meeting of the Society within twelve months of its appointment at which the first Executive Council shall be elected.

24. Tenure of office

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

- (a) for a period not exceeding three years; and
- (b) shall be eligible for re-election only for a subsequent period not exceeding three years.

25. 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.

26. 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.

PART V—DISCIPLINE OF PHYSICAL PLANNERS AND
PLANNING ASSISTANTS

27. Disciplinary Committee

(1) There is established a committee of the Board to be known as the Disciplinary Committee which shall consist of—

- (a) a chairperson appointed by the Board from among its members who shall preside at all meetings of the Committee; and
- (b) four persons appointed by the Board on recommendation of the Society.

(2) The registrar shall be the secretary to the Committee.

(3) A member of the Committee appointed under subsection 1(a) shall hold office for as long as he or she is a member of the Board and shall be eligible for re-appointment.

(4) The quorum of the Committee shall be three members.

(5) During the absence or inability to act of the chairperson or any member of the Committee, the Board may nominate any member of the Board to act as the temporary chairperson of the Committee or as a temporary member of the Committee, as the circumstances require, during the period of such absence or inability to act.

(6) Members of the Committee shall be paid such remuneration and allowances as the Minister may determine.

28. Complaints

(1) A person may make a complaint of professional misconduct against a physical planner to the Committee.

(2) The secretary to the Committee shall, within fourteen days of receipt of a complaint, refer the matter to the Committee, which shall fix a date for hearing the complaint.

(3) Whenever in the opinion of the Committee the complaint does not disclose any *prima facie* case of professional misconduct, the Committee may, at any stage of the proceedings, dismiss the complaint without requiring the physical planner to whom the complaint relates to answer any allegations made against that physical planner; but the Committee shall hear the complainant before dismissing the complaint under this subsection.

(4) The Committee shall give the physical planner against whom the complaint is made an opportunity to appear before it, and shall furnish him or her with a copy of the complaint, and of any document in support of the complaint.

29. Procedure of Committee

The Committee shall follow the procedure prescribed in Schedule 3 to this Act.

30. Decisions of Committee

(1) The Committee may, after considering the evidence adduced, order that the complaint be dismissed or, if the Committee is of the opinion that a case of professional misconduct on the part of the physical planner has been made out, the Committee may make any of the following orders—

- (a) caution the physical planner;
 - (b) suspension of the physical planner from practice for a specified period not exceeding two years;
 - (c) strike off the name of the physical planner off the register;
- or

- (d) payment of a fine by the physical planner not exceeding one hundred currency points.

(2) The Committee shall give a copy of its decision under subsection (1) to the complainant and the physical planner to whom the complaint relates.

31. Appeal against order of Committee

(1) A person aggrieved by an order of the Committee may appeal to the High Court against the order of the Committee.

(2) An appeal by an aggrieved person under this section shall—

- (a) be by notice of appeal to the High Court within fourteen days from the date of the decision of the Committee; and
- (b) be by filing with the High Court, a memorandum setting out the grounds of appeal within thirty days after the giving of the notice of appeal referred to under paragraph (a).

32. Power of High Court

(1) The High Court may, after hearing an appeal against the decision of the Committee—

- (a) refer the matter back to the Committee, with directions for its finding on any specified point; or
- (b) confirm, set aside or vary any order made by the Committee or substitute for it such order as it may consider fit.

(2) Every decision of the High Court made under this section shall be final and conclusive and shall not be subject to appeal to any other court.

33. Orders to be noted on the register

The registrar shall cause a note of the effect of a final order of the Committee or High Court to be entered in the register against the name of the physical planner concerned, and where the order so directs, shall strike off his or her name from the register.

34. Disciplinary powers as to planning assistants

(1) A person may apply to the Committee for an order directing that a registered physical planner shall not, in connection with his or her practice, take into or retain in his or her employment or remunerate any person who, being or having been a planning assistant to the registered physical planner—

- (a) has been convicted of an offence involving fraud or deceit;
- (b) has been a party to any act or default of a registered physical planner in respect of which a complaint has been made against that registered physical planner to the Committee; or
- (c) has so conducted himself or herself while employed as a planning assistant to a registered physical planner that had he himself or she herself been a registered physical planner, the conduct might have formed the subject of a complaint against him or her to the Committee.

(2) The Committee may grant permission in writing to an applicant referred to in subsection (1), for such period and subject to such conditions as the Committee may consider fit.

(3) The provisions of sections 28(3), (4), and 29 shall, with necessary modifications, apply to the hearing of an application under this section.

(4) Every order made by the Committee under this section shall be filed, on a file to be kept for that purpose, by the secretary