

BILLS SUPPLEMENT

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Bill No. 13 *National Population Council Bill* **2011**

THE NATIONAL POPULATION COUNCIL BILL, 2011

MEMORANDUM

1. The objects of this Bill are—
 - (a) to establish a National Population Council, as a body corporate;
 - (b) to continue in existence the Population Secretariat as the Secretariat of the Council;
 - (c) to provide for the Councils' composition, functions and administration.
2. Part I of the Bill - PRELIMINARY, deals with preliminary matters such as, the purpose of the Bill and interpretation of words and expressions used in the Bill.
3. Part II of the Bill - NATIONAL POPULATION COUNCIL, establishes the National Population Council and provides for the composition functions and administration of the Council. The Council consists of the Permanent Secretary or Secretary to the Treasury, the Permanent Secretary of the Ministry responsible for health, the Permanent Secretary of the Ministry responsible for education and sports, the Permanent Secretary of the Ministry responsible for gender, labour and social development, the Permanent Secretary of the Ministry responsible for local governments, the Director General of the Population Secretariat, a representative of the National Planning Authority and the representative of the Non Government Organisations.

THE NATIONAL POPULATION COUNCIL BILL, 2011

ARRANGEMENT OF CLAUSES

Clause

PART I—PRELIMINARY

1. Commencement
2. Interpretation

PART II—NATIONAL POPULATION COUNCIL

3. Establishment of the Council
4. Composition of the Council
5. Functions of the Council
6. Official seal of the Council
7. Meetings of the Council
8. Committees of the Council

PART III—THE NATIONAL POPULATION COUNCIL SECRETARIAT

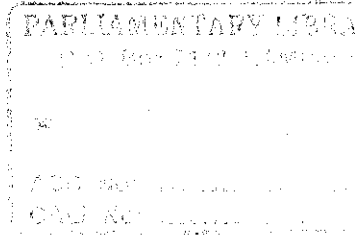
9. Continuance in existence of Population Secretariat
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11. Director General
12. Functions of Director General
13. Officers and staff of Council

PART IV—FINANCIAL PROVISIONS

14. Funds of the Council
15. Power to open and operate bank accounts
16. Borrowing powers
17. Investment of surplus funds
18. Estimates
19. Accounts
20. Audit

4. Part III of the Bill - THE NATIONAL POPULATION COUNCIL SECRETARIAT, This part outlines the organs of the Council to include the National Population Council, and the National Population Council Secretariat. This Part also provides for the functions of the Secretariat. It provides for a Director General to be appointed by the President on the advice of the Minister and also outlines the functions of the Director General. It provides that the Council shall engage such officers and staff as may be necessary for the efficient performance of its functions.
5. Part IV of the Bill - FINANCIAL PROVISIONS, provides for the funds of the Council. It provides that the Council shall own its own bank account or accounts as may be determined by the Council. It also provides that the Council may, in consultation with the Minister and with the prior approval of the Minister responsible for finance, borrow money for meeting its obligations or for the discharge of its functions under this Act. This Part also provides for investment of surplus funds, submission of estimates of the income and expenditure of the Council for the next financial year to the Council. Under this Part the Director General shall cause to be kept proper books of accounts and records of the transactions of the Council. The Auditor General shall in each financial year audit the accounts of the Council.
6. Part V of the Bill - MISCELLANEOUS, provides for protection of members and staff of the Council from liability. The Council may also engage Consultants to serve as individual expert advisers or as members of a Committee of the Council. This Part gives the Minister power to make regulations on the recommendation of the Council and to amend the Schedules to this Act.
7. Part VI of the Bill - TRANSITIONAL PROVISIONS, deals with transfer of assets and liabilities. Under this Part, employees of the Secretariat who were employed in the Population Secretariat immediately before the commencement of this Act shall continue in the employment of the Council on terms not less favourable than before.

MARIA KIWANUKA,
Minister for Finance, Planning and Economic Development.



A Bill for an Act

ENTITLED

THE NATIONAL POPULATION COUNCIL ACT, 2011.

An Act to provide for the establishment, composition, functions and administration of the National Population Council and its Secretariat and to provide for other related matters.

Be it enacted by Parliament as follows—

PART I—PRELIMINARY

1. Commencement

This Act shall come into force three months after publication in the Gazette.

2. Interpretation

In this Act, unless the context otherwise requires—

“Council” means the National Population Council established by section 3;

“currency point” means the value assigned to a currency point in Schedule 1;

“Director General” means the Director General of the Council appointed under section 11;

PART V—MISCELLANEOUS

21. Protection of members and staff of Council from liability
22. Consultants
23. Service of documents
24. Regulations
25. Amendment of Schedule

PART VI—TRANSITIONAL PROVISIONS

26. Transfer of assets and liabilities
27. Employees of Population Secretariat

SCHEDULES

SCHEDULE 1 Currency Point.

SCHEDULE 2 Meetings of the council and related matters.

- (g) a representative of the National Planning Authority; and
- (h) a representative of the Non Governmental Organisations.

5. Functions of the Council

(1) The main function of the Council is to formulate policies to give strategic direction on the implementation of the objectives of the national population policy.

(2) The Council shall, to the greatest extent possible, cooperate with Government line Ministries, local governments, institutions and civil society organisations in carrying out its functions under this Act.

6. Official seal of the Council

(1) The official seal of the Council shall be in a form determined by the Council.

(2) The official seal shall, when affixed to any document, be authenticated by the signatures of the Director General and one other member of the Council and in the absence of the Director General, the person performing the functions of the Director General shall sign.

(3) An instrument or contract which, if executed or entered into by a person other than a body corporate would not require to be under seal may be executed or entered into on behalf of the Council by—

- (a) the Director General; or
- (b) any member of the Council or any other person if that member of the Council or other person has been duly authorised by resolution of the Council to execute or enter into the instrument or contract as the case may be.

(4) Every document purporting to be an instrument or contract executed or issued by or on behalf of the Council in accordance with this section shall be deemed to be so executed or issued until the contrary is proved.

“Minister” means the Minister responsible for planning and economic development;

“Population Secretariat” or “Secretariat” means the National Population Council Secretariat continued in existence under section 9.

PART II—NATIONAL POPULATION COUNCIL

3. Establishment of the Council

(1) There is established the National Population Council.

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

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

4. Composition of the Council

The National Population Council shall be composed of the following—

- (a) Permanent Secretary of the Ministry responsible for finance and Secretary to the Treasury, who shall be Chairperson;
- (b) Permanent Secretary, of the Ministry responsible for health;
- (c) Permanent Secretary, of the Ministry responsible for education and sports;
- (d) Permanent Secretary, of the Ministry responsible for gender, labour and social development;
- (e) Permanent Secretary, of the Ministry responsible for local government;
- (f) Director General, Population Secretariat;

(2) Notwithstanding the general function under sub section (1), the Population Secretariat shall carry out the following specific functions—

- (a) play an advocacy role for population issues in Uganda;
- (b) promote the integration of population factors in development planning at the national and lower levels in accordance with the agreed framework under the National Development Plan;
- (c) promote, guide and coordinate the implementation of the National Population Policy and program in accordance with the agreed framework under the National Development Plan;
- (d) interpret, review and recommend appropriate changes in the National Population Policy;
- (e) popularize the National Population Policy;
- (f) regularly develop population sector plans;
- (g) analyse, interpret and document demographic trends including fertility, mortality, urbanization and migration and their implications on socio economic development;
- (h) align the population policy and programs with population related national policies, other national planning frameworks as well as international instruments;
- (i) provide guidelines for preparation and review of population profiles and plans of action at national and lower levels in accordance with the agreed framework under the National Development Plan;
- (j) build capacity at central and local government levels for the implementation of the population programme;
- (k) mobilize resources to support population programmes;
- (l) commission research and policy oriented studies to inform policy and programming;

7. Meetings of the Council

Schedule 2 to this Act shall have effect so far as meetings of the Council and other matters specified in that Schedule are concerned.

8. Committees of the Council

(1) The Council may appoint adhoc committees to advise it on any matter concerning the functions of the Council.

(2) A committee appointed under subsection (1) shall consist of a Chairperson who shall be a member of the Council and such other persons, whether members of the Council or not, as the Council may determine.

(3) The Council shall in writing, specify the terms and conditions of service of the members of the Committee.

(4) Members of a committee appointed under this section may be paid such allowances as the Council may, with the written approval of the Minister, determine.

(5) Subject to any direction given by the Council, a committee appointed under this section may regulate its own procedure.

PART III—THE NATIONAL POPULATION COUNCIL SECRETARIAT**9. Continuance in existence of the Population Secretariat**

(1) The Population Secretariat in existence immediately before the commencement of this Act is continued in existence as the Secretariat of the Council, to be known as the National Population Council Secretariat, subject to the provisions of this Act.

(2) The Secretariat shall be under the supervision of the Council.

10. Functions of Population Secretariat

(1) The Population Secretariat shall be responsible for the implementation of the policy decisions of the Council.

(5) For the purposes of subsection 4(b)(ii) the Director General shall be taken to be guilty of misconduct if—

- (a) if he or she is declared bankrupt by a competent court or suspends payment or compounds with his or her creditors;
- (b) he or she is convicted of an offence of abuse of office;
- (c) in the case of a person having professional qualifications, he or she is disqualified or suspended from practicing his or her profession by a competent Authority or ceases to be a member of the profession.

12. Functions of Director General

(1) The Director General shall be the chief executive of the Secretariat and shall be responsible for the day-to-day management and operations of the Secretariat.

(2) The Director General shall be responsible for the management of the funds, property and business of the Council and for the administration and control of the staff of the Council.

(3) The Director General shall, from time to time, keep the Council informed of the progress and activities of the Secretariat.

(4) The Director General is, in the performance of his or her functions answerable to the Council.

13. Officers and staff of the Council

(1) The Council shall have such officers and staff as may be necessary for the efficient performance of its functions.

(2) The employees of the Council other than the Director General, shall be appointed by the Council on such terms and conditions as the Council may, with the approval of the Minister determine.

- (m) publish and disseminate the Annual Population Report, other population publications, reports and newsletters;
- (n) promote collaboration and strategic partnership for population and development within Government agencies, civil society organizations, private sector, cultural and religious institutions at various levels;
- (o) establish strategic partnerships with development partners;
- (p) monitor and evaluate the country population program in accordance with the agreed framework under the National Development Plan; and
- (q) undertake any other relevant activities.

11. Director General

(1) There shall be a Director General appointed by the President on the advice of the Minister, on such terms and conditions as may be specified in his or her instrument of appointment.

(2) The Director General shall be the Secretary to the Council and the accounting officer of the Minister.

(3) The Director General shall be a person of high moral character and proven integrity, with the relevant qualifications and experience relating to the functions of the Council.

(4) The Director General shall cease to hold office if—

(a) he or she resigns; or

(b) he or she is removed from office by the President on the recommendation of the Minister for—

(i) inability to perform the functions of his or her office arising out of physical or mental incapacity;

(ii) gross misconduct; or

(iii) incompetence.

17. Investment of surplus funds

Any funds of the Council not immediately required for any purpose under this Act may be invested in a manner, which the Council may, with the approval of the Minister, after consultation with the Minister responsible for finance, determine.

18. Estimates

(1) The Director General shall, within three months before the end of each financial year, cause to be prepared and submitted to the Council for its approval, estimates of the income and expenditure of the Council for the next financial year.

(2) The Council shall, within two months of receipt of the estimates referred to in subsection (1), cause to be submitted to the Minister for his or her approval, the estimates of income and expenditure as approved by the Council.

19. Accounts

(1) The Director General shall cause to be kept, proper books of accounts and records of the transactions of the Council.

(2) Subject to any direction given by the Minister, the Director General shall cause to be prepared and submitted to the Minister and the Minister responsible for finance in respect of each financial year, and not later than three months after the end of the financial year, a statement of accounts, which shall include—

- (a) a balance sheet, an income and expenditure account and a source and application of funds statement; and
- (b) any other information in respect of the financial affairs of the Council as the Minister responsible for finance may, in writing, require.

20. Audit

(1) The Auditor General or an auditor appointed by the Auditor General shall, in each financial year, audit the accounts of the Council.

(3) The Council shall regulate the manner of appointment, terms and conditions of service and the discipline of officers and staff appointed under sub section (2).

PART IV—FINANCIAL PROVISIONS

14. Funds of the Council

(1) The funds of the Council shall consist of—

- (a) money appropriated by Parliament for the purposes of the Council; and
- (b) grants, gifts or donations from the Government or other sources made with the approval of the Minister and the Minister responsible for finance.

15. Power to open and operate bank accounts

(1) The Council shall open and maintain such bank accounts as are necessary for the performance of its functions and the functions of the Secretariat.

(2) The Director General shall ensure that all money received by or on behalf of the Council is banked as soon as practicable after being received.

16. Borrowing powers

(1) The Council may, with the approval of the Minister given in consultation with the Minister responsible for finance, borrow money from any source as may be required for meeting its obligations or for the discharge of the functions of the Council under this Act.

(2) The Council may, with the prior approval of the Minister for the purpose of any borrowing under subsection (1), charge any asset or property of the Council with the repayment of any money borrowed under subsection (1).

25. Amendment of Schedule

The Minister may, by statutory instrument, with the approval of Cabinet amend Schedule 1 to this Act.

PART VI—TRANSITIONAL PROVISIONS

26. Transfer of assets and liabilities

All property and assets vested in the Population Secretariat before the commencement of this Act shall, on the commencement of this Act, be vested in the Council subject to all interests, liabilities, obligations and trusts affecting the property.

27. Employees of the Population Secretariat

(1) On the commencement of this Act—

- (a) all persons who were employed in the Population Secretariat immediately before the commencement of this Act, shall continue in the employment of the Council;
- (b) the terms and conditions, including the salary, on which a person referred to in paragraph (a) was employed immediately before the commencement of this Act, shall be no less favourable than those that applied to that person's office immediately before the commencement of this Act; and
- (c) there shall be no break or interruption in the employment of those persons because of this Act.

(2) Subject to subsection (1)(b), the terms and conditions of any employment referred to in sub section (1) may be varied after the commencement of this Act.

(3) Nothing in this Act affects the pension rights under the Pensions Act of any person referred to in subsection (1).

(2) The Director General shall ensure that within four months after the end of each financial year, a statement of accounts described in section 19(2) is submitted for auditing to the Auditor-General or an auditor appointed by the Auditor General.

(3) The Auditor General or any auditor appointed by the Auditor General shall have access to all books of accounts, vouchers and other records of the Council and is entitled to any information and explanation required in relation to those records.

PART V—MISCELLANEOUS

21. Protection of members and staff of the Council from liability

A member of the Council or an employee of the Council or a person acting on the directions of the Council is not personally liable for any act or omission done or omitted to be done in good faith in the exercise of the functions of the Council.

22. Consultants

The Council may engage consultants to serve as individual experts or advisers or as members of a committee of the Council established under section 8, as may be useful and appropriate for the Council to discharge its functions.

23. Service of documents

A notice or document may be served on the Council by delivering it at the office of the Director General, or by sending it by pre-paid registered post to the Director General.

24. Regulations

(1) The Minister may, on the recommendation of the Council, by statutory instrument, make regulations generally for the better carrying into effect of the provisions of this Act.

(2) Without prejudice to the general effect of subsection (1) the Minister may on the recommendation of the Council, make regulations for the provision of the size, membership and scope of work of adhoc committees under section 8.

SCHEDULE 2

Section 7

MEETINGS OF THE COUNCIL AND RELATED MATTERS

1. Meetings of the Council

(1) The Chairperson shall convene every meeting of the Council at times and places as the Council may determine, and the Council shall meet for the discharge of business at least once in every three months.

(2) The Chairperson may, at any time, convene a special meeting of the Council and shall also call a meeting within fourteen days, if requested to do so in writing by five members of the Council, and with the approval of the Minister.

(3) Notice of a Council meeting shall be given in writing to each member at least fourteen days before the day of the meeting.

(4) The Chairperson shall preside at every meeting of the Council and in his or her absence, the members present may appoint a member from among themselves to preside at the meeting.

2. Quorum

(1) The quorum for a meeting of the Council is two-thirds of the members.

(2) All decisions at a meeting of the Council shall be by majority of the votes of the members present and voting and in case of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.

3. Minutes of meetings

(1) The Secretary shall cause to be recorded and kept, minutes of all meetings of the Board in a form approved by the Council.

(2) The minutes recorded under this paragraph shall be submitted to the Council for confirmation at its next meeting following that to which the minutes relate and when confirmed, shall be signed by the Chairperson and the Secretary in the presence of the members present at the latter meeting.

SCHEDULE I

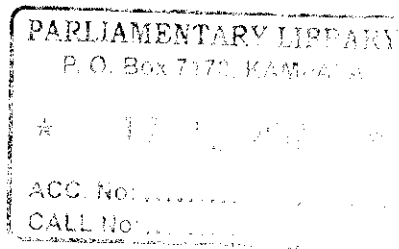
Section 2, 25

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings

Cross References

Pensions Act, Cap. 286



4. Power to co-opt

(1) The Council may invite any person who, in the opinion of the Council, has expert knowledge concerning the functions of the Council, to attend and take part in a meeting of the Council.

(2) A person attending a meeting of the Council under this section may take part in any discussion at the meeting on which his or her advice is required, but shall not have a right to vote at that meeting.

5. Validity of proceedings not affected by vacancy

The validity of any proceedings of the Council or a committee of the Council shall not be affected by a vacancy in its membership or by any defect in the appointment or qualification of a member or by reason that a person not entitled, took part in its proceedings.

6. Disclosure of interest of members

(1) A member of the Council who is in any way directly or indirectly interested in a contract made or proposed to be made by the Council, or in any other matter which falls to be considered by the Council, shall, as soon as the relevant facts come to his or her knowledge, disclose the nature of his or her interest at a meeting of the Council.

(2) A disclosure made under subparagraph (1) shall be recorded in the minutes of that meeting.

(3) A member who makes a disclosure under subparagraph (1) shall not—

- (a) be present during any deliberation of the Council with respect to that matter; or
- (b) take part in any decision of the Council with respect to that matter.

(4) For the purposes of determining whether there is a quorum, a member withdrawing from a meeting or who is not taking part in a meeting under subparagraph (3) shall be treated as being present.

7. Council may regulate its procedure

Subject to this Act, the Council may regulate its own procedure or any other matter relating to its meetings.