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BILLS

SUPPLEMENT No. 17

15th December, 2000

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BILLS SUPPLEMENT

KAMPALA
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★ 25 MAY 2007 ★

Bill No. 26

Non-Governmental Organisations.....
Registration (Amendment) Bill
ALL No:.....

2000

THE NON-GOVERNMENTAL ORGANISATIONS
REGISTRATION (AMENDMENT) BILL, 2000.

MEMORANDUM.

The object of this Bill is to amend the Non-Governmental Organisations Registration Statute, 1989 to provide for the following—

- (a) to modify the functions of the National Board for Non-Governmental Organisations to include monitoring the operations of non-governmental organisations (NGO) and developing policy guidelines for Community Based Organisations;
- (b) that a duly registered NGO should possess a valid permit issued by the Board;
- (c) that the requirement for registration under the Statute does not apply to organisations which elect to register under the Trustees Incorporation Act or the Companies Act;
- (d) that upon registration under the Statute, an Organisation shall become a body corporate with perpetual succession and with power to sue and be sued in its corporate name;

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- (e) to empower the Minister in an emergency situation to exempt an organisation from any of the provisions of section 2 (Application for registration) other than payment of fees as opposed to exemption from the provisions of the Statute, as the law now stands;
- (f) to recompose the Board to make it more representative and to provide gender balance in the composition of the Board;
- (g) to make it possible in the absence of the Chairperson and Vice-Chairperson at any meeting of the Board, for the members present to elect one of their number to preside;
- (h) to expand the Minister's power to make regulations to include prescribing the manner in which organisations shall be wound up when they cease to operate and also prescribing the duration and form of a permit issued to an NGO when it is registered;
- (i) to introduce currency point to represent financial amounts stated in the Bill;
- (j) to provide for other matters incidental to the foregoing.

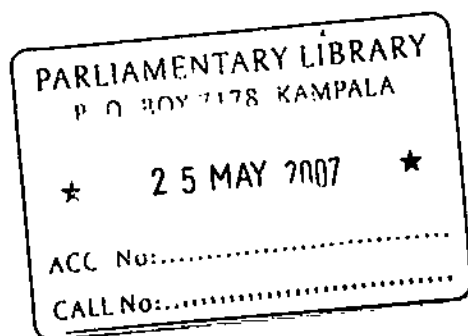
SARAH NAMUSOKE KIYINGI,
Minister responsible for Internal Affairs.

THE NON-GOVERNMENTAL ORGANISATIONS
REGISTRATION (AMENDMENT) BILL, 2000.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Amendment of Statute No. 5 of 1989.
3. Amendment of section 1.
4. Amendment of section 2.
5. Amendment of section 3.
6. Amendment of section 6.
7. Amendment of section 8.
8. Amendment of section 10.
9. Amendment of section 12.
10. Amendment of section 13.
11. Schedule.



A BILL for an Act

ENTITLED

**THE NON GOVERNMENTAL ORGANISATIONS
REGISTRATION (AMENDMENT) ACT, 2000.**

**An Act to amend the Non-Governmental Organisations
Registration Statute, 1989.**

BE IT ENACTED by Parliament as follows—

1. This Act may be cited as the Non-Governmental Organisations Registration (Amendment) Act, 2000. Short title

2. For the long title to the Non-Governmental Organisations Registration Statute, 1989, in this Act referred to as the principal enactment, there is substituted, the following Amendment of Statute
No. 19 of 1989

“A Statute to provide for the registration of non-governmental organisations, to provide for the monitoring of non-governmental organisations, to establish a Board for these purposes and for other connected matters”.

Amendment
of section 1.

3. Section 1 of the principal enactment is amended—

(a) by substituting for subsection (1) the following new subsection—

“(1) No Organisation shall operate in Uganda unless it has been duly registered with the Board established under section 3 of this Statute and has a valid permit issued by the Board;”

(b) by inserting immediately after subsection (1) the following new subsections—

“(1a) Subsection (1) shall not apply to organisations which elect to register under the Trustees Incorporation Act or the Companies Act;

(1b) The Board shall carry out a search to ensure that the proposed name by which the Organisation is to be registered is not in use by any other organisation or company ;”

(c) by substituting for subsection (3) the following new subsection—

“(3) Upon the registration of an Organisation under this Statute and the registration under this section, the Organisation shall become a body corporate with perpetual succession and with power to sue and be sued in its corporate name;”

(d) by substituting for subsection (4) the following new subsection—

“(4) An Organisation shall not be registered under this Statute if the objectives of the Organisation as specified in its constitution are in contravention of any government policy or plan or public interest”.

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(e) by repealing subsection (5);

(f) by repealing subsection (6);

(g) by substituting for subsection (7) the following new subsections—

“(7) An Organisation which contravenes any provision of this section commits an offence and is liable on conviction to a fine not exceeding twenty five currency points.

(8) Any Organisation which operates after its permit has expired or its registration has been revoked, commits an offence and is liable on conviction to a fine not exceeding twenty five currency points.

(9) Where an Organisation commits an offence under subsection (7) or (8), any director or officer of the Organisation whose act or omission gave rise to the offence also commits the offence and is liable on conviction—

(a) in the case of an offence under subsection (7) to a fine not exceeding fifty currency points or imprisonment not exceeding one year or both;

(b) in the case of an offence under subsection (8), to a fine not exceeding twenty five currency points or imprisonment not exceeding six months or both.”

4. Section 2 of the principal enactment is amended:—

(a) by substituting for subsection (3) the following

“(3) The Minister may, in an emergency situation, exempt an Organisation from any of the provisions of this section; except that the exemption shall not include the payment of the prescribed fee”.

(b) by inserting immediately after subsection (3) the following new subsection—

“(4) No exemption made under this section shall exceed a period of one year.”

ment
on 3. 5. Section 3 of the principal enactment is amended by substituting for subsection (2) the following new subsections—

“(2) The Board shall consist of the following—

(a) two members from the public one of whom shall be a female; —

(b) one member from each of the Ministries responsible for the following—

(i) internal affairs;

(ii) justice and constitutional affairs; —

(iii) water, lands and environment;

(iv) finance, planning and economic development;

(v) foreign affairs;

(vi) local government;

(vii) health;

(viii) agriculture, animal industry and fisheries;

(ix) tourism, trade and industry;

(x) gender and social development; —

(xi) education and sports;

(c) one member from the office of the Prime Minister;

(d) one member from the Internal Security Organisation;

(e) one member from the External Security Organisation;

(f) one representative of the Local Governments Association; and

(g) one representative of the Urban Councils Association;

(2a) The persons to be appointed under subsection (2) shall be appointed by the Minister in consultation with the Minister responsible for the body referred to in that subsection.

(2b) At least one third of the members in subsection (2) shall be female".

6. Section 6 of the principal enactment is amended—

(a) by renumbering section 6 as section 6 (1);

(b) by substituting for paragraph (a) the following—

"(a) consider applications for registration and incorporation by Organisations";

(c) by substituting for paragraph (c) the following—

"(c) guide and monitor Organisations in carrying out their services at all levels of Government; and

(d) by inserting immediately after paragraph (c) the following new paragraph—

“(cc) develop policy guidelines for sub-county Community Based Organisations”.

(e) by adding the following new subsections—

“(2) Community Based Organisations shall not be required to be incorporated under this Statute but they shall register with the sub-county administration of the area where they operate.”

(3) In this section, Community Based Organisation means a non-governmental organisation operating at a subcounty level and below, whose objective is to promote and advance the well being of its members or the community.”

Amendment
Section 8.

7. Section 8 of the principal enactment is amended by substituting for “one month” the words “three months”.

Amendment
Section

8. Section 10 of the principal enactment is amended—

(a) by substituting for subsection (2) the following—

“(2) The Chairperson or, in his or her absence, the Vice-Chairperson, shall preside at any meeting of the Board and in the absence of both the Chairperson and the Vice-Chairperson, the members present may elect a member from amongst their number to preside at the meeting”.

(b) by substituting for “Chairman” and “Vice-Chairman” in subsections (1) and (2) the words “Chairperson” and “Vice-Chairperson” respectively;

(c) by substituting for subsection (3) the following new subsection—

“(3) The quorum at any meeting of the Board shall be one third of all members of the Board”.

9. Section 12 of the principal enactment is amended--

Am
of
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(a) by inserting immediately after paragraph (b) the following new paragraphs--

"(c) prescribing the manner in which Organisations shall be wound up when they cease to operate;

(d) prescribing the duration and the form of a permit;

(e) prescribing the fees to be paid by an Organisation on application for renewal of a permit;"

(b) by renumbering paragraph (c) as paragraph (d).

10. Section 13 of the principal enactment is amended--

(a) by substituting for "Chairman" wherever it appears the word "Chairperson,"

(b) by inserting immediately after the definition of "Chairman" the following new definition

"currency point" has the value assigned to it in the Schedule to this Statute".

11. The principal enactment is amended by inserting immediately after section 13 the following new Schedule

"SCHEDULE

CURRENCY POINT

A currency point is equivalent twenty thousand Uganda Shillings"