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**Bill No. 37**      *Physical Planning (Amendment) Bill*      **2024**

## THE PHYSICAL PLANNING (AMENDMENT) BILL, 2024

### MEMORANDUM

#### **1. Policy and principles of the Bill**

The policy behind the Bill is to give effect to the Government Policy for Rationalisation of Government Agencies and Public Expenditure (RAPEX) which was adopted by the Cabinet on 22<sup>nd</sup> February 2021.

#### **2. Defects in existing law**

The Constitution establishes a definite number of Government agencies, including constitutional commissions, authorities, boards, local councils and other statutory bodies. These were established to perform certain specified constitutional functions. Over the years, however, there has been a proliferation of agencies established by Acts of Parliament, Executive Orders and administrative arrangements. Whereas most of the agencies are necessary due to the critical nature of the functions they perform, Government has established that a certain limited number of agencies were established without due consideration to the aspects of institutional harmony, functional duplications, overlaps and affordability. Government has also established that some agencies have served the purpose for which they were established. The mandate of a few other agencies has been overtaken by events. Such agencies need to be rationalised.

More importantly, the proliferation of agencies has created mandate overlaps and jurisdictional ambiguities among the agencies.

Additionally, the high cost of administering the agencies has drained the national treasury at the expense of effective service delivery. This has overstretched the capacity of Government to sustain them. Government has also established that the generous salary structures of the agencies has created salary disparities between employees of the agencies and public officers in the traditional civil service leading to demotivation of human resources in the mainstream public service.

### **3. Remedies proposed in the Bill**

The intention of the Bill is to amend the Physical Planning Act, 2010, Act 8 of 2010, to—

- (a) enable the transfer of the functions of the National Physical Planning Board to the National Planning Authority established by Act 15 of 2002 and is generally in charge of planning, thereby, *inter alia*, relieving the Government of the financial drain on its resources and the burden of wasteful administration and expenditure;
- (b) facilitate efficient and effective service delivery by clearly delineating the mandates and functions of the National Planning Authority and other agencies and departments, thereby avoiding duplication of mandates and functions;
- (c) promote coordinated administrative arrangements, policies and procedures for—
  - (i) ensuring the efficient and successful management, financial accounting and budgetary discipline of government agencies and departments;
  - (ii) enabling the Government to play its proper role more effectively; and
  - (iii) enforcing accountability;

**4. Provisions of the Bill**

The Bill has 35 clauses. Clause 1 of the Bill provides for the interpretation of the terms used in the Bill. Clause 2 provides for the objectives of the Bill. Clause 3 provides for the purpose of amending the National Physical Planning Act, 2010, which is to enable the transfer of the functions of the National Physical Planning Board to the National Planning Authority established by the National Planning Authority Act, 2002. Clause 4 of the Bill seeks to dissolve the National Physical Planning Board. The rest of the clauses of the Bill seek to give effect to the dissolution of the National Physical Planning Board and the transfer of the functions of the National Physical Planning Board to the National Planning Authority.

**MATIA KASAIJA (MP)**

***Minister of Finance, Planning and Economic Development***

**THE PHYSICAL PLANNING (AMENDMENT) BILL, 2024****ARRANGEMENT OF CLAUSES*****Clause***

1. Interpretation
2. Objectives
3. Purpose of amendment of principal Act
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5. Amendment of long title to Act 8 of 2010
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17. Amendment of section 23 of principal Act
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19. Amendment of section 25 of principal Act
20. Amendment of section 26 of principal Act
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22. Amendment of section 28 of principal Act

23. Amendment of section 29 of principal Act
24. Amendment of section 30 of principal Act
25. Amendment of section 41 of principal Act
26. Repeal of Part VI of principal Act
27. Amendment of section 47A of principal Act
28. Amendment of section 47B of principal Act
29. Amendment of section 48 of principal Act
30. Repeal of section 49 of principal Act
31. Amendment of section 52 of principal Act
32. Amendment of section 55 of principal Act
33. Amendment of section 56 of principal Act
34. Repeal of Second Schedule to principal Act
35. Savings

A Bill for an Act

ENTITLED

**PHYSICAL PLANNING (AMENDMENT) ACT, 2024**

**An Act to amend the Physical Planning Act, 2010 to give effect to the Government Policy on Rationalisation of Government Agencies and Public Expenditure; to enable the transfer of the functions of the National Physical Planning Board to the National Planning Authority established by the National Planning Authority Act, 2002; to abolish the National Physical Planning Board, and for related purposes.**

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

**1. Interpretation**

In this Act, unless the context otherwise requires—

“agency” means a body established by an Act of Parliament and includes an authority;

“commission” means a body established by the Constitution;

“Government” means the Government of Uganda.

**2. Objective**

(1) The main objective of this Act is to give effect to the Government Policy for Rationalisation of Government Agencies and Public Expenditure adopted by the Cabinet on 22<sup>nd</sup> February, 2021 and contained in Cabinet Minute No. 43(CT 2021).

(2) Without prejudice to the general effect of subsection (1), the following objectives shall be deemed to fall under the objective specified in that subsection—

- (a) the merging, mainstreaming and rationalisation of agencies, commissions, authorities and public expenditure thereby, *inter alia*, relieving the Government of the financial drain on its resources and the burden of wasteful administration and expenditure;
- (b) the facilitation of efficient and effective service delivery by clearly delineating the mandates and functions of government agencies and departments and thereby avoiding duplication of mandates and functions;
- (c) the promotion of coordinated administrative arrangements, policies and procedures for—
  - (i) ensuring the efficient and successful management, financial accounting and budgetary discipline of government agencies and departments;
  - (ii) enabling the Government to play its proper role more effectively; and
  - (iii) enforcing accountability; and

- (d) the restructuring and re-organisation of agencies and departments of Government by eliminating bloated structures and functional ambiguities in Government agencies and departments.

### **3. Purpose of amendment of principal Act**

(1) The purpose of amending the National Physical Planning Act, 2010, is to enable the transfer of the functions of the National Physical Planning Board to the National Planning Authority established by the National Planning Authority Act, 2002.

(2) The amendment dissolves the National Physical Planning Board and transfers its functions to the National Planning Authority.

### **4. Dissolution of National Physical Planning Board**

On the commencement of this Act, the National Physical Planning Board shall be dissolved.

### **5. Amendment of long title to Act 8 of 2010**

The long title to the National Physical Planning Act, 2010, Act 8 of 2010, in this Act referred to as the “principal Act” is amended by repealing the words “to provide for the establishment of a National Physical Planning Board; to provide for the composition, functions and procedure of the Board;”.

### **6. Amendment of section 2 of principal Act**

Section 2 of the principal Act is amended—

- (a) by repealing the definition of “Board”; and
- (b) by inserting the definition of “Authority” as follows—

““Authority” means the National Planning Authority established by Act 15 of 2002;”



**7. Amendment of heading for Part II of principal Act**

For the heading of Part II of the principal Act, there is substituted the following—

**“PART II—ADMINISTRATION OF ACT”**

**8. Substitution of section 4 of principal Act**

For section 4 of the principal Act, there is substituted the following—

**“4. Administration of Act**

This Act shall be administered by the Authority.”

**9. Repeal of section 5 of principal Act**

Section 5 of the principal Act is repealed.

**10. Amendment of section 6 of principal Act**

Section 6 of the principal Act is amended by substituting for “Board” wherever it appears the word “Authority”.

**11. Repeal of section 7 of principal Act**

Section 7 of the principal Act is repealed.

**12. Repeal of section 8 of principal Act**

Section 8 of the principal Act is repealed.

**13. Amendment of section 19 of principal Act**

Section 19 of the principal Act is amended by substituting for “Board” wherever it appears, the word “Authority”.

**14. Amendment of section 20 of principal Act**

Section 20 of the principal Act is amended by substituting for “Board” wherever it appears, the word “Authority”.

**15. Amendment of section 21 of principal Act**

Section 21 of the principal Act is amended by substituting for “Board” wherever it appears, the word “Authority”.

**16. Amendment of section 22 of principal Act**

Section 22 of the principal Act is amended by substituting for “Board” wherever it appears, the word “Authority”.

**17. Amendment of section 23 of principal Act**

Section 23 of the principal Act is amended by substituting for “Board” wherever it appears, the word “Authority”.

**18. Amendment of section 24 of principal Act**

Section 24 of the principal Act is amended by substituting for “Board” wherever it appears, the word “Authority”.

**19. Amendment of section 25 of principal Act**

Section 25 of the principal Act is amended by substituting for “Board” wherever it appears, the word “Authority”.

**20. Amendment of section 26 of principal Act**

Section 26 of the principal Act is amended by substituting for “Board” wherever it appears, the word “Authority”.

**21. Amendment of section 27 of principal Act**

Section 27 of the principal Act is amended by substituting for “Board” wherever it appears, the word “Authority”.

**22. Amendment of section 28 of principal Act**

Section 28 of the principal Act is amended by substituting for “Board” wherever it appears, the word “Authority”.

**23. Amendment of section 29 of principal Act**

Section 29 of the principal Act is amended by substituting for “Board” wherever it appears, the word “Authority”.

**24. Amendment of section 30 of principal Act**

Section 30 of the principal Act is amended by substituting for “Board” wherever it appears, the word “Authority”.

**25. Amendment of section 41 of principal Act**

Section 41 of the principal Act is amended by substituting for “Board” wherever it appears, the word “Authority”.

**26. Repeal of Part VI of principal Act**

Part VI (sections 41, 42, 43, 43A, 43B, 43C, 43D) of the principal Act is repealed.

**27. Amendment of section 47A of principal Act**

Section 47A of the principal Act is amended by substituting for “Board” wherever it appears, the word “Authority”.

**28. Amendment of section 47B of principal Act**

Section 47B of the principal Act is amended by substituting for “Board” wherever it appears, the word “Authority”.

**29. Amendment of section 48 of principal Act**

Section 48 of the principal Act is amended by substituting for “Board” wherever it appears the word “Authority”.

**30. Repeal of section 49 of principal Act**

Section 49 of the principal Act is repealed.

**31. Amendment of section 52 of principal Act**

Section 52 of the principal Act is amended by substituting for “Secretary to the Board” the word “Executive Director of the Authority”.

**32. Amendment of section 55 of principal Act**

Section 55 of the principal Act is amended by substituting for “Board” wherever it appears, the word “Authority”.

**33. Amendment of section 56 of principal Act**

Section 56 of the principal Act is amended by substituting for “Board” wherever it appears, the word “Authority”.

**34. Repeal of Second Schedule of principal Act**

The Second Schedule to the principal Act is repealed.

**35. Savings**

(1) On the commencement of this Act, all the property, assets, rights, obligations, and liabilities of the National Physical Planning Board shall vest in the National Planning Authority.

(2) Any proceedings commenced by or against the National Physical Planning Board may be continued by or against the National Planning Authority.

(3) A licence, permit, certificate or authorisation issued by the National Physical Planning Board which is in force immediately before the commencement of this Act shall have effect from the commencement of this Act as if granted by the National Planning Authority under this Act.

(4) The terms and conditions including the rights and obligations under a licence, permit, certificate or authorisation in force immediately before the commencement of this Act, shall not be less favourable than those that applied immediately before the commencement of this Act.

(5) The members and staff of the of the National Physical Planning Board serving immediately before the commencement of this Act shall be paid their terminal benefits in accordance with the terms and conditions of their service.

(6) Compensation is not payable to any member of the National Physical Planning Board for loss of office resulting from the abolition of the National Physical Planning Board by this Act.

(7) The staff of the National Physical Planning Board serving immediately before the commencement of this Act may be redeployed to serve in the public service subject to availability of positions.