



BILLS SUPPLEMENT

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Bill No. 32

Public Health (Amendment) Bill

2021

THE PUBLIC HEALTH (AMENDMENT) BILL, 2021

MEMORANDUM

Object of Bill

The object of this Bill is to amend the Public Health Act to repeal the obsolete provisions; to revise the fines for offences committed under the Act; to repeal the provisions on venereal diseases, building and construction and public sewers and to repeal the Venereal Diseases Act, Cap. 284 and the Immunization Act, 2017.

Justification of the Bill

The Public Health Act, Cap 281, was enacted in 1935 and has never been amended. The Bill therefore seeks to address the emerging public health challenges including the new and emerging infectious diseases such as COVID – 19 and Ebola.

The Bill is premised on the public health response structures and mechanisms in the National Technical Guidelines for Disease Surveillance and Response of the Ministry of Health and domesticates the WHO International Health Regulations (2005), to control the spread of infectious diseases across the borders of Uganda and to provide a public health response mechanism that will not disrupt international travel and trade.

To further control the spread of infectious diseases the Bill has revised the fines payable for offences committed under the Act and allows for the payment of fines for without prosecution.

Salient provisions of the Bill

The Bill repeals obsolete terms such as “chief medical officer” “health inspector” and “local authority” and all references to “sanitary boards” and brings the Kampala Capital City Authority within the ambit of the Public Health Act.

The Bill widens the definition of “medical officer” to include a medical officer in the employment of the Central Government.

In clause 11, the Bill ensures that a medical officer destroys beddings, clothing or any other articles which are infected with an infectious disease, only with an order of court.

Clause 21 provides that the Government shall be responsible for the management of epidemics except where this responsibility is delegated to the local governments.

The fines in the Bill are expressed in form of currency points and the Bill has introduced the payment of fines without prosecution, liability for subsequent offences and continuing offences and gives the local authorities powers to seal premises that are used in contravention of the Act.

The Bill seeks to repeal the provisions on building and construction in Part IX of the Act which are now under the Building Control Act, 2013 and the provisions on public sewers which are governed by the Water Act Cap. 152 and the National Water and Sewerage Corporation Act, Cap. 317.

The Bill also seeks to repeal the provisions on venereal diseases in Part VIII of the Act and the Venereal Diseases Act, Cap. 284 and amends Part VII to regulate vaccination and repeals the Immunization Act, 2017.

DR. JANE RUTH ACENG OCERO,
Minister of Health

THE PUBLIC HEALTH (AMENDMENT) ACT, 2021

ARRANGEMENT OF CLAUSES

Clause

PART I—PRELIMINARY

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PART III—AMENDMENTS TO PART II OF PRINCIPAL ACT

3. Repeal of section 4 of principal Act
4. Amendment of section 5 of principal Act
5. Insertion of new section 5A
6. Repeal of sections 8 and 9 of principal Act

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7. Amendment of section 10 of principal Act
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A BILL for an Act

ENTITLED

THE PUBLIC HEALTH (AMENDMENT) ACT, 2021

An Act to amend the Public Health Act; to provide for the repeal of obsolete provisions; to provide for the revision of the fines payable for offences committed in contravention of the Act; to provide for the repeal of the Part on venereal diseases; to provide for the repeal of references to construction and public sewers; to repeal the Venereal Diseases Act, Cap. 284 and the Immunisation Act, 2017 and for related matters.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Short title

This Act may be cited as the Public Health (Amendment) Act, 2021.

PART II—AMENDMENTS TO PART I OF PRINCIPAL ACT

2. Amendment of section 1 of the Public Health Act

The Public Health Act in this Act referred to as the principal Act is amended in section 1—

- (a) by repealing the definition of “basement”, “board”, “cellar”, “dairy”, “dairy person”, “erect”, “health inspector”, “local authority”, “meat inspector”, “medical officer of health”, “offensive trade”, “public latrine” and veterinary officer”;
- (b) in paragraph (i) by substituting the definition of “court” or “court of competent jurisdiction” with “court” means a court of competent jurisdiction;”;
- (c) in paragraph (ee), by substituting the definition of “medical officer” with “medical officer” means a medical officer in the employment of the Authority, a local government and the Government;”;
- (d) in paragraph (ii), by substituting the definition of “municipality” with “municipality” has the meaning assigned to it in the Local Governments Act;”;
- (e) in paragraph (mm), by repealing “whether legitimate or not” appearing at the end of the paragraph;
- (f) in paragraph (uu), by substituting the definition of “town” with “town” has the meaning assigned to it in the Local Governments Act;” and
- (g) by inserting the following in the section, appropriately—
 - (i) “Authority” means the Kampala Capital City Authority;”
 - (ii) “currency point” has the meaning assigned to it in the Schedule to this Act;”
 - (iii) “local government” has the meaning assigned to it in the Local Governments Act”.

PART III—AMENDMENTS TO PART II OF PRINCIPAL ACT

3. Repeal of section 4 of principal Act

Section 4 of the principal Act is repealed.

4. Amendment of section 5 of principal Act

Section 5 of the principal Act is amended by numbering the provision as (1) and—

- (a) substituting for the phrase “Every local authority”, appearing in the provision, the phrase “The Authority and every local government council”; and
- (b) inserting immediately after subsection (1) the following—

“(2) The medical officer shall immediately inform the Director General of Health Services of the outbreak of any infectious, communicable or preventable disease within the Authority or a local government, as the case may be.”

5. Insertion of new section 5A

The principal Act is amended by inserting immediately after section 5 the following—

“5A. Powers and duties of medical officers in the employment of Government

(1) A medical officer in the employment of the Government, shall take all lawful, necessary and reasonably practicable measures for preventing the occurrence of, or for dealing with any outbreak or prevalence of, any infectious, communicable or preventable disease; to safeguard and promote public health; and to exercise the powers and perform the duties in respect of the public health conferred or imposed by this Act or by any other Act.

(2) For the purposes of subsection (1), where occurrence of, or outbreak of a disease is within the jurisdiction of a local government, the medical officer shall exercise the powers and perform the duties with the authority of the Director General of Health Services.”

6. Repeal of sections 8 and 9 of principal Act

Sections 8 and 9 of the principal Act are repealed.

PART IV—AMENDMENTS TO PART III OF PRINCIPAL ACT

7. Amendment of section 10 of principal Act

Section 10 of the principal Act is amended in paragraph (c), by substituting “the local government of any local authority”, with “the Authority or any local government”.

8. Amendment of section 11 of principal Act

Section 11 of the principal Act is amended by—

- (a) substituting for subsection (1) (c) the following—
 - “(c) the duties of owners or persons in charge of letting houses, the duties of owners or persons in charge of workplaces and the duties of employers;”;
- (b) substituting for “mission or missionary institution” appearing in paragraph (d), the words, “institution of higher learning”;
- (c) repealing subsection (1) (f) and (g);
- (d) inserting immediately after subsection (1), the following new subsection—

“(1a) The rules made under this section shall apply to all the notifiable diseases or to only the notifiable disease specified in the rules.”; and

(e) substituting for subsection (2) the following—

“(2) A person who contravenes any rule made under this section commits an offence and is liable on conviction to a fine not exceeding one hundred fifty currency points or to imprisonment not exceeding twelve months, or both.”

PART V—AMENDMENTS TO PART IV OF PRINCIPAL ACT

9. Insertion of new section 11A

The Principal Act is amended by inserting immediately before section 12 the following—

“11A. Infectious diseases

This Part shall apply to any disease which the Minister may by statutory order declare to be an infectious disease for the purposes of this Part.”

10. Amendment of section 13 of principal Act

Section 13 of the principal Act is amended—

- (a) in subsection (1), by substituting for the phrase “cleansing and disinfecting”, the word “decontaminating” and for the phrase “cleanse and disinfect”, the word “decontaminate”;
- (b) in subsection (2) by—
 - (i) substituting for the phrase, “two hundred shillings”, “five currency points”
 - (ii) substituting for “a local authority”, “the Authority or local government council”; and
 - (iii) substituting for “cleansed and disinfected”, “decontaminate”; and

- (c) in subsection (3) by—
- (i) substituting for “a local authority” and “authority” the phrase “the Authority or local government council”; and
 - (ii) substituting for “cleanse and disinfect”, “decontaminate”.

11. Amendment of section 14 of principal Act

Section 14 of the principal Act is amended by—

- (a) substituting for subsection (1) the following—
- “(1) Where any beddings, clothing or any other article are infected with an infectious disease or are exposed to infection from any infectious disease and in the opinion of the medical officer the beddings, clothing or article have to be destroyed, the medical officer shall secure an order of court authorising the destruction of the beddings, clothing or article.”
- (b) inserting immediately after subsection (1) the following—
- “(1a) A court order secured under subsection (1) shall be sufficient authority for the person authorized to do so, to destroy the beddings, clothing or article specified in the order.”; and
- (c) substituting for subsection (3) the following—
- “(3) A person aggrieved by the amount of compensation awarded under subsection (2) shall appeal to court.”

12. Repeal of sections 15, 16, 17 and 18 of principal Act

Sections 15, 16, 17 and 18 of the principal Act are repealed.

13. Amendment of section 19 of principal Act

For section 19 of the principal Act is substituted the following—

“19. Removal to hospital of infected person

Where a medical officer or a medical practitioner certifies that a person is suffering from an infectious disease, which in order to guard against its spread, can only be treated or nursed in a hospital, the medical officer or medical practitioner, as the case may be, shall cause the person—

- (a) to be moved to a hospital or to any other place which in the opinion of the medical officer or medical practitioner, is suitable for the reception of the person; and
- (b) to be confined in that hospital or place until the medical officer or medical practitioner, as the case may be, is satisfied that the person is free from infection or that the person may be discharged without being a danger to the public.”

14. Amendment of sections 20 principal Act

Section 20 of the principal Act is amended by substituting for “three hundred shillings”, “one hundred and fifty currency points”.

15. Amendment of sections 21 principal Act

Section 21 of the principal Act is amended by substituting for “four hundred shillings”, “five currency points”.

16. Amendment of sections 22 principal Act

Section 22 of the principal Act is amended by substituting for “one thousand shillings”, “five currency points”.

17. Amendment of sections 23 principal Act

Section 23 of the principal Act is amended by substituting for “one thousand shillings”, “five currency points”.

18. Repeal of sections 24 and 25 of principal Act

Sections 24 and 25 of the principal Act are repealed.

19. Amendment of section 27 of principal Act

Section 27 of the principal Act is amended by numbering the provision as (1) and—

- (a) in paragraph (e), by substituting the phrase “owners of land on which persons reside and of employers of labour, and of chiefs or herdsmen and others”, with, “heads of families, owners or persons in charge of work places and employers”;
- (b) in paragraph (f), by substituting for the phrase “cholera, human trypanosomiasis, typhoid fever, typhus, plague, acute poliomyelitis, tuberculosis or any other” with the word “any”;
- (c) in paragraph (g), by repealing the phrase “by railway or otherwise”;
- (d) in paragraph (h), by substituting for “rabies, glanders, anthrax, plague, tuberculosis, trichinosis or any other” with the word “any”;
- (e) in paragraph (k), by substituting for “ankylostomiasis, schistosomiasis or any other”, the word “any”;
- (f) in paragraph (n), by repealing the phrase “except into receptacles provided for the purpose”;
- (g) in paragraph (p), by repealing the phrase “the establishment, maintenance and management of cleansing stations and the cleansing of dirty and verminous persons”;

- (h) by substituting for paragraph (r) the following—
- “(r) the giving compulsorily of any information or the production compulsorily of any documentary or other evidence required for the purpose of tracing the source or preventing the spread of any infectious disease;”;
- (i) inserting immediately after paragraph (r), the following—
- “(s) “the giving, compulsorily, by any person, of the telephone number, physical address and other personal details of any person where this is required for the purpose of locating that other person, for purposes of tracing the source or preventing the spread, of any infectious disease; and
- (t) generally for better carrying out the provisions and attaining the objects and purposes of this Part.”
- (j) inserting immediately after subsection (1) the following—
- “(2) The rules made under subsection (1) (h) and (k) shall be made in consultation with the Minister responsible for agriculture.
- (3) A person who contravenes any rule made under this section commits an offence and is liable on conviction to a fine not exceeding one hundred fifty currency points or to imprisonment not exceeding twelve months, or both.”

PART VI—AMENDMENTS TO PART V OF PRINCIPAL ACT

20. Insertion of section 27A in principal Act

“27A. Administration of Part V: The Government shall be responsible for the control and management of epidemics except where the Government

delegates the control and management to a local government or where a local government requests and is allowed to control and manage an epidemic.”

21. Substituting of section 28 of principal Act

For section 28 of the principal Act is substituted the following—

“28. Epidemic diseases

The provisions of this Part shall apply to any disease which the Minister may by statutory order declare to be an epidemic disease for purpose of this Part.”

22. Amendment of section 29 of principal Act

Section 29 of the principal Act is amended by numbering the provision as (1) and—

- (a) substituting the phrase “described in section 28” with “declared an epidemic disease under section 28”;
- (b) in paragraph (d), by substituting “observation camp and station” with “quarantine centre;
- (c) in paragraphs (e) and (k), by substituting “observation camps and stations” with “quarantine centres;
- (d) repealing paragraphs (r), (s) and (u); and
- (e) inserting immediately after subsection (1) the following—

“(2) A person who contravenes a rule made under this section commits an offence and is liable on conviction to a fine not exceeding one hundred fifty currency points or to imprisonment not exceeding twelve months, or both.

23. Amendment of section 30 of principal Act

Section 30 of the principal Act are amended by—

- (a) substituting for the title, “Minister may authorise Authority and local government councils to execute rules”;
- (b) substituting subsection (1) the following—

“(1) The Minister may request the Authority or a local government council, as may be applicable, to execute the rules made under this Part or to aid in the execution of the rules or to do and provide all such acts, matters and things as may be necessary for mitigating an infectious disease.”; and

- (c) repealing subsection (2).

24. Amendment of section 31 of principal Act

Section 31 of the principal Act ~~are~~ amended ~~by~~ ^{is} ^{as}

- (a) substituting for “local authority or medical officer of health” appearing in the title, “Authority or local government council” and
- (b) substituting for “Any local authority or medical officer of health or any person duly authorised by any local authority or medical officer of health” appearing in the provision, the phrase “For the purposes of section 30, the Authority or a local government council or any person duly authorized by the Authority or a local government council”.

25. Substitution of section 32 of principal Act

For section 32 of the principal Act is substituted the following—

“32. Notification of sickness or mortality in animals suspected of any of the diseases notified under this Act

- (1) Any person who becomes aware of any unusual sickness or mortality among any animals which are susceptible

to any of the diseases notified under this Act, shall immediately report the fact to the Authority or to a local government council, as the case may be or to any person duly authorised by the Authority or a local government council.

(2) A person who fails or neglects so to report commits an offence and is liable on conviction to a fine not exceeding two hundred currency points or to imprisonment not exceeding six months or, or both.”

26. Substitution of section 33 of principal Act

For section 33 of the principal Act is substituted the following—

“33. Report of notification of epidemic diseases

The Authority and every local government council shall immediately report to the Director General of Health Services, particulars of every notification received by the Authority or local government council of every case or suspected case of any epidemic disease, or of any unusual sickness or mortality in animals made under section 32.”

27. Repeal of sections 34 and 35 of principal Act

Sections 34 and 35 of the principal Act are repealed.

PART VII—AMENDMENTS TO PART VI OF THE PRINCIPAL ACT

28. Amendment of section 36 of principal Act

Section 36 of the principal Act is amended by numbering the provision as (1) and—

- (a) inserting after the word “thing” appearing at the end of in paragraph (b), the phrase, “and regulate the inspection, isolation, quarantine and decontamination of any animal, article or thing”; and

(b) inserting immediately after subsection (1) the following—

“(2) A person who contravenes any statutory order made under this section commits an offence and is liable on conviction to a fine not exceeding one hundred fifty currency points or to imprisonment not exceeding twelve months, or both.

(3) Where the offence is committed by a body corporate, the body corporate shall be liable to a fine not exceeding two hundred and fifty currency points.”

PART VIII—AMENDMENTS TO PART VII OF THE PRINCIPAL ACT

29. Amendment to title of Part VII

The title of the Part is substituted with, “VACCINATION”.

30. Amendment of section 37 of principal Act

Section 37 of the principal Act is amended—

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

“(a) “public vaccinator” means the medical officer, and a medical practitioner and includes a person appointed by the Director General of Health Services or a medical officer, to be a public vaccinator;” and

(b) by repealing paragraph (b).

31. Substitution of section 38 of principal Act

Section 38 of the principal Act is amended by—

“38. Vaccination of children

(1) The parent or guardian of every child resident in Uganda shall within twelve months from birth cause the child to be vaccinated by a public vaccinator, against the diseases, that may be declared by the Minister.

(2) The public vaccinator who vaccinates a child shall issue with respect to the child, a certificate of vaccination, signed by the public vaccinator.

32. Repeal of section 39 of principal Act

Section 39 of the principal Act is repealed.

33. Amendment of section 40 of principal Act

Section 40 of the principal Act is amended—

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

“(1) Where a public vaccinator is of the opinion that any child or adult is not in a fit state to be vaccinated or revaccinated, the public vaccinator shall issue in respect of that child or adult a certificate stating that that child or adult is not fit for vaccination or revaccination and where applicable, the date at which the adult or child is to be vaccinated or revaccinated”; and

- (b) by repealing subsection (2).

34. Repeal of section 41 of principal Act

Section 41 of the principal Act is repealed.

35. Amendment of section 42 of principal Act

Section 42 of the principal Act is amended by—

- (a) repealing the phrase “and has ascertained that the vaccination has been successful”; and
- (b) substituting for the phrase “in the form in the Third Schedule to this Act, or to like effect” the phrase, “in the prescribed form”.-

36. Repeal of sections 43 and 44 of principal Act

Sections 43 and 44 of the principal Act are repealed.

37. Amendment of section 45 of principal Act

Section 45 of the principal Act is amended—

- (a) in subsection (1) by inserting at the end of the subsection, “and is liable on conviction to a fine not exceeding two hundred currency points or to imprisonment not exceeding six months or, or both”;
- (b) by inserting immediately after subsection (1), the following—

“(1a) The school shall retain a copy of the certificate of immunization of every child who is admitted to the school.”;
- (c) in subsection (3) by substituting “chief medical officer” with “Director General of Health Services or medical officer, as may be necessary”

38. Repeal of section 46 of principal Act

Section 46 of the principal Act is repealed.

39. Substitution of section 47 of principal Act

For section 47 of the principal Act is substituted the following—

47. Mass vaccination and revaccination

(1) In the event of the occurrence or threatened outbreak of any disease in any local government or where it is necessary to conduct vaccination or revaccination in a local government for all the residents of the local government or for a specified category of residents—

- (a) a local government council shall where instructed by the Minister, issue a notice posted in public

places in the local government, requesting all persons within the local government, specified in the notice, to undergo inspection and vaccination and revaccination, as the case may be; or

- (b) a local government council shall require any person in the local government to be vaccinated or revaccinated and shall require the parent or guardian of any child, to have the child vaccinated or revaccinated.

(2) A person who fails or neglects^{to} comply with a requirement made under this section commits an offence and is liable on conviction to a fine not exceeding two hundred currency points or to imprisonment not exceeding six months or, or both."

40. Amendment of section 48 of principal Act

Section 48 of the principal Act is amended—

- (a) in paragraph (a) by repealing "registrar of births";
- (b) by substituting paragraph (b) with—
- “(b) conferring powers and imposing duties, in connection with the carrying out or enforcement of vaccination, on public officers, the Police, persons in charge of schools and employers;”;
- (c) by repealing paragraphs (d), (e) and (f).

PART IX—REPEAL OF PART VIII OF THE PRINCIPAL ACT

41. Repeal of Part VIII of Act

Part VIII of the Act is repealed.

PART X—AMENDMENTS TO PART IX OF THE PRINCIPAL ACT

42. Amendment of section 55 of principal Act

Section 55 of the principal Act are amended by substituting for the phrase “Every local authority” appearing in the section, the phrase “The Authority or a local government council”.

43. Amendment of section 56 of principal Act

Section 56 of the principal Act is amended—

- (a) by substituting subsection (1) with—

“56. Duty of Authority and local government councils to prevent or remedy danger to health arising from unsuitable dwellings

(1) The Authority or a local government council shall take all lawful, necessary and reasonably practicable measures for preventing or causing to be prevented or remedied all conditions liable to be injurious or dangerous to health arising from the occupation of unhealthy dwellings or premises or from overcrowding or from the condition or manner of use of any factory or trade premises and to take proceedings under the law against any person causing or responsible for the continuance of such condition.” and

- (b) in subsection (2), by substituting “chief inspector appointed under the Factories Act” with, “inspector appointed under the Occupational Safety and Health Act”; and by substituting for “any local authority”, the phrase “the Authority or a local government council”.

44. Amendment of section 57 of principal Act

Section 57 of the principal Act is amended—

- (a) by repealing paragraph (a);

- (b) in paragraph (b) by repealing “of such construction or”;
- (c) in paragraph (c) by repealing “or so situated or constructed”;
- (d) by substituting paragraph (e) with—
 - “(e) any well or other source of water supply or cistern or other receptacle for water, whether public or private, the water from which is used or is likely to be for drinking for human beings or animals or for domestic use or for use in connection with the manufacture or preparation of any article of food intended for human or animal consumption, which is in a condition liable to render any such water injurious or dangerous to human or animal health;”;
- (e) in paragraph (j) by repealing “constructed”;
- (f) in paragraph (n) by inserting “other vermin” at the end of the paragraph;
- (g) in paragraph (o), by substituting “medical officer of health” with “local government council”; and
- (h) in paragraph (p) by repealing “constructed”.

45. Amendment of section 58 of principal Act

Section 58 of the principal Act is amended by substituting “he or she” with “the author”.

46. Amendment of section 59 of principal Act

Section 59 of the principal Act is amended by substituting for “he or she” and “him or her” with, “the author”.

47. Amendment of section 60 of principal Act

Section 60 of the principal Act is amended in subsection (3), substituting “four hundred shillings” with “two hundred currency points”.

48. Amendment of section 61 of principal Act

Section 61 of the principal Act is amended in subsections (1) and (2), substituting “eighty shillings” with “one hundred currency points”.

49. Repeal of section 64 of principal Act

Section 64 of the principal Act is repealed.

50. Amendment of section 66 of principal Act

Section 66 of the principal Act is amended—

- (a) by substituting subsection (3) with—

“(3) Where any person fails to comply with an order for demolition, the person commits an offence and is liable to pay the daily fine provided in section 61 (2); and the Authority or local government council, as the case may be, may apply to court for an order for demolition and the Authority or local government council may recover from the owner the expense incurred in doing so, after deducting the net proceeds of the sale of the materials which the authority or the local government may sell by auction.”; and

- (b) by repealing subsection (5).

51. Repeal of section 67 of principal Act

Section 67 of the principal Act is repealed.

52. Amendment of section 70 of principal Act

Section 70 of the principal Act is amended by numbering the provision as (1) and—

- (a) by repealing paragraphs (b), (e) and (h);

(b) substituting paragraph (c) with—

“(c) the regulation of the cleaning and painting of premises and maintenance of the land attached to premises and removal of refuse and waste matters from the premises;”;

(c) in paragraph (g), by repealing the phrase “the establishment and carrying on of offensive trades”;

(d) substituting paragraph (i) with—

“(i) the inspection by the Authority or a local government council of any land or building within the jurisdiction of the Authority or local government council, as case may be, with a view to ascertain whether the lands or buildings are in a state injurious or dangerous to health;”;

(e) substituting paragraph (j) with—

“(j) the general control of trade premises, hotels and other lodging houses, for adequate ventilation and lighting, cleaning and for the provision of adequate sanitary appliances and other requirements, necessary for the protection of the health of the inhabitants, tenants or lodgers and the neighbouring inhabitants, as may be applicable;”

(f) inserting the following new subsection (2)—

“(2) The rules made under subsection (1) (g) shall be made in consultation with the Minister responsible for occupational safety and health and the Minister responsible for the environment.”

53. Repeal of sections 71, 72, and 73, of principal Act
Sections 71, 72, and 73, of the principal Act are repealed.

PART XI—AMENDMENTS TO PART X OF PRINCIPAL ACT

54. Repeal of sections 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84 and 85 of principal Act

Sections 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84 and 85 of the principal Act are repealed.

55. Amendment of section 86 of principal Act

Section 86 of the principal Act is amended by substituting subsection (2) with—

“(2) Except in cases where the Authority or a local government council is satisfied that in the case of any particular building it may properly dispense with any provision for drainage, for the purposes of subsection (1) “satisfactory provision for drainage” means that the drainage systems and appliances of the building comply with the requirements of the Building Control Act, relating to drainage and that the drainage systems of the premises discharge into cesspools or other places which the Authority or local government council approves.”

56. Repeal of section 87 of principal Act

Section 87 of the principal Act is repealed.

57. Amendment of section 88 of principal Act

Section 88 of the principal Act is amended by—

- (a) substituting “a local authority” and “the authority” with “the Authority or a local government council”;
- (b) substituting for “him or her” with “the owner”; and
- (c) repealing “public”.

58. Amendment of section 89 of principal Act

Section 89 of the principal Act is amended—

- (a) by substituting subsection (2) with—

“(2) Where an owner or an occupier fails to comply with the notice served under subsection (1), the owner or the occupier, as the case may, be commits an offence and is liable on conviction to a fine not exceeding two hundred fifty currency points and to a further fine not exceeding fifty currency points for each day on which the offence continues after conviction.”;

- (b) by inserting after subsection (2), the following—

“(3) In any proceedings under this section—

- (a) the owner, where the owner is the defendant, may question the decision to address the notice to the owner and not to the occupant, and the occupant may also question the decision, where the notice is addressed to the occupant and not the owner; and
- (b) the defendant may question the reasonableness of the requirements of the Authority or the local government council, as the case may be.

59. Repeal of sections 90, 91 and 92 of principal Act

Section 90, 91 and 92 of the principal Act are repealed.

PART XII—AMENDMENTS TO PART XI OF PRINCIPAL ACT**60. Amendment of section 94 of principal Act**

Section 94 of the principal Act is amended in subsection (2) by substituting “one hundred shillings” with “ten currency points”.

61. Amendment of section 95 of principal Act

Section 95 of the principal Act is amended by numbering the provision as (1) and—

- (a) by substituting “him or her” and “he or she” with “that person”;
- (b) by substituting “a medical officer of health” with “the municipal council or town council, as the case may be”;
- (c) inserting the following new subsection (2)—

“(2) An owner or an occupier who contravenes subsection (1), commits an offence and is liable on conviction to a fine not exceeding fifty currency points and to a further fine not exceeding one currency points for each day on which the offence continues after conviction.”

62. Amendment of section 96 of principal Act

Section 96 of the principal Act is amended by substituting subsection (2), with—

“(2) Any person who contravenes subsection(1), commits an offence and is liable on conviction to a fine not exceeding two hundred fifty currency points and to a further fine not exceeding fifty currency points for each day on which the offence continues after conviction.”

63. Amendment of section 97 of principal Act

Section 97 of the principal Act is amended by substituting subsection (2), with—

“(2) Any person who contravenes subsection(1), commits an offence and is liable on conviction to a fine not exceeding two hundred fifty currency points and to a further fine not exceeding fifty currency points for each day on which the offence continues after conviction.”

64. Amendment of section 98 of principal Act

Section 98 of the principal Act is amended by substituting “the local authority or medical officer of health” with “the Authority or local government council, as the case may be”.

65. Repeal of sections 99 and 100 of principal Act

Sections 99 and 100 of the principal Act are repealed.

PART XIII—AMENDMENTS TO PART XII OF PRINCIPAL ACT

66. Amendment of section 101 of principal Act

Section 101 of the principal Act is amended—

- (a) by substituting subsection (1) with—

“(1) A warehouse or building used for, or to be used for, the storage of foodstuffs, for trade or public consumption, shall be constructed with materials and in a manner that renders the warehouse or building verminproof.”

- (b) in subsection (2), by inserting after “rat invasion”, “or contamination by any agent”; and

- (c) in subsection (2), by substituting “the local authority may enter upon the premises” with “the Authority or local authority, as the case may be, may seize and seal the premises or enter upon the premises”.

67. Amendment of section 102 of principal Act

Section 102 of the principal Act is amended in subsection (2) by inserting at the end of the subsection the following—

“and is liable on conviction to a fine not exceeding one hundred fifty currency points and to a further fine not exceeding fifty currency points for each day on which the offence continues after conviction.”

PART XIV—AMENDMENTS TO PART XIII OF PRINCIPAL ACT

68. Amendment of section 103 of principal Act

Section 103 of the principal Act is amended by substituting, “every local authority” with “the Authority or a local government council, as the case may be”.

69. Amendment of section 104 of principal Act

Section 104 of the principal Act is amended in subsection (2)—

- (a) by repealing paragraphs (a), (b), (c), (d), (e), (f), (i) (k) and (o);
- (b) in paragraph (n) by substituting “aerated water and ice manufacture” with “the manufacture, preparation, storage and transmission of any liquid and semi liquid articles of food”;
- (c) paragraph (l) by inserting at the end of the paragraph, “and lodging houses”
- (d) in paragraph (s) by inserting at the end of the paragraph, “and dry cleaners”;
- (e) in paragraph (u) by inserting at the end of the paragraph, “and the licensing, regulation and inspection of funeral homes”.

70. Substitution of section 105

For section 105 is substituted the following—

“105. Medical officer’s powers for the protection of public health

A medical officer if he or she considers it necessary for the protection of the public health may—

- (a) require the medical examination of any person in any premises in which any article of food which is

intended for sale is collected, kept, sold or exposed for sale, or of any person who is or has been engaged in the collection, preparation, keeping, conveyancing or distribution of any article of food; or

- (b) prohibit the employment of any person in connection with the collection, preparation, storage, distribution or sale of any article of food, where that person is proved to be a carrier of an infectious disease.”

71. Substitution of section 106 of principal Act

For section 106 of the principal Act is substituted the following—

“106. Minister may make orders

The Minister may make a statutory order closing any restaurant, market, wholesale outlet, retail outlet or butchery, where any article of food sold at the restaurant, market, wholesale outlet, retail outlet or butchery, as the case may, is believed to have conveyed or to be liable to convey any infectious disease.”

PART XV—AMENDMENTS TO PART XIV OF PRINCIPAL ACT

72. Repeal of sections 107 and 108 of principal Act

Sections 107 and 108 of the principal Act are repealed.

73. Amendment of section 109 of principal Act

Section 109 of the principal Act is amended—

- (a) by substituting “the local government commissioner” appearing in subsection (1) and “The permitting authority” appearing in subsection (2) with, “a magistrate”.
- (b) in subsection (2), by substituting “three thousand shillings” with twenty five currency points”.

74. Repeal of sections 111, 112, 113, of principal Act

Sections 111, 112, and 113 of the principal Act are repealed.

PART XVI—REPEAL OF PART XV OF PRINCIPAL ACT

75. Repeal of Part XV of principal Act

Part XV of the principal Act is repealed.

PART XVII—AMENDMENTS TO PART XVI OF PRINCIPAL ACT

76. Amendment of section 122 of principal Act

Section 122 of the principal Act is amended by substituting for subsection (1) the following—

“(1) Any notice, order, consent, demand, complaint or other document which is required or authorized by or under this Act may be signed or authenticated by an officer so authorised, in writing, by the Authority or a local authority, as the case may be, to sign documents of the particular kind or the particular document, as the case may be.

77. Amendment of section 123 of principal Act

Section 123 of the principal Act is amended—

(a) by substituting “it may also be served by post in a registered letter” appearing in the section with, “and where efforts to effect service using these means fails, notice may be served by publication of the notice in a newspaper of wide circulation in Uganda or using the electronic address of the person to be served”; and

(b) by substituting “put in the post” appearing at the end of the section with “served”.

78. Repeal of section 124 of principal Act

Section 124 of the principal Act is repealed.

79. Amendment of section 126 of principal Act

Section 126 of the principal Act is amended—

- (a) by substituting for subsection (1), the following—

“(1) Any person with powers of entry and inspection of premises under this Act and a person authorized, in writing, by a person with powers of entry and inspection, may, at any hour reasonable for the proper performance of the duty, enter any land or premises to make any inspection or to perform any work or to do anything which is required or authorized by this Act, if the inspection, work or thing is necessary for or incidental to the performance of his or her duties or the exercise of his or her powers.”; and

- (b) by inserting at the end of subsection (2) the following—

“and is liable on conviction to a fine not exceeding one hundred fifty currency points.”

80. Insertion of new section 126A

The Principal Act is amended by inserting immediately after section 126 the following—

“126A. Closure of premises by local governments

A local government may seal premises that are open in contravention of this Act or rules made under the Act.”

81. Amendment of section 127 of principal Act

Section 128 of the principal Act is amended in subsection (7) by substituting “a local authority” with “the Authority or a local government council, as the case may be,”.

82. Amendment of section 128 of principal Act

Section 128 of the principal Act is amended by substituting for “one hundred shillings” and “forty shillings” “two hundred currency points” and fifty currency points” respectively.

83. Amendment of section 129 of principal Act

Section 129 of the principal Act is amended by repealing subsections (2) to (13).

84. Repeal of section 130 of principal Act

Section 130 of the principal Act is repealed.

85. Substitution of section 132

For section 132 is substituted the following—

“132. Protection of the Authority and local governments and the employees from personal liability

No matter or thing done by the Authority or a local government or by a member of the council of the Authority or a local government or by any person acting under the direction of the Authority or a local government, shall, if the matter or thing is done in good faith, for the purpose of executing this Act, subject the member of the council or the person acting under the direction of the Authority or a local government to any liability.”

86. Amendment of section 133 of principal Act

Section 133 of the principal Act is amended by substituting “two thousand shillings” and “sixty shillings” with, “two hundred currency points” and fifty currency points”, respectively.

87. Insertion of new sections 133A, 133B and 133C in principal Act

The principal Act is amended by inserting immediately after section 133 the following new sections—

“133A. Punishment without prosecution

(1) The Minister may in consultation with the Ministers responsible for internal affairs, the Authority and local governments make rules for offences created by this Act or under rules made under this Act, for which a person who commits the

offence may be given a notice in writing offering that person the opportunity to discharge any liability to conviction for the offence by payment of a fixed penalty.

- (2) The Rules made under subsection (1) shall prescribe –
- (a) the offences to which this section applies;
 - (b) the officer who may issue notice and the information to be supplied to them;
 - (c) the fixed penalty which shall not be more than two hundred currency points; and
 - (d) the form of the notice to be issued under this section.

133B. Penalty for subsequent offences and continuing offences

For any subsequent or continuing offence under this Act or rules made under this Act, a person is liable on conviction to a fine not exceeding one hundred fifty currency points.

133C. Offences committed by body corporate

Where an offence under this Act or rules made under this Act is committed by a body corporate, the body corporate is liable to a fine not exceeding five hundred currency points.”

88. Repeal of sections 136 and 137 of principal Act

Sections 136 and 137 of the principal Act are repealed.

PART XVIII – MISCELLANEOUS AMENDMENTS TO
PRINCIPAL ACT

89. Insertion of new section 139 to principal Act

The principal Act is amended by inserting immediately after section 138 the following new section -

“139. Amendment of Schedule

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

90. Substitution of First Schedule to principal Act

For the First Schedule is substituted the following—

Schedule

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings."

91. Repeal of Second Schedule and Third Schedule

The principal Act is amended by repealing the Second Schedule and the Third Schedule.

92. Miscellaneous amendments to principal Act

The principal Act is amended by—

- (a) substituting for the term "a local authority" appearing in the provisions indicated in this paragraph, the phrase "the Authority or a local government"—
 - (i) section 1 (rr);
 - (ii) section 14 (2);
 - (iii) section 86 (1);
 - (iv) section 88;
 - (v) section 89 (1); and
 - (vi) section 112 (1);
- (b) substituting for the term "local authorities" appearing in the provisions indicated in this paragraph, the phrase "the Authority or the local government councils"—
 - (i) the headnote to section 5;
 - (ii) section 48 (a);
 - (iii) the headnote of section 55;