

BILLS SUPPLEMENT

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Bill No. 3

*Uganda National Health
Research Organisation Bill*

2005

**THE UGANDA NATIONAL HEALTH RESEARCH
ORGANISATION BILL, 2005.**

MEMORANDUM.

The object of this Bill is to provide for the establishment of the Uganda National Health Research Organisation for policy and ethical guidelines and national coordination and regulation of health research, to provide for the composition, objects, functions, powers and administration of the Organisation; to bring the Uganda Virus Research Institute, Uganda Cancer Institute, Natural Chemotherapeutical Research Institute and the Tropical Diseases Research Institute under the control and management of the Organisation and for other related matters.

JIM K. MUHWEZI (MP)
Maj. Gen. (rtd),
Minister of Health.

THE UGANDA NATIONAL HEALTH RESEARCH ORGANISATION
BILL, 2005.

ARRANGEMENT OF CLAUSES

Clause.

PART I—PRELIMINARY

1. Short title and commencement
2. Interpretation

PART II—ESTABLISHMENT, COMPOSITION, OBJECTS,
FUNCTIONS AND POWERS OF THE ORGANISATION

3. Establishment of the Organisation
4. Composition of the Organisation
5. Object of the Organisation
6. Functions of the Organisation
7. Powers of the Organisation

PART III—THE BOARD OF THE ORGANISATION

8. The Board
9. Tenure of office of members of the Board
10. Disqualification for membership on the Board
11. Meetings of the Board
12. Function of the Board
13. Committees of the Board
14. Remuneration of the members of the Board

PART IV—SECRETARIAT OF THE ORGANISATION

15. Secretariat of the Organisation
16. Function of the secretariat
17. Other staff
18. Employment of experts and consultants

Clause.

PART V—CONSTITUENT RESEARCH INSTITUTES

19. Constituent research institutes
20. Functions of constituent research institutes
21. Sourcing of funds by constituent research institutes
22. Committee of constituent research institutes
23. Submission of annual estimates

PART VI—FINANCES

24. Funds of the Organisation
25. Power to open and operate bank accounts
26. Investment of surplus funds
27. Borrowing powers
28. Estimates
29. Financial year of the Organisation
30. Accounts
31. Audit

PART VII—MISCELLANEOUS.

32. Immunity from personal liabilities
33. Records of the Organisation
34. Minister's power to make regulations
35. Amendment of Schedules by the Minister
36. Transitional provisions
37. Vesting of assets and liabilities

SCHEDULES

FIRST SCHEDULE—Currency Point

SECOND SCHEDULE—Meetings of the Board

THIRD SCHEDULE—Constituent Research Institutes

A Bill for an Act

ENTITLED

**THE UGANDA NATIONAL HEALTH RESEARCH
ORGANISATION ACT, 2005.**

An Act to provide for the establishment of the Uganda National Health Research Organisation, its composition, objects, functions, powers, administration; to bring the Uganda Virus Research Institute, Uganda Cancer Institute, Natural Chemotherapeutic Research Institute, and the Tropical Diseases Research Institute under the control and management of the Organisation and for other related matters.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Short title and commencement

(1) This Act may be cited as the Uganda National Health Research Organisation Act, 2005.

(2) This Act shall come into force on the date appointed by the Minister by statutory instrument, and the Minister may appoint different dates for the commencement of different provisions of this Act.

2. Interpretation

In this Act, unless the context otherwise requires—

“approved research” means health research approved by the Board under this Act;

- “Board” means the Board established by section 8;
- “Chairperson” means the Chairperson of the Board;
- “constituent research institute” means a constituent research institute specified in Part 1 of the Third Schedule to this Act;
- “currency point” has the meaning assigned to it in the First Schedule to this Act;
- “Director General” means the head of the Organisation appointed under section 15(3);
- “essential national health research” means priority research on a country-specific health problem;
- “health” means the presence of physical, mental, social and spiritual well being, and not merely the absence of disease or infirmity;
- “health research” means using scientific methods to generate new knowledge to deal with an identified health problem or curiosity;
- “Minister” means the Minister responsible for health;
- “national health research plan” means a periodic policy document describing research strategy, priorities and programmes of the Organisation;
- “Organisation” means the Uganda National Health Research Organisation established by section 3;
- “professional council” means the Medical and Dental Practitioners Council established by the Medical and Dental Practitioners Act; the Uganda Nurses and Midwives Council established by the Nurses and Midwives Act; the Allied Health Professionals Council established by the Allied Health Professional Act, and the Pharmacy Board established by the Pharmacy and Drugs Act;
- “Secretary” means the Secretary to the Board;

“Uganda National Council of Science and Technology” means the Uganda National Council of Science and Technology established by the Uganda National Council of Science and Technology Act.

PART II—ESTABLISHMENT, COMPOSITION, OBJECTS,
FUNCTIONS AND POWERS OF THE ORGANISATION.

3. Establishment of the Organisation

(1) There is established an Organisation to be known as the Uganda National Health Research Organisation.

(2) The Organisation shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.

(3) The Organisation may, for and in connection with its objects and functions under this Act, purchase, hold, manage and dispose of any property whether movable or immovable, and may enter into any contract and other transactions as may be expedient and do any other act or thing that in law may be done by a body corporate, subject to the provisions of this Act.

4. Composition of Organisation

The Organisation shall comprise—

- (a) the Board;
- (b) the Secretariat;
- (c) the constituent research institutes; and
- (d) any other institution which undertakes health or similar research.

5. Object of the Organisation

The object of the Organisation is to create a sustainable culture of health research by providing policy and ethical guidelines and national co-ordination and regulation of health research.

6. Functions of the Organisation

The functions of the Organisation are—

- (a) to evolve, set up and enforce an ethical code of conduct for health research in Uganda;

- (b) to identify, set up and enforce national health research policies and develop a National Health Research Plan for all health related research institutions in Uganda;
- (c) to facilitate dialogue between the policy makers, researchers in different disciplines, health providers and communities in order to ensure that research is relevant to the needs of the people and that research findings are utilized by the relevant stakeholders;
- (d) to facilitate consultations with policy and decision makers and researchers in different disciplines and communities in the identification of health research priorities which are consistent with the National Health Research Plan;
- (e) to register, renew and co-ordinate different types of health research in Uganda and promote multi-disciplinary and inter-sectoral research collaboration in a bid to establish essential national health research which is consistent with the National Health Strategic Plan;
- (f) to develop, strengthen and supervise health research institutes which at the commencement of this Act are under the Ministry responsible for health and any others which are established subsequently;
- (g) to facilitate the Organisation's institutes, other Organisations and persons affiliated to the Organisation in the mobilization of resources for their approved research projects and the National Health Research Plan;
- (h) to strengthen the national health research capacity in research institutions including the Ministry responsible for health, and the communities by building a quality human resource infrastructure which is capable of responding to the essential research demands of Uganda;
- (i) to undertake any other health related research and relevant activities that are likely to assist in the implementation of the objects of the Organisation;

- (j) to appraise scientifically and ethically and give approval to all research protocols related to health, before the commencement of any biomedical or other health related research;
- (k) to monitor, evaluate and terminate any research in progress;
- (l) to receive research findings and results and disseminate such findings as the Organisation deems fit;
- (m) to perform and carry out duties aimed at improving health research in Uganda within the overall objects of the Organisation; and
- (n) to carry out any other activity conducive or incidental to the attainment of the objects of the Organisation.

7. Powers of the Organisation

(1) The Organisation may—

- (a) recommend to the Minister the establishment of health research institutes or any other appropriate research institutions;
- (b) sponsor, promote and encourage health research activities undertaken by institutions, Organisations, agencies and individuals for the utilization of health research findings;
- (c) issue or confer honours or rewards on researchers or any other person, groups of persons or institutions connected with health research as it may deem fit;
- (d) acquire, develop and retain the human resource base in order to meet adequately the health research requirements; and
- (e) supervise any research activity in the health sector.

(2) The Organisation shall exercise the powers under this section in respect of an institution or member affiliated to it and in so doing, it shall cooperate with the Uganda National Council for Science and Technology (UNCST).

PART III—THE BOARD OF THE ORGANISATION.

8. The Board

(1) The Organisation shall have a governing Board comprising—

- (a) one representative nominated from faculties responsible for medicine or colleges of health science;
- (b) one representative nominated from the faculty of social sciences of any of the universities in Uganda;
- (c) two distinguished research scientists in matters of health who are at the level of principal research officer;
- (d) two eminent persons from the community with a bias in human rights issues; and
- (e) one representative of the traditional medical practitioners nominated by the practitioners.

(2) The following shall be ex-officio members of the Organisation—

- (a) the Director General of Health Services;
- (b) the Chairperson of the Uganda National Council for Science and Technology; and
- (c) the Director General who shall be the Secretary to the Board, but who shall not have any voting powers.

(3) All members of the Board shall be appointed by the Minister.

(4) The Chairperson and Deputy Chairperson shall be elected by the members of the Board from among their number and shall be appointed by the Minister.

(5) The membership of the Board shall reflect gender equity, and in particular, of the members appointed under this section, at least one third shall be female.

9. Tenure of office of members of the Board

(1) For the avoidance of doubt, a member of the Board by virtue of an office held by that member, shall, upon ceasing to hold that office, cease to be a member of the Board but if otherwise qualified for appointment, is eligible for re-appointment to the Board.

(2) A member of the Board other than a person to whom subsection (2) of section 8 applies, shall hold office for three years and is eligible for re-appointment for one other term.

(3) Subject to subsection (1), a member of the Board shall vacate office—

- (a) by tendering his or her resignation in writing to the Minister;
- (b) on written recommendation of the body which he or she represents, revoking the nomination of the member; or
- (c) by removal from office by the Minister on the recommendation of the Board for inability to perform the functions of his or her office arising from infirmity of body or mind or from any other cause.

(4) Where a member of the Board is removed or vacates office before his or her term of office expires, the Minister may appoint another person to hold office until the end of the term of that office.

(5) Where the Minister is satisfied that a member is temporarily absent for a period of one year due to a reasonable cause, the Minister may appoint a person qualified in terms of section 8 to act in that member's place during his or her absence.

10. Disqualification for membership of the Board

A person shall not be appointed a member of the Board if he or she—

- (a) is of unsound mind;
- (b) is not resident in Uganda;
- (c) has been declared insolvent or bankrupt; or

(d) has been convicted of a criminal offence involving dishonesty or moral turpitude.

11. Meetings of the Board

The Second Schedule to this Act shall apply to the meetings of the Board.

12. Functions of the Board

(1) The functions of the Board are—

- (a) to formulate policy of the Organisation;
- (b) to make strategic plans of the Organisation;
- (c) to authorise budgets and expenditures and approve the annual report and accounts of the Organisation;
- (d) to monitor and evaluate the performance of the Organisation;
- (e) to establish rules and procedures for appointment into the Organisation, discipline, termination and administration of its personnel including staffing and conditions of service of its employees;
- (f) to be responsible for the supervision of the management of property, business, income and other financial matters of the Organisation; and
- (g) to perform any other function that may be necessary for the proper implementation of this Act.

(2) In the carrying out of its functions under this section, the Organisation shall, wherever necessary, consult relevant statutory professional councils.

(3) The Board may delegate any of its functions under this Act to any member of the Board or to a committee of the Board or an official of the Organisation.

13. Committees of the Board

(1) The Board may appoint one or more committees to assist in the carrying out of its functions under this Act and may delegate to a committee such function as it may consider fit, subject to such conditions as it may determine.

(2) A committee appointed under this Act may comprise members of the Board or non-members or both.

(3) A committee may co-opt any resource person to any meeting of the committee except that the co-opted person shall have no right to vote on any matter coming for decision at the meeting.

(4) The Board may prescribe the procedure of any committee appointed by it.

14. Remuneration of the members of the Board

The Chairperson, Deputy Chairperson and other members of the Board and members of the committees of the Board shall be paid such remuneration or allowances as may be determined by the Minister in consultation with the Minister responsible for finance.

PART IV—SECRETARIAT OF THE ORGANISATION**15. Secretariat of the Organisation**

(1) The Organisation shall have a Secretariat.

(2) The Secretariat shall be headed by a Director General.

(3) The Director General shall be appointed by the Board on such terms and conditions as shall be specified in his or her instrument of appointment.

(4) The Director General shall hold office for a term of four years and is eligible for reappointment.

(5) The Director General shall be a full time employee and the chief executive of the Organisation and is responsible for carrying out the day to day functions of the Organisation.

16. Functions of the Secretariat

The functions of the Secretariat are—

- (a) to prepare for the approval by the Board, a National Health Research Plan including research strategies, priorities and programmes;
- (b) to coordinate and monitor the implementation of research programmes and training activities;
- (c) to establish, coordinate and review linkages of constituent research institutes with international Organisations and research institutions outside the Organisation or outside Uganda;
- (d) to review research proposals for conformity with established ethical guidelines and health priority and for technical content;
- (e) to provide clearance for publication and other forms of dissemination of research findings, in consultation with the Uganda National Council of Science and Technology;
- (f) to make arrangements for periodic evaluation of constituent research institutes and the Secretariat for efficiency in relation to the functions of the Organisation;
- (g) to take official custody of the seal of the Organisation; and
- (h) to do such other things as may be necessary or desirable or expedient for the carrying out of the functions of the Organisation.

17. Other staff

(1) The Board may, on advice of the Director General, appoint other officers and staff of the Organisation as may be necessary for the effective performance of the functions of the Organisation.

(2) The employees appointed under this section shall hold office on such terms and conditions as may be specified in their instruments of appointment.

(3) The Board may under subsection (3) of section 12 delegate its functions under this section to the Director-General subject to such conditions as the Board may impose.

18. Employment of experts and consultants

The Board may, on the advice of the Director General, engage for the Organisation, the services of a consultant or an expert to perform any of the functions of the Organisation in connection with which the consultant or expert is considered to have special competence.

PART V—CONSTITUENT RESEARCH INSTITUTES**19. Constituent research institutes**

(1) The Research Institutions specified in Part I of the Third Schedule, to be known as constituent research institutes shall form part of the Organisation.

(2) The Board may approve other institutions to be constituent research institutes under subsection (1).

(3) Where the Board has approved an institution to be a constituent research institute under this section, the Minister may, by statutory instrument made with the approval of Parliament, declare the institution to be a constituent research institute for the purposes of this Act.

(4) A constituent research institute shall have semi-autonomous status with regard to the management of resources which shall be in accordance with research programmes and budgets approved by the Board.

(5) Every private firm, individual, non-governmental organisation or public institution carrying out health related research in Uganda shall affiliate with the Organisation.

20. Functions of constituent research institutes

A constituent research institute shall—

- (a) engage in health research which conforms to the mandate and mission specified in Part II of the Third Schedule to this Act;
- (b) plan and develop research capacity for carrying out research which is essential for the development of health, health provision and to the overall development of Uganda;

- (c) carry out research necessary for the improvement of health delivery, and, as much as possible, facilitate collaboration and maintain liaison with the Ministry and involve participation of communities;
- (d) disseminate research findings so as to be able to contribute to health policy formulation and improvement of health care delivery;
- (e) liaise with other research institutions carrying out health-related research within and outside Uganda;
- (f) provide an annual report showing its activities, to the Director-General at the end of each financial year;
- (g) ensure ethical clearance of all research prior to commencement and the clearance shall, to the extent applicable, make reference to international regulations on health research involving human subjects; and
- (h) carry out any other function assigned by the Organisation.

21. Sourcing of funds by constituent research institutes

In the performance of its functions under this Act, a constituent research institute may, with the approval of the Board, solicit and accept funds for approved research.

22. Committees of constituent research institutes

(1) Each constituent research institute shall have a management committee consisting of—

- (a) a Director;
- (b) heads of departments; and
- (c) any other officer that the management committee may deem necessary.

(2) A management committee shall assist the Director in the day to day carrying out of the activities of the constituent research institute and shall be accountable for resources allocated to the constituent research institute.

(3) The management committee shall hold a meeting at least quarterly and the Director or his or her designate shall preside at the meeting.

(4) The management committee shall develop a programme to ensure the development of capacity, especially, that of women in research.

(5) A constituent research institute may also establish such other committees as it may consider appropriate for its internal management.

23. Submission of annual estimates

The Director of a constituent research institute shall submit annual budgetary estimates of the institute to the Director- General, which shall include—

- (a) payments for salaries, pensions, gratuity, and other items of remuneration;
- (b) funding for health research activities;
- (c) procurement, property maintenance, repair and replacement of equipment and other moveable property;
- (d) maintenance of buildings;
- (e) grants to the institute; and
- (f) capital expenditure.

PART VI—FINANCES

24. Funds of the Organisation

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

- (a) monies appropriated by the Parliament;
- (b) loans from any source;
- (c) any money paid to the Organisation in the performance of its duties; and
- (d) donations and endowments from Organisations and individuals.

25. Power to open and operate bank accounts

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

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

(3) The Board shall ensure that no money is withdrawn from or paid out of any of the Organisation's accounts without the approval of the Board.

26. Investment of surplus funds

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

27. Borrowing powers

The Board 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 the discharge of the functions of the Organisation under this Act.

28. Estimates

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

(2) The Board shall, within two months, cause to be submitted to the Minister for his or her approval, the estimates of income and expenditure submitted by the Director General under subsection (1) as approved by the Board.

29. Financial year of the Organisation

The financial year of the Organisation is the period of twelve months beginning on the first day of July in each year and ending on the 30th day of June in the next calendar year.

30. Accounts

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

(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, a statement of accounts, which shall include—

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

31. Audit

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

(2) The Board shall ensure that within four months after the end of each financial year, a statement of accounts described in section 30 (2) is submitted to the Auditor General or an auditor appointed by the Auditor General for auditing.

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

PART VII—MISCELLANEOUS.**32. Immunity from personal liability**

(1) A member of the Board or a member of a committee of the Board shall not be personally liable for civil action for any act done or omitted to be done by him or her in good faith without negligence for the purpose of carrying into effect the provisions of this Act.

(2) An employee or other person acting on behalf of the Organisation, shall not be liable for any act done or omitted to be done by him or her in good faith for the purpose of carrying into effect the provisions of this Act.

33. Records of the Organisation

(1) Any discovery, invention of new formula, indigenous knowledge acquired or improvement on any apparatus or machine made by any person in the course of carrying out the objects and functions of the Organisation shall be recorded and kept by the Organisation.

34. Minister's power to make regulations

(1) The Minister may, on the advice of the Board, by statutory instrument, make regulations for the implementation of the provisions of this Act.

(2) Regulations made under subsection (1) may, without prejudice to the general effect of that subsection—

- (a) regulate the operation of the constituent research institutes;
- (b) prescribe in respect of any contravention of the regulations a penalty not exceeding imprisonment for two years or a fine not exceeding forty eight currency points or both.

35. Amendment of Schedules by the Minister

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

(2) The Minister may, by statutory instrument in consultation with the Board, amend the Second and Third Schedules to this Act.

36. Transitional provisions

(1) A person who on the commencement of this Act is serving in an office in a constituent research institute shall, subject to the review and approval of the Board, continue so serving and shall be deemed to have been duly appointed under this Act.

(2) An employee of a constituent research institute who is engaged by the Organisation shall receive from the Government of Uganda, a severance pay in accordance with regulation 23A and Schedule II to the Pensions Regulations as inserted by the Pensions (Amendment of First Schedule to Pension Act) regulations and those not engaged shall return to the respective parent ministries.

(3) An employee of a constituent research institute at the commencement of this Act shall be deemed to have retired with full benefits from the public service in accordance with any laws for the time being in force relating their service.

(4) The Board may, subject to such conditions and restrictions as it may impose, delegate any of its functions under this section to a committee of the Board, the Director General or any officer of the Organisation.

37. Vesting of assets and liabilities

(1) All property and assets, except property and assets that the Minister may by writing determine, which immediately before the commencement of this Act were vested in the constituent research institutes mentioned in this Act and which are required for the discharge of the functions of the Organisation shall vest in the Organisation subject to all interests, liabilities and trusts affecting that property.

(2) The Minister may, by statutory instrument, transfer to the Organisation, the assets belonging to the Government which by virtue of this Act are necessary for the performance of the functions of the Organisation.

SCHEDULES.

FIRST SCHEDULE

SECTION 2

A currency point is equivalent to twenty thousand shillings.

SECOND SCHEDULE**SECTION 11****MEETINGS OF THE BOARD****1. Meetings of the Board**

(1) The Board shall meet at least once in every three months, or upon a request in writing to the Chairperson by five members of the Board and the time and place of the meeting shall be determined by the Chairperson.

(2) The Chairperson shall preside at all meetings of the Board at which he or she is present and in the absence of both the Chairperson and the Deputy Chairperson, the members present shall elect a chairperson from amongst themselves to preside.

2. Quorum

Four members of the Board shall form a quorum at every meeting of the Board.

3. Decisions of the Board

A decision of the Board shall be taken by a majority of the members present and voting and in the case of an equality of votes, the person presiding shall have a casting vote.

4. Notices for Board meeting

Notice of the time, place and agenda of every meeting of the Board shall be served by the Director General at least fourteen days before the date for ordinary meetings and in the case of an extra-ordinary meeting, the notice shall be served at least two days before the meeting.

5. Secretary to keep minutes

The Secretary to the Board shall keep or cause to be kept, minutes of all meetings of the Board.

6. Power to regulate its own procedure

The Board may regulate its own procedure during meetings, subject to the provisions of this Act.

THIRD SCHEDULE

PART I

SECTION 19

CONSTITUENT RESEARCH INSTITUTES

Uganda Virus Research Institute (UVRI);
Uganda Cancer Institute (UCI);
Tropical Diseases Research Institute (TDRI);
Natural Chemotherapeutic Research Institute (NCRI).

PART II

Section 20

Constituent Research Institutes

Fields of Research:

- | | |
|--|--|
| <p>1. Uganda Virus Research Institute (UVRI)</p> | <p>To engage in health research pertaining to human infections and disease processes associated with or linked to viral aetiology and engage in any other research that may be prescribed by Uganda National Health Research Organisation.</p> |
| <p>2. Uganda Cancer Institute (UCI)</p> | <p>Human cancer causation, epidemiology, prevention and control including novel treatment.</p> |
| <p>3. Natural Chemotherapeutical Research Institute (NCRI)</p> | <p>Natural products and traditional methods in the treatment and control of human diseases.</p> |
| <p>4. Tropical Diseases Research Institute (TDRI)</p> | <p>Responsible for research in tropical diseases.</p> |

Cross References

- Allied Health Professionals Act, Cap. 268
 Medical and Dental Practitioners Act, Cap. 272
 Nurses and Midwives Act, Cap. 274
 Pharmacy and Drugs Act, Cap. 280
 Uganda National Council of Science and Technology Act, Cap. 209