

BILLS SUPPLEMENT

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Bill No. 19*The Persons with Disabilities Bill***2018****THE PERSONS WITH DISABILITIES BILL, 2018.****MEMORANDUM****1. OBJECT OF THE BILL**

The object of this Bill is to provide for the respect and promotion of the fundamental and other human rights and freedoms of the persons with disabilities and for the non discrimination of persons with disabilities; to provide for the special requirements of persons with disabilities in education, health and employment; to regulate the accessibility of public buildings and the provision of transport and other services on a commercial basis, for persons with disabilities; to provide for affirmative action by the Government, for persons with disabilities; to re establish the National Council for Disability as the National Council for Persons with Disabilities and to provide for its composition and functions; to transfer the property of the Uganda Foundation for the Blind to the National Council for Persons with Disabilities; to provide the local government councils for persons with disabilities and their composition and functions; and to repeal the Persons with Disabilities Act, the National Council for Disability Act and the Uganda Foundation for the Blind Act.

2. DEFECTS IN THE EXISTING LAWS

Currently, the Persons with Disabilities Act, 2006, the National Council for Disability Act, 2003 and the Uganda Foundation for the Blind Act, Cap 58 Laws of Uganda are the laws that govern the matters of persons with disabilities. However, these laws have several shortcomings which the Bill seeks to address.

The Persons with Disabilities Act, 2006 includes several policies and mandates the Government to perform policy related matters all which have no legal bearing and which made implementation of the Persons with Disabilities Act difficult.

The National Council for Disability Act, 2003 does not adequately address the concerns of the persons with disabilities in the functions and powers of the National Council for Disability.

The Uganda Foundation for the Blind Act, Cap 58 Laws of Uganda, established a Board of Trustees to administer, control and manage the property of the Uganda Foundation for the Blind, for the promotion of the welfare, education, training and employment of blind persons and for the prevention and alleviation of blindness. However, there is no law that caters for the welfare of the persons with the other disabilities. The Bill addresses the shortcomings of the Persons with Disabilities Act, 2006 and the National Council for Disability Act, 2003 and vests the property that is currently administered, controlled and managed under the Uganda Foundation for the Blind Act in the National Council for Persons with Disabilities for the benefit of all persons with disabilities and not only persons with visual disability.

3. PROVISIONS OF THE BILL

The Bill contains 8 Parts, 51 clauses and 6 Schedules as follows—

Part I provides the preliminary provisions of the Bill and in particular clause 3 provides how it may be determined that a person is a person with a disability for purposes of the Act.

Part II (clauses 4 to 15) provides for the rights of persons with disabilities and non discrimination including the respect and promotion of rights and freedoms of persons with disabilities, the right to enjoy family life, the prohibition of inhuman and degrading treatment for persons with disabilities, non discrimination of persons with disabilities in the provision of education and health services, the habilitation and rehabilitation for persons with disabilities, non discrimination of

persons with disabilities in employment, accessibility to buildings, non discrimination of persons with disabilities in the provision of transport and other services on a commercial basis, the identification of suspects and accused persons by visually impaired complainants and witnesses. Under clause 15 the Government undertakes to promote a policy of affirmative action for persons with disabilities in all sectors of the public service including employment of persons with disabilities in the public service.

Part III (clauses 16 to 25) establishes the current National Council for Disabilities as the National Council for Persons with Disabilities and provides for the functions, composition and terms of services of the Council. Clause 18 provides that the Council is to manage the property registered in the names of Uganda Foundation for the Blind. Part VI (clauses 26 to 29) provides for the Secretariat of the Council and creates the office of Executive Secretary and the other staff of the Council and the functions of the Executive Secretary.

Part V (clauses 30 to 36) provides for the District and subcounty councils for persons with disabilities, the functions, secretariat and staff of the District and subcounty Councils and the remuneration and meetings of district and subcounty councils for persons with disabilities.

Part VI (clauses 37 to 42) provides for the funding of the Council for persons with disabilities and states that the funds of the Council shall consist of money appropriated by Parliament, and provides for other related financial provisions including auditing of the financial statements of the Council.

Part VII (clauses 43 to 44) provides for elections of representatives of persons with disabilities and the candidates for elections.

Part VIII (clauses 45 to 51) amongst other provisions amends the Trial on Indictment Act and the Magistrates Courts Act to provide that a person with a disability shall not on the basis of the disability, be taken

to be an insufficient surety or an unfit person, respectively, and repeals the Persons with Disabilities Act, National Council for Disability Act and the Uganda Foundation for the Blind Act.

Schedule 1 lists the building to which the public is allowed access and which therefore are subject to the standards in the Act.

Schedule 2 lists the categories of disabilities.

Schedule 3 lists the services provided to the public on a commercial basis which are therefore governed by the Act.

Schedule 4 lists the particulars of the property transferred from the Uganda Foundation for the Blind to the National Council for Persons with Disabilities.

Schedule 5 provides the procedure for the meetings of the National Council for Persons with Disabilities.

Schedule 6 provides for the electoral structure for persons with disabilities.

HON. HAJJAT JANAT MUKWAYA,
Minister of Gender, Labour and Social Development.

THE PERSONS WITH DISABILITIES BILL, 2018

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A Bill for an Act

ENTITLED

THE PERSONS WITH DISABILITIES ACT, 2018

An Act to provide for the respect and promotion of the fundamental and other human rights and freedoms of the persons with disabilities and for the non discrimination of persons with disabilities; to provide for the special requirements of persons with disabilities in education, health and employment; to regulate the accessibility of public buildings and the provision of transport and other services on a commercial basis; to provide for affirmative action by the Government; to re establish the National Council for Disability as the National Council for Persons with Disabilities and to provide for its composition and functions; to transfer the property of the Uganda Foundation for the Blind to the National Council for Persons with Disabilities; to provide the local government councils for persons with disabilities and their composition and functions; to repeal the Persons with Disabilities Act, the National Council for Disability Act and the Uganda Foundation for the Blind Act and to provide for related matters.

BE IT ENACTED by Parliament as follows—

PART I—PRELIMINARY

1. Commencement

(1) This Act shall come into force on a date appointed by the Minister by statutory instrument.

(2) The Minister may appoint different dates for the commencement of different provisions of the Act.

2. Interpretation

(1) In this Act unless the context otherwise requires—

“building to which the public is allowed access” means a building in Schedule 1 to this Act;

“Council” means the National Council for Persons with Disabilities specified in section 16;

“disability” means a substantial functional limitation of daily life activities caused by physical, mental or sensory impairment and environment barriers, resulting in limited participation and includes an impairment specified in Schedule 2 to this Act;

“health unit” means a hospital, clinic, dental surgery, nursing home and maternity centre, established by the Government or a local government, and a hospital, clinic, dental surgery, nursing home and maternity centre which is not established Government or a local government, which is registered under the Medical and Dental Practitioners Act;

“Minister” means the Minister responsible for disability affairs.

(2) This Act is with regard to mental illness, subject to the Mental Health Act.

3. Determination of a person with a disability

Where it is necessary, for purposes of this Act to determine whether a person who claims or alleges that he or she is a person with a disability, within the definition in section 2 or where the court so requires, a medical doctor with the relevant expertise, shall carry out an examination to confirm this.

PART II—RIGHTS OF PERSONS WITH DISABILITIES AND
NON DISCRIMINATION**4. Respect and promotion of rights and freedoms of persons with disabilities**

(1) A person with a disability shall enjoy the fundamental and other human rights and freedoms enshrined in the Constitution.

(2) The fundamental and other human rights and freedoms enshrined in the Constitution shall be respected, upheld and promoted by all organs and agencies of Government and by all people, with respect to persons with disabilities.

(3) Subject to this Act, all the laws of Uganda shall apply to the persons with disabilities and all the organs and agencies of Government and all the people in Uganda shall enforce and implement the laws of Uganda without discrimination on the basis of disability.

5. The right to enjoy family life

(1) A mother with a disability who gives birth outside of wedlock has the right to care for and bring up her child.

(2) A person shall not remove a child born to a mother with a disability, who gives birth outside of wedlock, from the custody of the mother, without the express permission of the mother, except where court makes an order for custody.

(3) The father of a child born of a woman with a disability, outside of wedlock, shall provide support for the child without removing the child from the custody of the mother.

6. Prohibition of inhuman and degrading treatment for persons with disabilities

A person with a disability shall not without his or her free and informed consent be subjected to—

- (a) medical or scientific research;
- (b) harmful traditional or cultural practices; or
- (c) forced sterilization.

7. Non discrimination in the provision of education services

(1) A school or an institution of higher learning shall not discriminate against a learner with a disability, on the basis of the disability.

(2) Subsection (1) does not apply where the school or institution of higher learning is established for learners of a specific disability, where the learner does not have that disability.

(3) A school or an institution of higher learning discriminates against a learner with a disability where –

- (a) on the basis of the disability, the school or institution of higher learning refuses to accept an application for admission, made by the learner with a disability who is otherwise qualified for admission;
- (b) the conditions for admission to the school or institution of higher learning exclude the admission of learners with disabilities;
- (c) the school or institution of higher learning denies or limits the access of the learner with a disability, to the available facilities;
- (d) the school or institution of higher learning expels a learner with a disability, on the basis of the disability; or
- (e) the school or institution of higher learning subjects the learner with a disability to any unfair treatment, on the basis of the disability.

(4) A school or an institution of higher learning that enrolls a learner with a disability shall—

- (a) provide an inclusive education system for that learner; and
- (b) make the necessary structural adjustments to the buildings and the compound of the school or institution of higher learning, to enable access by a learner with a disability.

(5) In addition to the requirements of subsection (4), a school or an institution of higher learning which is owned or aided by Government that enrolls a learner with a disability, shall provide the learning instructional materials and devices, sign language services and Braille and tactile equipment, suitable for the learner and required for examinations by the learner.

(6) A parent or guardian of a child with a disability who is of school going age has the responsibility of enrolling the child in school or ensuring that the child is enrolled in school.

(7) Where the child referred to in subsection (6) is to be enrolled in a school with an inclusive education system, the school shall, where applicable, be of the same or comparable standard as the school in which the other children under the care of the parent or guardian are enrolled.

(8) In this section “inclusive education system” means a system where a learner with a disability is taught together with the other learners, in the same environment, and where, if required under subsection (5), extra support is given to the learner with a disability.

8. Non discrimination in the provision of health services

(1) A health unit shall not discriminate against a patient with a disability, on the basis of the disability.

(2) A health unit shall—

- (a) comply with the requirements of section 11 (1) and (2);
- (b) provide accessible labour beds for expectant women who are persons with disabilities and accessible examination tables and wheel chairs for patients with disabilities.

(3) A health unit discriminates against a patient with a disability where—

- (a) on the basis of the disability, the patient is refused admission or treatment at the health unit;
- (b) the health unit does not comply with the requirements of section 11 (1) and (2) and is not accessible by persons with disabilities; or
- (c) the health unit does not provide accessible labour beds for expectant women who are persons with disabilities or accessible examination tables or wheel chairs for patients with disabilities.

(4) For the purposes of subsection (2) and (3), “accessible labour bed” and “accessible examination table” means a labour bed or an examination table that is appropriate for the disability of the person using the bed or table.

(5) A parent or guardian of a child with a disability, has the responsibility of taking the child for immunization and medical treatment, as may be necessary.

(6) A child with a disability shall be taken for immunisation and medical treatment at health units of the same or comparable standard as the health units to which the other children under the care of the parent or guardian are taken.

9. Habilitation and rehabilitation for persons with disabilities

The Government shall inform the persons with disabilities and their parents or guardians, carers and the members of the communities where the persons with disabilities are resident, on the habilitation and rehabilitation services that are available for persons with disabilities and offer counselling services.

10. Non discrimination in employment

(1) An employer shall not discriminate against a person with a disability, on the basis of the disability of that person.

(2) An employer shall—

- (a) in the advertisement for a job, where appropriate, encourage persons with disabilities to apply for the job; and
- (b) provide to an employee with a disability the facilities required in the performance of the job or task.

(3) An employer discriminates against a person with a disability where—

- (a) on the basis of the disability, the employer refuses to accept an application made by the person with a disability, who is otherwise qualified for the job;
- (b) the conditions for applying for the job or the selection criteria exclude applications by persons with disabilities;
- (c) the assessment of the performance of an employee with a disability is based on tests or is conducted in a manner that does not correctly gauge the performance of that employee;
- (d) the remuneration or benefits given to an employee with a disability is less than that given to the other employees who perform the same tasks;
- (e) on the basis of the disability, an employee with a disability is not considered for promotion, on job training, scholarships or any other benefits that are accorded to the other employees;
- (f) on the basis of the disability, an employee with a disability is transferred from a job or task which he or she is capable of performing to another job or task which he or she is unable to perform due to his or her disability;
- (g) the employer does not provide the facilities required by the employee with a disability to perform his or her job or tasks;

- (h) the employer conducts a medical examination on an employee with a disability, where the examination is not performed on the other employees; or
- (i) the services of employment of an employee with a disability, are terminated on the basis of the disability.

(4) In this section “facilities” includes tools, equipment and where necessary, a modified work schedule.

(5) An employer with employees with disabilities shall be allowed deductions on the chargeable income, as may be provided for by the Income Tax Act.

(6) An employer who provides the required facilities but proves that the disability affects or hinders the satisfactory performance of the employee with a disability shall not be deemed to have discriminated a person with a disability under subsection (3) (i).

11. Accessibility to buildings

(1) An owner or a person in charge of a building to which the public is allowed access shall, subject to the requirements of the laws on building standards and other relevant laws, provide appropriate accessibility for persons with disabilities, to the building.

(2) In subsection (1) “provide appropriate accessibility for persons with disabilities, to the building” means—

- (a) putting in place accessible and easy to find entrances which are connected to accessible pathways and accessible parking areas;
- (b) providing safe and accessible urinals and bathrooms;
- (c) providing safe and well dimensioned staircases with appropriate railing and well dimensioned and accessible elevators; and

(d) where necessary, providing ramps.

(3) An owner or person in charge of a building to which the public is allowed access shall provide parking space for the vehicles driven by the persons with disabilities or by the drivers of persons with disabilities.

(4) The parking space referred to in subsection (3) shall be marked with a conspicuous sign or the acronym "PWD".

(5) A driver who is not a person with a disability or who is not a driver of a person with a disability shall not park a vehicle in the parking space referred to in subsection (3).

12. Non discrimination in the provision of transport services

(1) An owner, a driver or a person in charge of a vehicle that is used by the public and for which a fare is charged, shall not deliberately or unreasonably refuse to transport a person with a disability.

(2) An owner, a driver or a person in charge of a vehicle that is used by the public and for which a fare is charged, shall not require a passenger with a disability who uses assistive devices, to pay a charge for the carriage of the assistive devices.

(3) In this section "assistive devices" means wheel chairs, calipers, crutches and white canes.

13. Non discrimination in the provision of services on a commercial basis

(1) A person who provides services to the public on a commercial basis shall make the services available and accessible to persons with disabilities.

(2) A person who provides services to the public on a commercial basis shall not—

- (a) refuse to provide the services to a person with a disability;
or
- (b) deliberately make it impossible or unreasonably difficult for a person with a disability to use the services.

(3) Subsections (1) and (2) shall not apply where it is necessary to protect the health or safety of the person with a disability or any other person.

(4) Where a person who provides services to the public on a commercial basis does not make the services available or accessible to a person with a disability, the person shall explain the reason for this to the concerned person with a disability.

(5) An owner or a person in charge of a television station shall, each day, provide or cause to be provided sign language insets in at least one newscast.

(6) In this section “services” means the services in Schedule 3 of this Act.

14. Identification of suspects and accused persons by visually impaired complainants and witnesses

A complainant or a witness who is a person with a disability of total blindness or low vision, may identify a suspect or an accused person by the voice of the suspect or accused person or by touching or by any other manner in which the complainant or witness is able to make the identification intelligible.

15. Affirmative action

For the purpose of upholding the fundamental rights and freedoms of persons with disabilities, the Government shall promote a policy of affirmative action for persons with disabilities in all sectors of the public service including employment of persons with disabilities in the public service.

PART III—ESTABLISHMENT, FUNCTIONS AND COMPOSITION OF THE
NATIONAL COUNCIL FOR PERSONS WITH DISABILITIES

16. The National Council for Persons with Disabilities

(1) The National Council for Disability in existence at the commencement of this Act shall continue in existence under this Act as the National Council for Persons with Disabilities.

(2) The National Council for Persons with Disabilities in this Act referred to as the Council shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The Council may for and in connection with its functions under this Act, purchase, hold, manage and dispose of any property, whether movable or immovable and may enter into any contract and any other transaction as may be expedient and may do such other thing that may be lawful done by a body corporate.

17. Functions of the Council

(1) The Council shall—

- (a) monitor the implementation of this Act by Government, government agencies, non-governmental agencies, bodies corporate and private persons;
- (b) carry out or commission surveys, inquiries or investigations on matters relating to violation of a rights of a person with a disability under this Act or non-compliance with this Act by Government, bodies corporate or private persons and advocate for corrective measures by the concerned party;
- (c) advocate for the development, implementation and sustenance of programmes and projects by Government, government agencies and non-governmental agencies, for the improvement of the lives of persons with disabilities;

- (d) develop projects and schemes for self employment or sheltered employment for persons with disabilities;
- (e) establish programmes for the support, counselling and other assistance to persons with disabilities and for the parents, guardians and care givers of persons with disabilities;
- (f) monitor the welfare and rehabilitation services offered by Government, government agencies and non-governmental agencies, including vocational guidance and counselling;
- (g) regulate the human support services for persons with disabilities including sign language interpreters, readers, guides and life assistants;
- (h) liaise with Government on the needs, problems and other issues of persons with disabilities, for planning purposes;
- (i) mobilise persons with disabilities to participate in elections;
- (j) alleviate blindness by raising awareness on the prevention, early detection and treatment of eye diseases, to promote the welfare of the persons with visual disability;
- (k) advocate for the education, training and employment of persons with visually disability;
- (l) maintain a register of Governmental and non governmental organisations that provide services for the rehabilitation and welfare of persons with disabilities and the membership of those organisations;
- (m) provide technical and other forms of assistance to Government, government agencies, non-governmental agencies, bodies corporate and private persons on issues of persons with disabilities; and
- (n) perform any other function as may be necessary for the purposes of this Act.

(2) For the purposes of carrying out its functions under subsection (1), the Council shall have powers to—

- (a) make an order for corrective measure for violation of a right of a person with a disability or for non compliance with the provisions of this Act, to any government agency, non-governmental agency, body corporate or private person; and
- (b) call witnesses and demand the production of documents that it may require, including documents of registration of the organisations specified in subsection (1) (l).

18. Management of property registered in the names of Uganda Foundation for the Blind

(1) The property specified in Schedule 4, registered in the names of the Uganda Foundation for the Blind, shall at the commencement of this Act be administered and managed by the Council on behalf of all persons with disabilities in Uganda.

(2) The property and any income derived from it shall be applied by the Council for the benefit of persons with disabilities in Uganda.

(3) The property shall be transferred to the Council, to be held in trust for the persons with disabilities in Uganda.

19. Seal of the Council

(1) The seal of the Council shall be kept under the custody of the Executive Secretary and shall be authenticated by the signature of the Chairperson of the Council and the Executive Secretary.

(2) A document purporting to be an instrument issued with the seal of the Council and authenticated in the manner provided under subsection (1) shall be deemed to be a document of the Council and shall be admissible in evidence without further proof, except where the contrary is shown.

20. Composition of the Council

(1) The Council shall be composed of the following members to be appointed by the Minister—

- (a) a representative of the each of the following Ministries who shall be ex-officio members—
 - (i) the Ministry responsible for local governments;
 - (ii) the Ministry responsible for finance;
 - (iii) the Ministry responsible for health;
 - (iv) the Ministry responsible for education and sports;
 - (v) the Ministry responsible for labour, gender and social development;
 - (vi) the Ministry responsible for public service;
 - (vii) the Ministry responsible for justice;
 - (viii) Ministry responsible for works, housing and communication;
- (b) two persons with disabilities, male and female, from each region nominated by national organisations of persons with disabilities;
- (c) two people, male and female, with visual disability;
- (d) one parent of a child with a disability appointed by the Minister in consultation with the national organisations of persons with disabilities,
- (e) one professional and experienced person in the field of disabilities, appointed by the Minister in consultation with national organisations of persons with disabilities;
- (f) one representative of the youth with disabilities appointed by the Minister in consultation with the national organisations of persons with disabilities;

- (g) one representative of the Federation of Uganda Employers appointed by the Minister in consultation with the Federation;
- (h) one representative of Non-Governmental Organisations working with persons with disabilities, appointed by the Minister in consultation with the national organisations of persons with disabilities; and
- (i) one Member of Parliament representing persons with disabilities elected by the Members of Parliament representing persons with disabilities.

(2) For the purpose of subsection (1) (b), the regions are the eastern region, the western region, the northern region and the southern or central region.

(3) The Council may co-opt not more than three persons at a time who are knowledgeable in disability issues and committed to the disability movement as and when it deems, necessary.

(4) At least one third of the members of the Council shall be female.

21. Tenure of office of members of Council

A member of the Council shall hold office for a period of five years and is eligible for re-appointment for one more term.

22. Chairperson of Council

(1) The Chairperson and the Vice-Chairperson of the Council shall be elected by the members of the Council from the members who are persons with disabilities, taking into consideration gender balance.

(2) The Chairperson shall hold office for five years and is eligible for reappointment for one more term only.

(3) The Chairperson—

- (a) may resign his or her office as Chairperson by notice, in writing addressed to the Minister;
- (b) may be removed by the Minister from office as Chairperson if requested to do so by a resolution of the Council supported by not less than two thirds of the members of the Council.

(4) Any member of the Council may be removed by the Minister for misbehaviour or proven inability to perform the functions of his or her office by reason of infirmity of mind or body or for any other sufficient cause.

(5) A person shall not be removed from office for infirmity of mind or body under subsection (4) unless the Council in consultation with the Medical Board certifies that the person is unable to perform the functions of his or her office.

23. Remuneration of members of the Council

A member of the Council, and any person co-opted to any meeting of the Council, may be paid such remuneration or allowances and at such rate as the Minister may determine after consultation with the Minister responsible for finance.

24. Minutes of the Council

Schedule 5 to this Act shall have effect with regard to meetings of the Council.

25. Committees of the Council

(1) The Council may establish such committees as it may deem necessary for the efficient performance of its functions under this Act.

(2) The Council may prescribe the procedure for the meetings of its committees.

(3) The Council may delegate any of its function to the committees as it may consider fit and subject conditions as it may determine.

PART VI—THE SECRETARIAT.

26. Secretariat and Executive Secretary

(1) The Council shall have a Secretariat headed by an Executive Secretary who shall be appointed by the Minister on the advice of the Council.

(2) Subject to the provisions of this Act, the Executive Secretary shall hold office on a full-time basis for three years subject to renewal and on such terms and conditions as shall be specified in the instrument of his or her appointment.

(3) The Executive Secretary may resign office in writing addressed to the Minister through the Council, no less than one month before he or she intends to resign office.

(4) The Minister may, on the advice of the Council and after giving him or her one month's notice in writing, remove the Executive Secretary from office for misbehaviour or inability to perform the functions of his or her office.

(5) Notwithstanding subsection (4), the Executive Secretary shall not be removed from office under this section for inability to perform the functions of his or her office as result of infirmity of body or mind unless the Council, in consultation with the Medical Board, certifies that he or she is unable to perform the functions of his or her office.

27. Functions of the Executive Secretary

(1) The Executive Secretary shall be the Chief Executive and Accounting Officer of the Council.

(2) Subject to the general control of the Council, the Executive Secretary shall—

- (a) be the secretary at any meeting of the Council and shall keep a record of the minutes of the meetings; and
- (b) perform such other functions as may be assigned to him or her by the Council.

(3) In the absence of the Executive Secretary, the Council may designate the next senior qualified officer of the Secretariat to act as Executive Secretary and in the event of continued absence without justifiable cause; the position shall be, filled within two months from the date the Executive Secretary was last in office.

28. Other staff of the Council

(1) The Council shall have such other officers and employees in the Secretariat as the Council may with the approval of the Minister, determine.

(2) The Council shall pay the Executive Secretary and other staff such remuneration and allowances as it deems reasonable and shall grant pension or retirement benefits or gratuity to them at such rates as the Council shall determine after consultation with the Minister responsible for Finance and the Minister responsible for Public Service.

(3) The terms and conditions of service of the Executive Secretary, officers and employees of the Council shall be determined by the Council and approved by the Minister in consultation with the Minister responsible for Public Service.

29. Experts and consultants

(1) The Council may, acting on the advice of the Executive Secretary, engage the services of experts and consultants when necessary.

(2) The experts and consultants engaged under this section may be paid fees and allowances and granted such facilities as may be determined by the Council.

PART V — LOCAL GOVERNMENT COUNCILS FOR PERSONS WITH DISABILITIES.

30. District councils for persons with disabilities

(1) The Chairperson of a district local government council shall appoint members of the District Council for Persons with Disabilities to serve for period of five years.

(2) A district council for persons with disabilities shall consist of—

- (a) the District Community Development Officer as an ex-officio member;
- (b) the District Finance Officer as an ex-official member;
- (c) the District Engineer;
- (d) the District Education Officer as an ex-official member;
- (e) the Director of Health Services as an ex-official member;
- (f) the two district councilors for disability as ex-official members;
- (g) two other persons with disabilities appointed in consultation with the organisation of persons with disabilities in the district or city and one of whom shall be a woman;
- (h) one representative of the parents of children with disabilities appointed in consultation with the organisations of persons with disabilities in the district or city;
- (i) one representative of non-governmental organisations working with persons with disabilities in the district or city;
- (j) the Chairperson of the District Committee responsible for disability affairs or social services at the local council as an ex-officio member;
- (k) one representative of youth with disabilities, on the district or city youth council;
- (l) one person of proven integrity with knowledge in disability who is involved in the promotion and advancement of the disability matters appointed in consultation with organisations of persons with disabilities in the district or city.

(3) The chairperson and the vice chairperson shall be elected by the members of the district council for persons with disabilities from members who are persons with disabilities taking into consideration gender balance.

31. Functions of District council for persons with disabilities

A district council for persons with disabilities shall—

- (a) coordinate and monitor the implementation of policies and programmes for persons with disabilities in the district;

- (b) promote and advocate for the integration of services for persons with disabilities in the district plans of action;
- (c) advocate for the implementation of national policies on disability in the district or city;
- (d) submit reports on the situation of persons with disabilities in the district or city local government council and to the council twice a year;
- (e) inquire into any matter that violates the rights of persons with and non-compliance with laws, regulations, policies and programs relating to disability and recommend appropriate action to the relevant body at the district or city level, if appropriate or to the council; and
- (f) perform any other function that may enhance the well being of persons with disabilities in the district or city.

32. Secretariat and staff of district council for persons with disabilities

(1) A district council for persons with disabilities shall have a secretariat which shall plan, coordinate and generally assist the district council in carrying out the functions and day-to-day operations of the district council.

(2) The secretariat shall be headed by an executive secretary who shall be appointed by the chief administrative officer of the district on the recommendation of the District Service Commission.

(3) The secretariat shall have such other officers and employees as may be determined by the district council and approved by the district council chairperson who shall be appointed by the Chief Administrative Officer of the district on the recommendation of the District Service Commission.

33. Subcounty council for persons with disabilities

(1) The chairperson of a municipal, city division, municipal Division, town or sub-county local council shall appoint members to the municipal, city division, municipal division, town or sub-county council for persons with disabilities as the case may be, who shall serve for a period of five years.

(2) A municipal, city division, municipal division, town or sub-county council for persons with disabilities shall consist of—

- (a) the Community Development Officer responsible for disability, who shall be the secretary;
- (b) two councillors for disability at that level, who shall be ex-official members;
- (c) one youth with a disability;
- (d) one person of proven integrity and commitment to the disability matters;
- (e) one parent of a child with disability;
- (f) the District Inspector of Schools who shall be an ex-official member;
- (g) the officer in charge of health services at that level who shall be an ex-officio member;
- (h) a representative of non-governmental organisations, if any, appointed in consultation with organisations of persons with disabilities at that level;
- (i) two other persons with disabilities appointed in consultation with organisations of persons with disabilities at that level, one of whom shall be a woman.

(3) The municipal, city division, municipal division, town or sub-county council shall elect their chairperson and vice-chairperson from members who are persons with disabilities; taking into consideration gender balance.

34. Functions of subcounty councils for persons with disabilities

The functions of a municipal, city division, municipal division, town or sub-county council for persons with disabilities are—

- (a) to coordinate and monitor the implementation of policies and programmes for persons with disabilities in the sub-county;

- (b) to promote and advocate for the integration of services for persons with disabilities in the sub-county plan of action;
- (c) to advocate for the implementation of district and national policies on disability;
- (d) to submit reports on the situation of persons with disabilities in the sub-county to the district council for persons with disability twice a year;
- (e) to perform any other function that will enhance the wellbeing of persons with disabilities in the sub-county;
- (f) inquire into any matter that violates the rights of persons with disabilities and non-compliance with laws, regulations, policies or programs relating to disability and recommend appropriate action to the district or city council for disability for relevant action; and
- (g) to submit in a year reports to the district or city council for disability every after six months.

35. Remuneration of members of district and subcounty councils for persons with disabilities

(1) The members of the lower councils for disability and members or persons co-opted to any meeting of the councils may be paid such remuneration or allowances at such rates as the district council and subcounty council may determine in accordance with local government financial regulations.

(2) A lower council for disability may invite relevant technical personnel to any of its meeting for technical advice and the personnel may be paid such remuneration or allowances at such rates as the relevant local government councils may determine in accordance with Local Government Financial Regulations.

36. Meetings of district and subcounty councils for persons with disabilities

(1) The lower Councils for disability shall meet at least once in four months for the discharge of their functions.

(2) Each lower council for disability shall each determine the procedure for its meetings.

PART VI — FINANCIAL PROVISIONS.**37. Funds of the Council**

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

- (a) money appropriated by Parliament;
- (b) loans from any person or organisation within or outside Uganda approved by the Minister responsible for finance; and
- (c) grants, gifts and donations that may be received by the Council from any source within or outside Uganda, approved by the Minister in consultation with the Minister responsible for finance.

(2) All income and moneys of the Council shall be deposited to the credit of the Council in a bank approved by the Accountant General and shall not be withdrawn except with the approval of, and in the manner determined by the Council.

38. Estimates of income and expenditure

(1) The Council shall within three months before the end of each financial year, cause to be prepared and submitted, to the Minister for submission to the Minister responsible for finance for approval, estimates of the income and expenditure of the Council for the proceeding financial year.

(2) No expenditure shall be made out of the funds of the Council unless the expenditure is approved by the Council.

39. Financial year of the Council

The financial year of the Council shall be period of twelve months beginning on the 1st day of July in each year and ending on the 30th June of the following year.

40. Accounts

(1) The Council shall keep proper books of accounts of all its income and expenditure and proper records in relation to them.

(2) Subject to any directions that may be given by the Minister responsible for finance, the Council shall cause to be prepared a report on the performance of the Council during the financial year comprising—

- (a) a balance sheet, a statement of income and expenditure and a statement of surplus and deficit; and
- (b) any other information in respect of the financial affairs of the Council as the Minister responsible for finance, may require.

41. Audit

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

(2) The Council shall ensure that within four months after the expiry of each financial year, a statement of accounts described in section 38 is submitted to 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 financial records of the Council and shall be entitled to have any information and explanation required by him or her in relation to those documents as he or she may deem fit.

(4) The Auditor-General shall, within two months after receipt of the statement of accounts under subsection (2), audit the accounts and deliver to the Council a copy of the audited accounts together with his or her report on them, stating any matter which in his or her opinion should be brought to the attention of the Minister.

(5) The Auditor-General shall also deliver to the Minister a copy of the audited accounts together with his or her report on them.

42. Compliance with the Public Finance Management Act, 2015

The Council shall comply with the Public Finance Management Act, 2015.

PART VII—ELECTIONS FOR PERSONS WITH DISABILITIES

43. Election of representatives

(1) The election of the representatives of persons with disabilities at all levels of Government shall be made using the electoral structure prescribed in Schedule 6 to this Act.

(2) The Electoral Commission shall facilitate the formation of the electoral colleges at the different levels of Government and shall appoint returning officers and presiding officers to conduct the elections of the representatives of persons with disabilities.

(3) Any person with a disability who meets the national standard for elections has a right to contest for any elective office to represent persons with disabilities.

(4) Elections at the national, district and city level shall be by secret ballot.

(5) Elections at village, parish or ward, subcounty, division and town council level shall be by the electorate lining up behind the candidates nominated for the office, or their representatives, portraits or symbols.

44. Candidates for elections

A person with a disability may be nominated by the Electoral Commission for elections under this Part, where that person is sponsored by a political organization or a political party or where the person stands for elections as an independent candidate.

PART VIII—MISCELLANEOUS.

45. Protection of members of the Council from civil action

A member of the Council or an employee of the Council acting on its behalf shall not be personally liable for any act done by him or her in good faith for the purpose of carrying into effect the provisions of this Act.

46. Reports of the Council

(1) The Council shall, within three months after the end of each financial year, submit to the Minister a report on the activities of the Council in respect of that financial year and the report shall include its achievements during that financial year and its future plans.

(2) The Minister shall submit the report to Parliament for discussion.

47. Regulations

The Minister may, after consultation with the Council, by statutory instrument, make regulations for the better carrying into effect the provisions of this Act.

48. Amendment of Schedules

(1) The Minister may on the recommendation, of the Council by statutory instrument amend Schedules 1, 2, 3, 5 and 6 to this Act.

(2) The Minister may, by statutory instrument, with the approval of Cabinet, amend Schedule 4 to this Act.

49. Amendment of the Trial on Indictment Act and the Magistrates Courts Act

(1) Section 17 of the Trial on Indictment Act is amended by renumbering the existing provision as (1) and inserting immediately after the renumbered subsection (1) the following—

“(2) For the purposes of subsection (1), a person with a disability shall not on the basis of the disability, be taken to be an insufficient surety.”

(2) Section 26 of the Magistrates Courts Act is amended by renumbering the existing provision as (1) and inserting immediately after the renumbered subsection (1) the following—

“(2) For the purposes of subsection (1), a person with a disability shall not on the basis of the disability, be taken to be an unfit person.”

50. Repeal of Persons with Disabilities Act, National Council for Disability Act and the Uganda Foundation for the Blind Act

The Persons with Disabilities Act, 2006, the National Council for Disability Act, No 12 of 2003 and the Uganda Foundation for the Blind Act, Cap 58 are repealed.

51. Transitional provisions

(1) The assets, rights and liabilities which the National Council for Disability and the Uganda Foundation for the Blind were entitled, or subject to, before the commencement of this Act, shall vest in the Council.

(2) The services of the employees of the National Council for Disability and the Uganda Foundation for the Blind, immediately before the commencement of this Act, shall be transferred to the Council, on similar or better terms than the terms enjoyed by the employees before the transfer.

(3) Any court proceedings, court actions, judgements or court orders which were enforceable by or against the National Council for Disability or the Uganda Foundation for the Blind, immediately before the commencement of this Act, and are connected with the assets vested in the Council or the functions of the Council, shall be enforceable by or against the Council, as they would have been enforced by or against the National Council for Disability or the Uganda Foundation for the Blind, as the case may be, immediately before the commencement of this Act.

SCHEDULES

SCHEDULE 1

Section 2

BUILDING TO WHICH THE PUBLIC IS ALLOWED ACCESS

1. Government offices
2. Health units.
3. Mosques, churches and other places of worship.
4. Recreation and sports facilities.
5. Court houses.
6. Police stations.
7. Schools and institutions of higher learning.
8. Airport buildings.
9. Shopping malls.
10. Buildings where the services in Schedule 3 are provided.

SCHEDULE 2

Section 2

CATEGORIES OF DISABILITIES

1. Mobility impairment caused by cerebral palsy, amputation of a limb, paralysis or deformity.
2. Hearing disability including deafness and hard of hearing disability.
3. Visual disability including blindness and low vision disability.
4. Deaf and blind disability.
5. Mental illness including psychiatric disability and learning disability.
6. Little people.
7. Albinism.
8. Multiple disability.

SCHEDULE 3

Section 13

**SERVICES PROVIDED TO THE PUBLIC ON A
COMMERCIAL BASIS**

1. Information and communication services
2. Boarding and lodging services.
3. Banking and related services including insurance services.
4. Sports, entertainment, recreation and leisure services.
5. Professional services and trade except the education services and health services in sections 7 and 8 of this Act.

SCHEDULE 4

Section 18

**PARTICULARS OF PROPERTY TRANSFERRED FROM THE
UGANDA FOUNDATION FOR THE BLIND**

1. Land and developments at Kireka, Wakiso District, LRV 417, Folio 2, Plot 14, measuring five acres.
2. Land and developments at Luubu site for the blind, Mayuge District, measuring 45 acres.
3. Land and developments at Salaama, Mukono District, measuring 20 acres.
4. Land and developments at Kikungiri, Rukungiri District, measuring 30 acres.
5. Land and developments at Onyakidi, Lira District, measuring 30 acres.

SCHEDULE 5

MEETINGS OF THE COUNCIL

*Section 24***1. Meetings of the Council**

- (1) The Chairperson shall convene every meeting of the Council.
- (2) The Council shall meet for the transaction of its business at times and places that may be decided upon by the Council but shall meet at least once every three months.
- (3) The Chairperson or, in the absence of the Chairperson, the Vice-Chairperson and in the absence of both a member elected by the Council to act as Chairperson may, at any time, call a special meeting of the Council or call a special meeting upon a written request by majority of the members of the Council.
- (4) The Chairperson shall preside at all meetings of the Council and in his or her absence the Vice Chairperson shall preside and in the absence of both, the members present may elect a member from among themselves to preside at that meeting.
- (5) The Council may co-opt any person who is not a member to attend any of its meetings as an advisor or consultant and that person may speak at the meeting on any matter in relation to which his or her advice is sought but shall not have the right to vote on any matter coming for decision before the meeting.

2. Quorum

The quorum at a meeting of the Council shall be six members.

3. Decisions of the Council

Questions proposed at meetings of the Council shall be by consensus and where consensus is not possible by a simple majority and in the event of an equality of votes, the person presiding shall have a casting vote in addition to his or her deliberative vote.

4. Disclosure

(1) A member of the Council who has pecuniary interest in a matter being considered by the Council shall, as soon as possible after, relevant facts have come to his or her knowledge, disclose the nature of his or her interest to the Council.

(2) A disclosure of interest under subparagraph (1) shall be recorded in the minutes of the meeting of the Council and the member making the disclosure shall not, unless the Council otherwise determines in respect of that matter—

- (a) be present during any deliberation on the matter by the Council; or
- (b) take part in the voting on the decision by the Council on the matter.

(3) For the purpose of the making of a decision by the Council under subparagraph (1), the member who has made the disclosure shall not—

- (a) be present during the deliberations of the Council for the making of the decision; or
- (b) influence any other member or take part in the making of the decision by the Council.

5. Minutes of proceedings

(1) The Council shall cause the minutes of the proceedings of each meeting to be recorded and kept and the minutes of each meeting shall be approved by the Council at the next meeting and shall be signed by the Chairperson of the meeting.

(2) The Chairperson of the Council shall submit to the Minister a copy of the minutes of each meeting of the Council as soon as the minutes have been approved.

6. Council to regulate proceedings

Subject to the provisions of this Schedule, the Council may regulate its own proceedings.

SCHEDULE 6**ELECTORAL STRUCTURE FOR PERSONS WITH DISABILITIES***Section 43*

1. There shall be the following five executive committee members at each level of Government—
 - (a) a member with visual disability including blindness and low vision disability;
 - (b) a member with hearing disability including deafness and hard of hearing disability;
 - (c) a member with mobility impairment caused by cerebral palsy, amputation of a limb, paralysis or deformity;
 - (d) a woman with a disability; and
 - (e) a youth with a disability.
2. For the election of members of Parliament representing persons with disabilities, the five executive committee members of each district shall assemble at the national level and constitute four regional electoral colleges.
3. The four regional electoral colleges specified in paragraph 2 shall each elect a member of Parliament to represent the respective region and shall after doing so, jointly elect the national woman representative of women with disabilities.
4. For the election of the persons with disabilities executive committee members of a district, the persons with disabilities executive committee members of the subcounty or town or city division of the district, shall assemble at the district and elect five district persons with disabilities executive committee members.
5. The district or city and subcounty, town or city division executive committee members shall elect two councillors, a male and a female, to the district council.
6. For the election of the persons with disabilities executive committee members of a subcounty or division council, the persons with disabilities executive committee members of a parish or ward shall assemble at the subcounty or division and elect—

- (a) five persons with disabilities at the subcounty or division level;
and
 - (b) two councilors, a male and a female, to the subcounty or division council.
7. For the election of the persons with disabilities executive committee members of a parish or ward, the members of the disabilities executive committees of the all the villages in the parish or ward, shall assemble at the parish or ward and elect five executive committee members.
 8. The chairperson of the persons with disabilities executive committee shall become the secretary for disability affairs at parish level.
 9. For the election of the persons with disabilities executive committee members, all persons with disability of a village, who are willing shall assemble and elect members to the executive committee.
 10. The chairperson of the persons with disabilities executive committee shall become the secretary for disability affairs at village level.