
BILLS

SUPPLEMENT No. 4

12th April, 2002.

BILLS SUPPLEMENT

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Bill No. 4

National Planning Authority Bill

2002

THE NATIONAL PLANNING AUTHORITY BILL, 2002.

MEMORANDUM.

The object of this Bill is to provide for the composition and functions of the National Planning Authority in accordance with article 125 of the Constitution and for other related matters.

GERALD M. SSENDAULA,

Minister of Finance, Planning and Economic Development.

THE NATIONAL PLANNING AUTHORITY BILL, 2002.

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A BILL for an Act

ENTITLED

THE NATIONAL PLANNING AUTHORITY ACT, 2002.

An Act to provide for the composition and functions of the National Planning Authority in accordance with article 125 of the Constitution and for other related matters.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.

1. This Act may be cited as the National Planning Authority Act, 2002. Citation.

2. In this Act, unless the context otherwise requires— Inter-pretation.

“Authority” means the National Planning Authority established by article 125 of the Constitution;

“Chairperson” means the Chairperson of the Authority;

“Deputy-Chairperson” means Deputy-Chairperson of the Authority;

“Executive Director” means the Executive Director appointed under section 8 of this Act;

“Member” means a Member of Authority;

“Minister” means the Minister to whom the functions of Minister under this Act have been assigned by the President.

Authority to be body corporate.

3. The Authority shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name and may, subject to the provisions of this Act, do, enjoy or suffer anything that may be done, enjoyed or suffered by a body corporate.

Oath of member.

4. Every member of the Authority shall, before assuming his or her duties as a member, take and subscribe the oath specified in the First Schedule to this Act.

PART II—COMPOSITION OF THE AUTHORITY.

Composition of Authority.

5. (1) The Authority shall consist of a Chairperson, a Deputy-Chairperson and three other members appointed by the President with the approval of Parliament.

(2) The Authority shall have the following bodies affiliated to it, and their heads shall be *ex-officio* members of the Authority—

(a) the Uganda Bureau of Statistics;

(b) the Economic Policy Research Council;

(c) National Council for Science and Technology;

(d) Population Secretariat;

(e) the Local Government Finance Commission;

(f) the body responsible for human resource development planning;

- (g) Town and Country Planning Board;
- (h) the Non-Governmental Organisations Forum;
- (i) the Uganda National Chamber of Commerce;
- (j) the Uganda National Farmers Association; and
- (k) any other body which the Minister may by statutory instrument determine.

(3) The members of the Authority shall hold office for five years and their appointment may be renewed for one more term only.

(4) A member of the Authority may be removed from office by the President only for—

- (a) inability to perform the functions of his or her office arising out of physical or mental incapacity;
- (b) misbehaviour or misconduct;
- (c) incompetence; or
- (d) failure to attend more than three consecutive meetings of the Authority without just cause.

6. The members of the Authority shall be paid such sitting and other allowances as the Minister may, with the approval of Cabinet determine.

Remuneration of members.

PART III—FUNCTIONS OF THE AUTHORITY.

7. (1) The functions of the Authority are—

- (a) to co-ordinate and harmonise development planning in the country;
- (b) to monitor and evaluate the effectiveness and impact of development programmes and the performance of the economy of Uganda;

Functions of Authority.

- (c) to advise the President on policies and strategies for the long term development of Uganda;
- (d) to support local capacity development for national planning and in particular, to provide support and guidance to the national and local bodies responsible for the decentralised planning process;
- (e) to publish independent assessments of key economic and social policy issues and options so as to increase public understanding and participation in the economic and social policy debate;
- (f) to liaise with the private sector and civil society in the evaluation of Government performance and identifying gaps in Government policies and programmes; and
- (g) to review high priority development issues and needs and make recommendations.

(2) In the performance of its functions, the Authority shall—

- (a) study and make in-depth analyses of strategic economic policy issues and structural reform options;
- (b) make proposals for innovative programmes and policies taking into consideration the resource potential and comparative advantage of Uganda and its different districts and the need for effective poverty eradication measures;
- (c) monitor the performance of the decentralised system of development planning and finance and propose such institutional innovations as may be required for its improved operation;
- (d) conduct in-depth evaluation of the impact and cost of selected development programmes; and

- (e) perform such other functions relating to development planning as the President may direct.

PART IV—THE SECRETARIAT.

8. (1) The Authority shall have a Secretariat which shall be responsible for the day-to-day operations of the Authority.

The
Secretariat.

(2) The Secretariat shall be headed by the Executive Director who shall be appointed by the Minister on the recommendation of the Authority on terms and conditions that the Authority may determine.

(3) The Executive Director shall hold office for five years.

(4) The Executive Director shall be a person with qualifications and proven experience in any of the following subjects: economic, law, commerce accounting, gender, social work or other related fields.

(5) The Executive Director may be removed by the Minister on the recommendation of the Authority only for—

- (a) inability to perform the functions of his or her office arising out of physical or mental incapacity; or
- (b) misbehaviour or misconduct; or
- (c) incompetence.

(6) In addition to any other functions that may be conferred upon him or her by the Authority, the Executive Director shall—

- (a) have custody of the seal of the Authority;
- (b) be responsible for the taking of the minutes of the Authority and for the keeping of the records of the transactions of the Authority.

(7) There shall be such other officers and employees of the Authority as the Authority may determine.

(8) The number and categories of staff to be employed by the Authority under subsection (7) shall be determined by the Authority with the approval of the Minister.

(9) The employees of the Authority other than the Executive Director, shall be appointed by the Authority on such terms and conditions as the Authority may, with the approval of the Minister determine.

PART V—FINANCE.

Financial
year.

9. The financial year of the Authority shall be the same as the financial year of the Government.

Funds of
Authority.

Cap. 149.

10. (1) All funds of the Authority shall be administered and controlled by the Executive Director who shall be the Accounting Officer in accordance with the Public Finance Act.

(2) All monies required to defray all expenses that may be incurred in the discharge of the functions of the Authority or in the carrying out of the purposes of this Act, including the payment of allowances, salaries and pensions payable to or in respect of persons serving with the Authority, shall be subject to approval by Parliament and when so approved shall be charged on the Consolidated Fund.

(3) The funds of the Authority may, with the prior approval of the Minister, include grants and donations from sources within or outside Uganda to enable the Authority to discharge its functions.

Accounts
and audit.

11. (1) The Authority shall maintain accounts of all its incomes and expenditure in a form approved by the Auditor General.

(2) The accounts of the Authority shall be controlled by the Auditor General in accordance with article 163 of the Constitution.

PART VI—MISCELLANEOUS.

12. The Second Schedule shall apply to meetings of the Authority.

Meetings of Authority.

13. The Authority shall have a seal which shall be in such form as the Authority may determine and shall, subject to the provisions of any law, be applied in such circumstances as the Authority may determine.

Seal of Authority.

14. The Authority shall not be directed by any Authority or influenced by anybody while evaluating the performance of a Ministry with regard to the targets set out in a plan.

Authority to be independent.

15. A member of the Authority or an employee of the Authority or any other person performing any function of the Authority under the direction of the Authority shall not be personally liable to any civil proceedings for any act done in good faith in the performance of those functions.

Protection for members and staff of Authority.

16. Where a Ministry, Department or district committee does not comply with the provisions of this Act, the Chairperson of the Commission shall, in writing inform the Minister, who shall in turn inform the President and the President shall take appropriate action in the matter.

Action for non compliance.

17. (1) The Authority shall submit to the Minister an annual report of its activities containing such information as the Minister may direct.

Reports.

(2) The Authority shall also submit to the Minister from time to time reports on the performance of Ministries and local governments and their performance relevant to implementation of the plan, attainment of targets, and any other information as the Minister may direct.

(3) The Minister shall as soon as possible after receiving the annual report of the Authority cause it to be laid before Parliament.

Regulations.

18. The Minister may on the recommendation of the Authority or on his own initiative, by statutory instrument make regulations for giving full effect to the provisions of this Act.

SCHEDULES.

FIRST SCHEDULE.

SECTION 4

OATH OF MEMBER OF AUTHORITY.

I,being appointed Chairperson/Member of the National Planning Authority swear in the name of the Almighty God/solemnly affirm that I will well and truly exercise the functions of Chairperson/Member of the Authority in accordance with the laws of the Republic of Uganda without fear or favour, affection or ill will. (So help me God).

SECOND SCHEDULE.**SECTION 12****MEETINGS OF AUTHORITY.**

1. (1) Meetings of the Authority shall be convened by the Chairperson.

(2) The Authority shall meet as often as is necessary for the transaction of business and at such places and times as the Authority may determine but it shall meet at least once in every three months.

(3) The Chairperson shall preside at every meeting of the Authority and in the absence of the Chairperson, the Deputy Chairperson or in the absence of both of them the members present may elect a member from among their number to preside at the meeting.

(4) The Chairperson or, in the absence of the Chairperson the Deputy Chairperson or in the absence of both of them, a member elected by the Authority may, at any time call a special meeting upon a written request by a majority of the Members.

(5) Notice of a meeting of the Authority under sub-paragraph (4) shall be given in writing to each member at least five days before the day of the meeting, but an urgent meeting may be called at less than five days notice at the request of two or more members.

2. (1) The Authority may co-opt any person to assist it as an adviser at any meeting of the Authority but any person so co-opted shall have no vote in the proceedings at that meeting.

(2) A person co-opted under this paragraph may be paid such allowance as the Authority may determine with the approval of the Minister responsible for finance.

3. The quorum at any meeting of the Authority shall be three members.

4. (1) All questions proposed for decision at any meeting of the Authority shall be decided by a majority of the votes of the Members present and in case of an equality of votes, the person presiding shall have a casting vote in addition to his or her deliberative vote.

(2) A decision may be made, by the Authority without a meeting by circulation of the relevant papers among the members of the Authority and by the expression of the view of the majority of the members in writing, but any member is entitled to require that the decision be deferred and the matter on which decision is sought be considered at a meeting of the Authority.

5. (1) The Authority shall cause to be recorded and kept, minutes of all its meetings in a manner prescribed by the Authority.

(2) The minutes recorded under sub-paragraph (1) shall be submitted to and confirmed by the Authority at its meeting and minutes shall be signed by the Chairperson and the Executive Director in the presence of the other members present at that meeting.

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