

## CHAPTER 243

THE LOCAL GOVERNMENTS ACT. *Commencement:*

24 March, 1997.

An Act to amend, consolidate and streamline the existing law on local governments in line with the Constitution to give effect to the decentralisation and devolution of functions, powers and services; to provide for decentralisation at all levels of local governments to ensure good governance and democratic participation in, and control of, decision making by the people; to provide for revenue and the political and administrative setup of local governments; and to provide for election of local councils and for any other matters connected to the above.

## PART I—PRELIMINARY.

## 1. Interpretation.

- (1) In this Act, unless the context otherwise requires-
- (a) "byelaws" means Byelaws made by lower local councils under section 39;
  - (b) "council" includes all councils referred to under sections 3 and 45;
  - (c) "currency point" represents the amount in Uganda shillings prescribed in the Sixth Schedule;
  - (d) "electoral area" means one of the areas into which a district, city, municipality, town, division or subcounty is divided for the purpose of elections and representation;
  - (e) "full-time service" means fully utilising the official hours in the service of the council or relevant office;
  - (f) "Government" means the Government of Uganda;
  - (g) "immediate family" means wife or husband and children under eighteen years;
  - (h) "local council" includes local government councils and administrative unit councils;
  - (i) "local government" means the local councils established under section 3(2) to (5);

- (j) "lower local government" includes a municipality, town, division and subcounty councils;
- (k) "Minister" means Minister responsible for local governments;
- (l) "Ministry" means a Ministry of the Government;
- (m) "ordinance" means the law made or passed by the district council under section 38;
- (n) "Parliament" means the Parliament of Uganda;
- (o) "public officer" means any person holding or acting in any public office;
- (p) "public service" means service in any civil capacity of the Government or a local government;
- (q) "registered voter" means a person whose name is entered on the voters register;
- (r) "speaker" means the speaker of a district or a city council;
- (s) "urban council" includes city, municipal, division and town council;
- (t) "ward" in an urban council is the equivalent of a parish in a district council.

(2) In this Act, reference to the words equivalent standards in respect to Advanced Level means equivalent standards prescribed by the Uganda National Examinations Board or any other body established to replace the board, and issued by the Minister by statutory instrument.

## 2. Objectives of the Act.

The objectives of the Act are-

- (a) to give full effect to the decentralisation of functions, powers, responsibilities and services at all levels of local governments;
- (b) to ensure democratic participation in, and control of, decision making by the people concerned;
- (c) to establish a democratic, political and gender-sensitive administrative setup in local governments;
- (d) to establish sources of revenue and financial accountability;
- (e) to provide for the election of local councils;
- (f) to establish and provide for the composition of interim councils for newly created local government units pending elections of the councils; and
- (g) to provide for formation of interim executive committees for interim councils.

(17) The chairperson is entitled to appear in person and be heard during the proceedings of the council relating to the motion for a resolution under this section.

(18) Subsections (1) to (17) shall apply to the removal of the chairperson of a lower local government council except that-

- (a) the notice under subsection (2) shall be submitted to the district council speaker;
- (b) wherever "Chief Justice" appears, it shall be substituted by "chief magistrate"
- (c) under subsection (4) the judges of the High Court shall be substituted by magistrates not below grade I.

(19) The expenses of the tribunal and the medical board shall be met by the relevant council.

15. Mayor.

The chairperson of a city shall carry the title of mayor.

#### **16. District executive committee.**

(1) There shall be an executive committee for each district council which shall perform the executive functions of the council.

(2) A district executive committee shall consist of-

- (a) the chairperson;
- (b) the vice chairperson;
- (c) such number of secretaries, not exceeding five, as the council may determine.

(3) At least one of the offices of the secretaries referred to in subsection (2)(c) shall be held by a female.

(4) The chairperson shall assign one of the secretaries to be responsible for health and children welfare.

#### **17. Functions of a district executive committee.**

The district executive committee shall—

- (a) initiate and formulate policy for approval of the council;
- (b) oversee the implementation of the Government and the council's policies and monitor and coordinate activities of nongovernmental organisations in a district;
- (c) monitor the implementation of council programmes and take remedial action where necessary;
- (d) recommend to the council persons to be appointed members of the district service commission, local government public accounts committee, district tender board, district land board or any other boards, commissions or committees that may be created;
- (c) receive and solve problems or disputes forwarded to it from lower local government councils;
- (f) at the end of each financial year consider and evaluate the performance of the council against the approved work plans and programmes; and
- (g) carry out any other duty as may be authorised by the council or any law.

**18. Appointment and functions of vice chairperson and secretaries.**

(1) The vice chairperson shall be nominated by the chairperson from among the members of the council and approved by two-thirds of all the members of the council.

(2) The vice chairperson shall be a person who qualifies to be a district chairperson.

(3) The secretaries shall be nominated by the chairperson from among the members of the council and shall be approved by the majority of all the members of the council.

(4) The vice chairperson shall deputise for the chairperson and shall perform other functions that may be assigned to him or her by the chairperson.

(5) Subject to section 171(4), if the chairperson dies, resigns or is removed from office, the vice chairperson shall assume the office of chairperson until the election of a new chairperson; and the election shall take place within six months after the occurrence of the event.

- (b) the vice chairperson;
- (c) such number of secretaries, not exceeding five, as the council may determine.

(3) At least one of the offices of secretaries referred to in subsection (2)(c) shall be held by a female.

(4) The chairperson shall assign **one** of the secretaries to be responsible for health and children welfare.

#### 26. Functions of a lower local government executive committee.

A lower local government executive committee shall be responsible for the supervision of the implementation of policies and decisions made by its council and shall-

- (a) initiate and formulate policy for approval of the council;
- (b) oversee the implementation of the council's policy;
- (c) assist in the maintenance of law, order and security;
- (d) monitor the implementation of council programmes and take action where necessary;
- (e) receive and solve problems or disputes forwarded to it from lower local councils;
- (f) at the end of each financial year consider and evaluate the performance of the council against the approved work plans and programmes;
- (g) initiate, encourage, support and participate in self-help projects and mobilise people, material and technical assistance in relation to the self-help projects;
- (h) serve as the communication channel between the Government, the district council and the people in the area;
- (i) generally monitor the administration in its area and report to the district council;
- (j) generally monitor and supervise projects and other activities undertaken by the Government, local governments and nongovernmental organisations in their area; and
- (k) carry out other functions which may be imposed by law or incidental to the above.

*Local governments generally.***27. Councillors not to hold two political offices, etc.**

(1) A member of Parliament or a Minister of the Government shall not, concurrently with that office, hold a local government political office of chairperson, vice chairperson or secretary or be a councillor at a local government unit.

(2) A person shall not hold a political office or a full-time office in the service of more than one local government.

(3) Where a person is elected to a local council of a wider jurisdiction, his or her membership at the council of a smaller jurisdiction shall fall vacant, and another person shall be elected in that place.

(4) For the avoidance of doubt, a member of the village or subcounty executive committee shall not resign the office of the village or subcounty executive committee if elected a chairperson or vice chairperson of the parish, ward or county administrative council.

**28. Meetings of local government councils.**

The meetings of local government councils and their executive committees shall be conducted in the manner specified in the Third Schedule to this Act.

**29. Elected officials to be part time.**

Except for the chairpersons of lower local governments and the vice chairpersons of municipal councils, and subject to section 19, all elected officials shall be part time and shall only be paid allowances in accordance with the First Schedule to this Act.

## PART IV—FUNCTIONS AND POWERS OF LOCAL GOVERNMENT COUNCILS.

**30. Functions, powers and services of a council.**

(1) Subject to the Constitution, a local government council shall, within its area of jurisdiction-

(a) exercise all political and executive powers and functions;

(b) in the case of a district council, to the Minister responsible for local government,  
to be registered and stored, by the district council or the Ministry as the case may be, and shall be open to public access.

(4) The instrument of delegation registered under subsection (3) shall be published in the following manner-

(a) where registered by the Minister, shall be published—

- (i) by notice in the Gazette and in the local media at the expense of the delegating authority; and
- (ii) by fixing a copy of the instrument in a conspicuous place on or near the outer door of the relevant council's office during office hours for a period of not less than fifteen days.

(b) where registered by a district council, shall be published--

- (i) by fixing a copy of the instrument in a conspicuous place on or near the outer door of the relevant council's offices during office hours for a period of not less than fifteen days; or
- (ii) in such other manner as is customary in the area of jurisdiction of the relevant council.

### **33. Delegation by a local government council to chairperson, etc.**

(1) Subject to the Constitution and the Fourth Schedule to this Act, a local government council may delegate some of its functions, powers or responsibilities under this Act to--

- (a) the chairperson of the relevant council;
- (h) a committee of the relevant council;
- (c) a joint committee created under section 8(2); or
- (d) a council, trust fund or secretariat formed under section 8 of this Act and article 178 of the Constitution, as may be agreed upon in the charter.

(2) A delegation under subsection (1) shall—

- (a) be accompanied by the necessary resources to enable the person or body delegated to exercise the functions, powers or responsibilities; and
- (b) be brought to the attention of the public as provided under section 32(4).

**34. Higher councils to offer guidance to lower councils.**

A local government council may offer guidance to lower councils within its area of jurisdiction.

*Planning powers.***35. District planning authority.**

(<sup>1</sup>) The district council shall be the planning authority of a district.

(2) The district planning authority shall, in addition to the procedures it establishes for itself, work according to the guidelines established by the National Planning Authority.

(3) The district council shall prepare a comprehensive and integrated development plan incorporating plans of lower level local governments for submission to the National Planning Authority, and lower level local governments shall prepare plans incorporating plans of lower councils in their respective areas of jurisdiction.

**36. District technical planning committee.**

(1) There shall be a district technical planning committee chaired by the chief administrative officer consisting of-

- (a) heads of department of that district;
- (b) any technical person co-opted by the chief administrative officer.

(2) The district technical planning committee shall coordinate and integrate all the sectoral plans of lower level local governments for presentation to the district council.

**37. Planning units.**

(1) For purposes of carrying out the functions stipulated under section 35, local governments shall establish planning units.

(2) The department of a district council responsible for economic planning shall constitute the planning unit and be the secretariat to service the district technical planning committee.



(3) The technical planning committee of a lower local government shall consist of all heads of department or sectors in its area of jurisdiction, and the subcounty chief or town clerk shall be the chairperson.

(4) The technical planning committee referred to in subsection (3) shall coordinate all plans of lower councils and submit the integrated plans to their respective councils for consideration.

*Legislative powers.*

38. Enactment of district laws.

(1) A district council shall have powers to make laws not inconsistent with the Constitution or any other law made by Parliament which power shall be exercised by the passing of local bills into ordinances by the council and signed by the chairperson.

(2) A local bill passed by a district council shall be forwarded to the Attorney General through the Minister to certify that the local bill is not inconsistent with the Constitution or any other law enacted by Parliament before the chairperson signs the law.

(3) Where the Minister with the advice of the Attorney General is of the opinion that a bill for an ordinance contravenes or derogates from the Constitution or other law by Parliament, he or she shall, within ninety days, return the bill with his or her comments to the relevant council for modification or other appropriate action,

(4) A bill enacted by the district council and signed by the district chairperson under this section shall be an ordinance of the council and shall be published in the official Gazette and in the local media.

(5) The public shall be given access to any ordinance passed or to be passed by the council as is provided in the Third Schedule.

(6) Subject to the Constitution, the council may in any ordinance delegate its powers to legislate to a council, trust fund or secretariat formed under section 8 of this Act and article 178 of the Constitution, which power shall be discharged by making rules or orders under the enabling ordinance or as may be agreed upon in the charter.

(7) The procedure for passing a bill to an ordinance shall be as is provided in the Third Schedule.

**39. Byelaws by lower councils.**

(1) An urban, subcounty, division or village council may, in relation to its powers and functions, make byelaws not inconsistent with the Constitution, or any law enacted by Parliament, or an ordinance of the district council or a byelaw passed by a higher council.

(2) Byelaws made under this section-

- (a) by a municipality shall be subject to section 38(2);
- (b) by a lower local council other than a municipality shall be forwarded to the district council to certify that the byelaw is not inconsistent with the Constitution, or any law enacted by Parliament, or an ordinance of a district or a byelaw passed by a higher council;
- (c) by the village or municipal division councils in a municipality shall be forwarded to the municipal council to certify that the byelaw is not inconsistent with any law or ordinance or byelaw passed by a higher council;
- (d) by the village council shall be forwarded to the subcounty council to certify that the byelaw is not inconsistent with any law or ordinance or a byelaw passed by a higher council.

(3) Where the Minister or the relevant council, as the case may be, is of the opinion that the byelaw forwarded under subsection (2) contravenes or derogates from the Constitution, or any law or an ordinance, or a byelaw passed by a higher council, the Minister or the council shall within sixty days from the date of receipt return the byelaw with his or her or its comments to the enacting council for modification or other appropriate action.

(4) A byelaw made under this section may prescribe fees, or charges or fines not exceeding two currency points in breach of the byelaw.

(5) On the making of a byelaw, a council shall notify the next higher local government before implementing that byelaw.

(6) The procedure of passing a byelaw' by a local government council shall be as is provided in the Third Schedule.

- (a) in rural areas –
- (i) the country;
  - (ii) the parish; and
  - (iii) the village;
- (b) in urban areas-
- (iv) the parish or ward; and
  - (v) the village.

(2) There shall be a council at each level of the administrative units.

46. Composition of **administrative unit councils**.

- (1) The council shall consist of-
- (a) at the county level, all the members of the subcounty executive committees in the county;
  - (b) at the parish level, all the members of the village executive committees in the parish;
  - (c) at the village level, all persons of eighteen years of age or above residing in that village.

- (2) There shall be the following ex officio members-
- (a) at the county level, all district councillors representing constituencies in the county;
  - (b) at the parish level, all subcounty councillors representing constituencies in the parish.

47. **County** chairperson; parish and village executive committee.

(1) There shall be a chairperson and a vice chairperson, at the county level, to be elected by the council from among their number.

(2) There shall be an executive committee at each parish and village administrative unit consisting of the following

- (a) a chairperson;
- (b) a vice chairperson who shall also be secretary for children welfare;
- (c) a general secretary;
- (d) a secretary for information, education and mobilisation; a
- (e) secretary for security;
- (f) a secretary for finance;

- (g) a secretary for production and environmental protection;
  - (h) the chairperson of the youth council at the parish or village level, who shall be the secretary for youths;
  - (i) the chairperson of the women councils at the parish or village level who shall be the secretary for women and also the public health coordinator; and
- 6) the chairperson of the organisation for persons with disabilities at the parish or village level who shall be secretary for persons with disabilities affairs.

(3) At least one-third of the executive committee members at the parish or village level shall be women.

#### **48. Functions of an administrative unit council.**

The functions of an administrative unit council shall be-

- (a) to draw the attention of the district chairperson, the chief administrative officer and the assistant chief administrative officer at the county level or the chief at the parish level to any matter that rouses their concern or interest;
- (b) at the county level to advise the area members of Parliament on all matters pertaining to the county;
- (c) at the county and parish level to resolve problems or disputes referred to it by relevant subcounty or village councils;
- (d) to resolve problems identified at that level;
- (e) to monitor the delivery of services within its area of jurisdiction;
- (f) to assist in the maintenance of law, order and security;
- (g) to carry out any functions that may be assigned to it by the district council or higher local government councils; and
- (h) to carry out any other function conferred by law or incidental to the above.

#### **49. Functions of the parish and village executive committee.**

The parish or village executive committee shall oversee the implementation of policies and decisions made by its council and shall-

- (a) assist in the maintenance of law, order and security;
- (b) initiate, encourage, support and participate in self-help projects and mobilise people, material and technical assistance in relation to self-help projects;

- (c) at the village level vet and recommend persons in the area who should be recruited into the Uganda Peoples' Defence Forces, the Uganda Police Force, and the Uganda Prisons Service and local defence units;
- (d) serve as the communication channel between the Government, the district or higher local council and the people in the area;
- (e) generally monitor the administration in its area and report to the higher or district council;
- (1) generally monitor projects and other activities undertaken by the Government, local governments, and non<sup>e</sup>overnmental organisations in their area;
- (g) carry out other functions which may be imposed by law or incidental to the above.

#### **50. Functions of the chairperson of an administrative unit council.**

The chairperson shall-

- (a) at the county and parish level convene and preside at all meetings of the county or parish council; and in the absence of the chairperson, the vice chairperson shall perform those functions;
- (b) at the village level-
  - (i) be the political head;
  - (ii) preside at meetings of the council;
  - (iii) monitor the general administration of the area under his or her jurisdiction;
  - (iv) perform other functions that may be necessary for the better functioning of the council, or which may be incidental to the functions of the chairperson or imposed on the chairperson by any law.

#### **51. Members of the executive committee and councillors to be part time.**

Councillors and members of the executive committee of an administrative unit council, other than ex officio members, shall be paid allowances in accordance with the First Schedule to this Act but shall be part time.

## PART VI—THE DISTRICT PUBLIC SERVICE.

**52. Establishment and abolition of offices.**

Subject to the Constitution and any other law, a district or an urban council may establish or abolish offices in the public service of a district or urban council in accordance with staff regulations made under this Act.

**53. Secondment of staff.**

Subject to article 199 of the Constitution, the Government may, on the request by a district or urban council or in concurrence with that council, through the Ministry responsible for local governments, post persons to fill, assist or complement the service of a local government.

**54. Establishment of a district service commission.**

(1) There shall be a district service commission for each district.

(2) A district service commission shall consist of a chairperson and such other members as a district council shall determine, at least one of whom shall represent urban authorities and all of whom shall be appointed by the district council on the recommendation of the district executive committee with the approval of the Public Service Commission.

(3) Members of a district service commission shall hold office for a period of four years, and shall be eligible for reappointment for one further term.

(4) A member of a district service commission may be removed from office by the district council on recommendation of the executive committee and after consultation with the Public Service Commission, but may be removed only for-

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

(5) Section 14(18) shall apply to the removal of a member of a district service commission with such modification as may be necessary.