

Uganda

Rent Restriction Act

Chapter 231

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Chapter 231

Commenced on 1 January 1949

[This is the version of this document at 31 December 2000.]

[Note: The version of the Act as at 31 December 2000 was revised and consolidated by the Law Reform Commission of Uganda. All subsequent amendments have been researched and applied by Laws.Africa for ULII.]

An Act to consolidate the law relating to the control of rents of dwelling houses and business premises.

1. Interpretation

In this Act—

- (a) “**board**” means a rent board appointed under [section 3](#);
- (b) “**capital cost**” of a dwelling house or premises means the cost of building the dwelling house or premises if in the opinion of the competent board that cost is reasonable in view of prices and wages prevailing at the time of the erection of the dwelling house or premises; if the board considers such cost is not reasonable then the capital cost shall be an amount which the board considers reasonable in all the circumstances of the case;
- (c) “**dwelling house**” means any building or part of a building let for human habitation as a separate dwelling where the letting does not include any land other than the site of the dwelling house or the garden or other land within the curtilage of the dwelling house;
- (d) “**premises**” means any building or part of a building let for business, trade, or professional purposes or for the public service, but shall not include any land other than the site of the premises or land within the curtilage of the premises;
- (e) “**standard rent**” means—
 - (i) in the case of a dwelling house or premises which were occupied by a tenant on and prior to the 1st January, 1942, the rent at which the dwelling house or premises were let on that date;
 - (ii) in the case of a dwelling house or premises occupied by a tenant or the landlord prior to the 1st January, 1942, but not occupied by a tenant on that date, such rent as a competent board may determine having regard to the standard rent of similar dwelling houses or premises in the neighbourhood;
 - (iii) in the case of a dwelling house or premises first occupied after the 1st January, 1942, such rent as may be fixed by a competent board which in fixing the rent shall take into account the capital value of the site, as assessed by the commissioner of lands and surveys, and the capital cost of the dwelling house or premises but in no case shall the gross rent exceed 10 percent of the capital cost of the building plus 5 percent of the capital value of the site, except that subject to any right of appeal and to [section 9\(2\)](#), the standard rent of a dwelling house or premises shall not be varied after it has been fixed by a competent board whether or not the rent was fixed before or after the commencement of this Act;
- (f) “**tenant**” includes—
 - (i) the widow of a tenant residing with him at the time of his death, or, when a tenant dying leaves no widow or is a woman, such member of the tenant’s family residing with the tenant at the time of the tenant’s death as may be decided in default of agreement by the competent board; and

- (ii) any limited liability company, partnership or other corporate body that is a tenant.

2. Rent not to exceed standard rent

- (1) No owner or lessee of a dwelling house or premises shall let or sublet that dwelling house or premises at a rent which exceeds the standard rent.
- (2) Any person, whether the owner of the property or not, who in consideration of the letting or subletting of a dwelling house or premises to a person asks for, solicits or receives any sum of money other than rent or any thing of value whether the asking, soliciting or receiving is made before or after the grant of a tenancy commits an offence and is liable on conviction to a fine not exceeding ten thousand shillings or to imprisonment not exceeding six months or to both such fine and imprisonment; except that a person acting *bona fide* as an agent for either party to an intended tenancy agreement shall be entitled to a reasonable commission for his or her services.
- (3) Any person who makes it a term of any agreement to let or sublet any dwelling house or premises that more than six months rent should be paid in advance shall be deemed to commit an offence under subsection (2) and is liable on conviction to the same penalties as a person guilty of an offence under that subsection.
- (4) Where any person is charged with an offence under subsection (2), the court may consider any other transaction of the person charged; and if the court is satisfied that such other transaction was not *bona fide* but that it was in fact part of the transaction in relation to the granting of the tenancy, it may take that other transaction into account when considering the evidence in respect of the charge under subsection (2).
- (5) Notwithstanding any rule of law or of practice to the contrary, in any prosecution for an offence under this section no person shall be deemed to be an accomplice or to be unworthy of credit, neither shall the uncorroborated evidence of any person be held to be insufficient to support a conviction, merely by reason of the fact that the person paid, gave or offered, or agreed or attempted to pay or give, any such fine, premium, rent in advance or other like sum, or pecuniary consideration as aforesaid, to the person charged or to any other person.

3. Establishment, powers and procedure of boards

- (1) District commissioners shall appoint rent boards in each municipality and town and in such other areas as they shall deem necessary.
- (2) The rent boards appointed under subsection (1) shall determine all questions which they are authorised to determine under this Act.
- (3) A board shall consist of a chairperson and not more than five members.
- (4) Three members of a board shall form a quorum.
- (5) A board or its authorised representative shall have power to enter and inspect any dwelling house or premises for the purpose of enabling the board to determine any question lawfully being considered by it, and a board may also order any person to give evidence before it and to produce any book or document for its inspection.
- (6) The Minister may, if he or she sees fit, make rules governing the procedure in connection with the determination of any matter by a board, including provision for the payment of fees, the expenses of witnesses and costs.

4. Appeals from decisions of board

- (1) An appeal shall lie within thirty days from any decision of a board to the High Court, and pending the determination of the appeal the decision appealed against shall stand.

- (2) On such appeal the High Court may make such order as it thinks proper, including any directions as to the costs of the appeal.
- (3) Any order of the High Court on an appeal shall be final.
- (4) The chairperson of a board shall be entitled to be heard on an appeal to the High Court.
- (5) The Chief Justice may make rules governing such appeals, providing for the method of giving evidence, the fees to be paid, the procedure to be followed and the manner of notifying a board of the appeal.

5. Parties who may appear in proceedings

In any proceedings before a board in connection with any dwelling house or premises, the landlord or his or her representative and the tenant or any person who has entered into a tenancy agreement in respect of the dwelling house or premises or his or her representative shall be entitled to be heard by the board, and all those parties shall be entitled to institute an appeal under [section 4](#) and be heard by the High Court; but no person shall be represented before the High Court except by an advocate entitled to practise before the Court.

6. Restriction on ejectment of tenant by landlord

- (1) No order for the recovery of possession of any dwelling house or premises, or for the ejectment of a tenant from a dwelling house or premises, shall be made by any court unless—
 - (a) any rent lawfully due from the tenant has not been paid, or any other obligation of the tenancy so far as the same is consistent with this Act has been broken or not performed;
 - (b) the tenant, or any person residing with him or her or using the dwelling house or premises, has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers, or has been convicted of using the dwelling house or premises or allowing the dwelling house or premises to be used for an immoral or illegal purpose, or the condition of the dwelling house or premises has, in the opinion of the court, deteriorated owing to acts of waste by or the neglect or default of the tenant or any such person;
 - (c) the tenant has assigned his or her interest in the dwelling house or premises or sublet the whole or part of the property without the consent of the landlord;
 - (d) the tenant has sublet the dwelling house or premises at a rent greater than the standard rent or a part of the property at a rent greater than a reasonable proportion of the standard rent;
 - (e) the tenant has given notice to quit, and in consequence of that notice the landlord has contracted to sell or let the dwelling house or premises or has taken any other steps as a result of which he or she would, in the opinion of the court, be seriously prejudiced if he or she could not obtain possession;
 - (f) in the case of —
 - (i) a dwelling house, it is reasonably required by the landlord or his or her employee for occupation as a residence for himself or herself or for his or her employee, and the court is satisfied that alternative accommodation, reasonably equivalent as regards rent and suitability in all respects, is available or was available at the time the dwelling house was so required;
 - (ii) premises, the premises are reasonably required by the landlord for business, trade, or professional purposes or for the public service, and alternative accommodation reasonably equivalent as regards rent and suitability in all respects is available or was available at the time the premises were so required; or

- (g) in the case of premises, the premises are required for the purpose of the execution of the duties or powers of the armed forces, an urban or other local or statutory authority or for any purpose which, in the opinion of the court, is in the public interest;
 - (h) in the case of a dwelling house, it is the property of one of the services administered by the East African Community or of the Uganda Electricity Board and is required for the occupation of an employee of the East African Community or that board;
 - (i) in the case of a dwelling house normally occupied by the landlord or one or more of his or her employees, the landlord has permitted the tenant to occupy it for not more than twelve months, provided that the landlord is in possession of an agreement in writing signed by the tenant to the effect that he or she will give up possession of the dwelling house by a date not more than twelve months from the date the agreement was signed;
 - (j) in the case of a dwelling house let to an employee of the landlord, the employment is terminated, provided that the employee is given at least four months' notice of the intention to terminate the tenancy in the case when the employer has terminated the employment and one month's notice in the case when the employee has terminated the employment;
 - (k) an order has been made under the Public Health Act for the demolition of the dwelling house or premises and the tenant has been given twenty-eight days' notice to quit; or
 - (l) a municipal council or town council or board has approved a scheme of redevelopment of the site on which the dwelling house or premises stands and that scheme involves the demolition of the property and the tenant has been given twelve months' notice to quit, or, after the notice has been given and before its expiry, the court is satisfied that alternative accommodation reasonably equivalent as regards rent and suitability in all respects is available; but when any tenant has quit the property under a notice to quit or an order of a court given or made under this paragraph and the landlord occupies or permits any other person to occupy the property prior to its demolition, he or she commits an offence and is liable on conviction to a fine not exceeding fifty shillings for each day on which the property is so occupied.
- (2) For the purpose of subsection (1)(f), in any case where it can be shown that a tenant after the 30th September, 1954, has himself or herself built or come into vacant possession, of any dwelling house or premises, as the case may be, or if he or she had so desired could have come into such vacant possession, then the alternative accommodation shall be deemed to have been available for him or her.
- (3) In any case when a landlord has obtained possession of a dwelling house under the provisions of subsection (1)(k) and (l), he or she shall give to the tenant, who under the provisions of either such paragraph was required to give up possession of the dwelling house, the first option to rent and take possession of any dwelling house erected on the site in substitution for that dwelling house.
- (4) If any landlord fails to give the option required by subsection (3), he or she commits an offence and is liable on conviction to a fine not exceeding two thousand shillings or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.
- (5) At the time of the application for or the making of any order for the recovery of possession of any such dwelling house or premises, or for the ejectment of a tenant from either of them, the court may adjourn the application, or stay or suspend execution on any such order, or postpone the date of possession for such period or periods as it thinks fit, and, subject to such conditions, if any, in regard to payment by the tenant of arrears of rent, or mesne profits and otherwise as the court thinks fit, and, if the conditions are complied with, the court may, if it thinks fit, discharge or rescind any such order.
- (6) Except in respect of an order made under subsection (1)(k) or (l), an order against a tenant for the recovery of possession of any dwelling house or premises or ejectment from a dwelling house or premises under this section shall not affect the right of any subtenant, to whom the dwelling house or premises or any part of either has been lawfully sublet before proceedings for recovery of

possession or ejectment were commenced, to retain possession under this section, or be in any way operative against any such subtenant.

- (7) Where a landlord has obtained an order for possession or ejectment under this section on the ground that he or she requires a dwelling house or premises for his or her own occupation, and it is subsequently made to appear to the court that the order was obtained by misrepresentation or the concealment of material facts, the court may order the landlord to pay to the former tenant such sum as appears sufficient as compensation for damage or loss sustained by that tenant as the result of the order.

7. Furnished dwelling houses and premises

When any person lets or sublets any dwelling house or premises or any part of a dwelling house or premises at a rent which includes payment in respect of the use of furniture and it is proved to the satisfaction of a board on the application of the tenant that the rent or combined rent charged is yielding or will yield to the landlord a profit in excess of that which might reasonably be expected from a letting or subletting of a dwelling house or premises or any part of a dwelling house or premises of a similar class, the board shall fix a reasonable rent or combined rent and thereafter it shall not be lawful for the landlord to charge a rent or combined rent in excess of that fixed by the board.

8. Act not to apply to urban market authority

This Act shall not apply to market premises in municipalities or towns or to any premises under the control of any urban market authority.

9. Boards may in certain circumstances vary standard rent

- (1) Where by virtue of Legal Notices Nos. 123, 177 and 233 of 1947 and Nos. 15 and 29 of 1948, made under the powers conferred by section 10 of the Rent Restriction Ordinance, 1943, the standard rent of any dwelling house or premises has been raised, that new rent shall be deemed for the purpose of this Act to be the standard rent for that dwelling house or premises.
- (2) When after the commencement of this Act any dwelling house or premises has had alterations or additions made to it, then a board on being satisfied that the rental value of the dwelling house or premises has been increased by the alteration or additions may allow an increase on the standard rent of the dwelling house or premises of up to 10 percent per year of the cost of the alterations or additions.
- (3) A board may, on the application of a tenant of a dwelling house or premises, reduce the standard rent of the property, if the tenant satisfies the board that the landlord has failed to carry out such repairs and maintenance to the property as he or she is obliged to do either by agreement or custom; but the landlord may apply to the board for the full standard rent to be restored so soon as he or she has carried out the necessary maintenance or repairs.

10. Exempted premises and power to exempt classes of dwelling house or premises

- (1) The premises included in the first column of the Schedule to this Act shall, subject to the conditions contained in the Schedule, be exempt from the provisions of this Act contained in the second column of the Schedule.
- (2) The Minister may, by statutory instrument, vary the Schedule to this Act by exempting any class or classes of dwelling houses or premises from all or any of the provisions of this Act subject to any conditions he or she may see fit to include, or the Minister may likewise, subject to such conditions he or she may see fit to include, cancel any exemption contained in the Schedule.

11. Power to suspend Act or to allow increase of rent

The Minister may, by statutory instrument—

- (a) suspend the application of this Act in any area of Uganda;
- (b) allow an increase in rent over the standard rent in respect of any class of dwelling house or premises in any area.

12. Rules

The Minister may make rules—

- (a) prescribing the manner in which an increase over the standard rent allowed under [section 11](#) shall take effect, the method by which it shall be calculated and the conditions under which it shall be allowed;
- (b) generally for the more efficient carrying out of this Act.

13. Saving of rights of the Government

For the avoidance of doubt, it is declared that this Act shall not bind the Government.

Schedule (s. 10)

Premises exempt from Act

Class of dwelling house or premises	Provisions of the Act from which exempted
1. All dwelling houses belonging to the Bugisu Coffee Scheme	All
2. All dwelling houses on the housing estates at—Naguru (near Kampala) Nakawa (near Kampala) Walukuba (Jinja) Katabi (Entebbe) Maluku (near Mbale) Namakwekwe (near Mbale)	All
3. (a) Premises anywhere in Uganda which do not include any living quarters and are not included in one tenancy agreement or lease with any living quarters; (b) Premises and dwelling houses of whatever description first occupied on or after the 1st January, 1957	All All
4. Any dwelling house or any premises which include any living quarters and are included in one tenancy agreement or lease with such living quarters vacant possession of which the landlord lawfully had on the 1st day of January, 1957, or which after that date he or she lawfully obtains: subject to the condition that the vacant possession is not and has not been obtained under an order for the recovery of possession of the dwelling house or premises made on the grounds contained in section 6(1)(f) of this Act	All
5. Premises which include living quarters, which are included in one tenancy agreement or lease with such living quarters— (a) in the case of such premises situated within the municipalities of Kampala, Jinja and Mbale and the towns of Masaka, Mbarara, Entebbe, Kawempe Namirembe, Port Bell and Njeru; (b) in the case of such premises in the towns of Arua, Fort Portal, Gulu, Hoima, Kabale, Lira, Moroto, Mubende Soroti, Mityana, Lugazi, Tororo, Kamuli, Iganga, Masindi, Kisoro, Kasese; and (c) in the case of such premises throughout the remainder of Uganda	All, with effect from the 1st day of January, 1959 All, with effect from the 1st day of July, 1959 All, with effect from the 1st day of January, 1960

6. Dwelling houses throughout Uganda	All
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