

ACTS SUPPLEMENT

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Act 1	<i>Kampala Capital City (Amendment) Act</i>	2020
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THE KAMPALA CAPITAL CITY (AMENDMENT) ACT, 2020.

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Section

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THE KAMPALA CAPITAL CITY (AMENDMENT) ACT, 2020.

An Act to amend the Kampala Capital City Act, 2010, to streamline and strengthen the governance of the Capital City in accordance with article 5(4) of the Constitution; to clarify the roles of the Lord Mayor and Deputy Lord Mayor; and to provide for related matters.

DATE OF ASSENT: 28th November, 2019

Date of Commencement: 10th January, 2020

BE IT ENACTED by Parliament as follows:

1. Amendment of Kampala Capital City Act, 2010.

The Kampala Capital City Act, 2010, in this Act referred to as the “principal Act” is amended in section 2—

- (a) by inserting immediately after the definition of “Capital City” the following—

“ “Council” means the Council established under section 6 of this Act;”

- (b) by substituting for the definition of “councillor” the following—

“councillor” means a member of the Council, a division urban council, ward urban council or village urban council;”

- (c) by substituting for the definitions of “mayor” and “metropolitan area” as follows—

“mayor” means the mayor of a division urban council;

“metropolitan area” means the areas of jurisdiction of the authority together with the neighbouring districts of Mpigi, Mukono and Wakiso for purposes of coordinated physical planning;

- (d) by repealing the definition of “Metropolitan Authority”;

- “(e) by inserting immediately after the definition of the word “Minister”, the following—

“Speaker” means the Speaker of the Council.

2. Amendment of section 5 of the principal Act.

Section 5 of the principal Act is amended by repealing subsection (3).

3. Replacement of section 6 of the principal Act.

The principal Act is amended by substituting for section 6 the following—

“6. Council of the Authority.

(1) The Council is the governing body of the Capital City.

(2) The Council shall consist of the following members—

(a) the Lord Mayor;

(b) the Deputy Lord Mayor;

(c) one councillor directly elected by secret ballot to represent each electoral area in the Capital City on the basis of universal adult suffrage;

- (d) two councillors representing the youth, one of whom shall be female;
- (e) two councillors with disability representing persons with disabilities, one of whom shall be female;
- (f) women councillors forming one third of the Council such that the councillors elected under paragraphs (c), (d) and (e) shall form two thirds of the Council;
- (g) two councillors representing the workers, one of whom shall be female; and
- (h) two councillors representing the elderly, one of whom shall be female.

(2) A person is not qualified to be a councillor unless he or she is a citizen of Uganda.”

4. Insertion of new section 6A.

The principal Act is amended by inserting immediately after section 6, the following new section—

“6A. Functions of the Council.

The functions of the Council are—

- (a) to determine taxation levels within the Capital City;
- (b) to enact subsidiary legislation for the proper management of the Capital City;
- (c) review and approve budget proposals made by the executive director;
- (d) to monitor the delivery of services within the Capital City;
- (e) to mobilize the residents of the Capital City to undertake income generating activities and self-help community projects;

- (f) to assist the city divisions in mobilising the residents to pay local taxes.”

5. Amendment of section 7 of the principal Act.

Section 7 of the principal Act is amended—

- (a) in subsection (1)—
 - (i) by repealing paragraphs (c), (d), (e), (l), (o), (p), (q) and (r);
 - (ii) by repealing the word “major” appearing in paragraph (h);
- (b) in subsection (4), by substituting for the words “Ministry responsible for the administration of the Capital City”, the word “Minister”.

6. Amendment of section 8 of the principal Act.

Section 8 of the principal Act is amended—

- (a) in the head note, by substituting for the word “Authority”, the word “Council”;
- (b) in subsection (1), by substituting for the word “Authority”, the word “Council”;
- (c) in subsection (2), by substituting for the word “Authority”, the word “Council”;
- (d) in subsection (3), by substituting for the word “Authority”, the word “Council”;
- (e) by inserting immediately after subsection (3), the following—

“(3a) The Attorney General shall, within sixty days of receipt of the local bill, submit his or her advice to the Minister.”

- (f) in subsection (4)—

- (i) by substituting for the word “ninety”, the word “sixty”; and
- (ii) by substituting for the word “Authority”, the word “Council”;
- (g) in subsection (5), by substituting for the word “Authority”, the word “Council”;
- (h) in subsection (6), by substituting for the word “Authority”, the word “Council”.

7. Insertion of new sections 8A, 8B, 8C and 8D.

The principal Act is amended by inserting immediately after section 8, the following new sections—

“8A. Speaker and Deputy Speaker of the Council.

(1) There shall be a Speaker and Deputy Speaker of the Council elected from among members of the Council.

(2) A person shall not qualify to be elected Speaker or Deputy Speaker if he or she is a Lord Mayor or Deputy Lord Mayor.

(3) The Speaker and Deputy Speaker shall serve on a full time basis.

8B. Election of the Speaker and Deputy Speaker of the Council.

(1) The Speaker and the Deputy speaker shall be elected through a secret ballot.

(2) At the elections of a Speaker or Deputy Speaker, a person shall not be declared elected Speaker or Deputy Speaker unless that person gets more than fifty percent of the votes of all members of the Council cast in his or her favour.

(3) Where a person does not obtain more than fifty percent of the votes cast, the elections shall be repeated between the first two persons getting the highest votes until one of them gets more than fifty percent of the votes.

(4) Where, during the election of a Speaker or Deputy Speaker only one person is nominated, that person shall be declared elected Speaker or Deputy Speaker.

(5) A Chief Magistrate shall preside at an election of a Speaker or Deputy Speaker.

(6) Except for the taking of the oath of the members of the Council, no business shall be transacted in the Council before the election of the Speaker or deputy Speaker at any time that the office is vacant.

8C. Functions of Speaker and Deputy Speaker

The Speaker and Deputy Speaker shall—

- (a) preside over all meetings of the Council;
- (b) be charged with the overall authority for the preservation of order in the Council and ensuring the enforcement of the rules of procedure of the Council;
- (c) perform functions which are similar to those of the Speaker of Parliament as may be consistent with this Act.

8D. Removal of Speaker or Deputy Speaker from office.

(1) The Speaker or Deputy Speaker may be removed from office by the Council by a resolution supported by not less than two-thirds of the members of the Council on any of the following grounds—

- (a) abuse of office;
- (b) incompetence;
- (c) misconduct or misbehavior;
- (d) physical or mental incapacity that would render the Speaker or Deputy Speaker incapable of performing the duties of Speaker or Deputy Speaker; or
- (e) failure to convene two consecutive meetings of the Council without reasonable cause.

(2) A Chief Magistrate shall preside at the removal of the Speaker or Deputy Speaker .

(3) The office of Speaker or Deputy Speaker shall fall vacant if the holder—

- (a) resigns the office in writing addressed to the Minister;
- (b) accepts appointment to a public office; or
- (c) dies.”

8. Replacement of section 9 of the principal Act.

The principal Act is amended by substituting for section 9 the following—

“9. Lord Mayor and Deputy Lord Mayor.

(1) There shall be a Lord Mayor who shall be the political head of the Capital City.

(2) The Lord Mayor shall be elected by universal adult suffrage through a secret ballot at an election organised by the Electoral Commission.

(3) The Lord Mayor shall, with the approval of Council, appoint a Deputy Lord Mayor from among members of the Council.

(4) The Lord Mayor and Deputy Lord Mayor shall serve on a full time basis.”

9. Amendment of section 11 of the principal Act.

Section 11 of the principal Act is amended—

(a) by substituting for subsection (1) the following—

“(1) The functions of the Lord Mayor are—

- (a) to initiate strategies and programmes for the development of the Capital City;
- (b) to address the Council on the state of affairs of the Capital City once a year;
- (c) to represent, support and promote the businesses and residents of the Capital City;
- (d) to promote the Capital City as a tourist and investment destination;
- (e) to host foreign and local dignitaries on behalf of the Authority and Capital City;
- (f) to perform ceremonial functions and civic functions.”;

(b) in subsection (2), by substituting for the word “Authority”, the word “Council”.

10. Amendment of section 12 of the principal Act.

Section 12 of the principal Act is amended—

(a) in subsection (1)—

- (i) by substituting for the word “Authority”, the word “Council”;
- (ii) by repealing paragraph (e);

- (b) in subsection (3), by substituting for the word “Authority”, the word “Council”;
- (c) in subsection (9), by substituting for the word “Authority”, the word “Council”;
- (d) in subsection (10), by inserting words “Speaker, executive director” immediately after the words “Lord Mayor”;
- (e) in subsection (15), by substituting for the word “Authority”, the word “Council”;
- (f) in subsection (16), by substituting for the word “Authority”, the word “Council”;
- (g) by substituting for subsection (17), the following—

“(17) The Minister shall, within fourteen days of receipt of the report of the tribunal or medical board present it to Council.”

- (h) in subsection (18), by substituting for the word “Authority”, the word “Council”;
- (i) in subsection (19), by substituting for the word “Authority”, the word “Council”;

11. Amendment of section 13 of the principal Act.

Section 13 of the principal Act is amended by repealing subsection (3).

12. Insertion of new sections 14A, 14B and 14C.

The principal Act is amended by inserting immediately after section 14 the following new sections—

“14A. City Executive Committee.

(1) There shall be a City Executive Committee for the Council which shall perform the executive functions of the Council.

- (2) The City Executive Committee shall consist of—
 - (a) the Lord Mayor, who shall be the chairperson;
 - (b) the Deputy Lord Mayor, who shall be the vice chairperson; and
 - (c) three other members appointed by the Lord Mayor from among members of the Council with the approval of the Council, at least one of whom shall be female.

(3) The Lord Mayor shall constitute and present the City Executive Committee during the second sitting of the Council.”

(4) Members of the City Executive Committee shall serve on a full time basis.

14B. Functions of the City Executive Committee.

The City Executive Committee shall —

- (a) ensure implementation of Council programmes and decisions;
- (b) monitor sector performance and report to Council;
- (c) present the annual budget of the Authority to the Council; and
- (d) assist the Lord Mayor in the performance of his or her functions under this Act.

14C. Business Committee.

(1) There shall be a Business Committee of the Council consisting of—

- (a) the Speaker;
- (b) Deputy Speaker;

- (c) the vice chairperson of the City Executive Committee; and
- (d) the chairpersons of the standing committees appointed under section 16.

(2) The Speaker shall preside over sittings of the Business Committee and in his or her absence the Deputy Speaker shall preside.

(3) The Business Committee shall generate business for the Council and arrange the business of each meeting and the order in which the business shall be taken.

13. Amendment of section 15 of the principal Act.

Section 15 of the principal Act is amended by substituting for the word “Authority”, the word “Council”.

14. Replacement of section 16 of the principal Act.

Section 16 of the principal Act is amended—

- (a) in the head note, by substituting for the word “Authority”, the word “Council”;
- (b) in subsection (1), by substituting for the word “Authority”, the word “Council” between the words “The” and “shall”;
- (c) in subsection (2), by substituting for the word “Authority”, the word “Council” between the words “the” and “may”;
- (d) in subsection (3), by substituting for paragraph (b) the following—
 - “(b) to make recommendations on quarterly and annual work plans of directorates and report to the Council.”

- (e) in subsection (3)(c), by substituting for the word “Authority”, the word “Council”;
- (f) in subsection (3)(f), by substituting for the word “Authority” the word “Council” between the words “the” and “proposals”;
- (g) in subsection (4), by substituting for the word “Authority”, the word “Council”;
- (h) in subsection (5), by substituting for the word “Authority”, the word “Council”;
- (i) in subsection (7), by substituting for the word “Authority”, the word “Council”.

15. Amendment of section 19 of the principal Act.

Section 19 of the principal Act is amended—

- (a) by repealing paragraph (c);
- (b) by substituting for paragraph (e) the following—

“(e) advise the City Executive Committee and Council on government policy”;
- (c) by substituting for paragraph (f) the following—

“(f) offer technical support to the City Executive Committee in preparation and presentation of the annual budget for approval of the Council;”
- (d) in paragraph (g), by substituting for the word “Authority” the word “Council”;
- (e) in paragraph (h), by substituting for the word “Authority” the word “Council”.
- (f) in paragraph (k), by substituting for the word “monitor”, the word “supervise”;

- (g) by repealing paragraph (m);”
- (h) in paragraph (s), by substituting for the word “Authority” the word “Council”;
- (i) in paragraph (t), by substituting for the word “Authority” the word “Council”;
- (j) in paragraph (u), by substituting for the word “Authority” the word “Minister”;
- (k) by repealing paragraph (v).

16. Replacement of section 21 of the principal Act.

For section 21 of the principal Act, there is substituted the following—

“(21) Minister to coordinate physical planning in the city with other ministries.

The Minister shall, in consultation with the Ministry responsible for urban development and the Ministry responsible for local governments, coordinate physical planning in the metropolitan area.”

17. Repeal of section 22 of the principal Act.

The principal Act is amended by repealing section 22.

18. Amendment of section 26 of the principal Act.

Section 26 of the principal Act is amended in subsection (1) by substituting for the words “Capital City”, the words “metropolitan area”.

19. Amendment of section 27 of the principal Act.

Section 27 of the principal Act is amended by substituting for paragraph (a), the following—

“(a) a mayor of the division urban council;”

20. Insertion of new sections 28A and 28B.

The principal Act is amended by inserting immediately after section 28, the following new sections—

"28A. Division executive committee.

(1) There shall be a division executive committee for a division urban council which shall perform the executive functions of the council.

(2) A division executive committee shall consist of—

- (a) the mayor, who shall be the head of the division executive committee;
- (b) the deputy mayor, who shall be the vice chairperson; and
- (c) three other members appointed by the mayor of the division urban council from among the division councillors with the approval of the division urban council, at least one of whom shall be female.

(3) The mayor shall constitute the division executive committee during the second sitting of the council."

(4) The members of the division executive committee shall serve on a full time basis.

28B. Functions of division executive committee.

A division executive committee shall—

- (a) perform the executive functions of the division urban council;
- (b) present the annual budget of the division urban council to the Council;
- (c) assist the mayor in the performance of his or her functions under this Act."

21. Amendment of section 29 of the principal Act.

Section 29 of the principal Act is amended in subsection (1) by repealing paragraph (b).

22. Insertion of new sections 29A, 29B, 29C and 29D.

The principal Act is amended by inserting immediately after section 29, the following new sections—

“29A. Speaker and deputy speaker of division urban council.

There shall be a speaker and deputy speaker of a division urban council elected from among the division councillors.

29B. Election of speaker and deputy speaker of division urban council.

(1) The speaker and deputy speaker of a division urban council shall be elected through a secret ballot.

(2) A person shall not be declared elected speaker or deputy speaker unless that person gets more than fifty percent of the votes of all members of the council cast in his or her favour.

(3) Where a person does not obtain more than fifty percent of the votes cast, the elections shall be repeated between the first two persons getting the highest votes until one of them gets more than fifty percent of the votes.

(4) Where, during the election of a speaker or deputy speaker only one person is nominated, that person shall be declared elected speaker or deputy speaker.

(5) A Chief Magistrate shall preside at an election and removal of a speaker or deputy speaker.

(6) Except for the taking of oath of the members of the council, no business shall be transacted in the council before the election of the speaker at any time that the office is vacant.

29C. Functions of speaker and deputy speaker.

A speaker shall—

- (a) preside at all meetings of the division urban council;

- (b) be charged with the overall authority for the preservation of order in the council and ensuring the enforcement of the rules of procedure of the council.

29D. Removal of speaker or deputy speaker from office.

(1) A speaker or deputy speaker may be removed from office by the council by a resolution supported by not less than two-thirds of the members of the council on any of the following grounds—

- (a) abuse of office;
- (b) incompetence;
- (c) misconduct or misbehaviour;
- (d) such physical or mental incapacity as would render the speaker or deputy speaker incapable of performing the duties of speaker or deputy speaker; or
- (e) failure to convene two consecutive meetings of the council without reasonable cause.

(2) The office of speaker or deputy speaker of a division urban council shall fall vacant if the holder—

- (a) resigns the office in writing addressed to the division town clerk;
- (b) accepts appointment to a public office; or
- (c) dies.”

23. Amendment of section 31 of the principal Act.

Section 31 of the principal Act is amended in subsection (2) by substituting for paragraph (d), the following—

- “(d) provide technical guidance in the preparation of the annual budget for the division urban council;”

24. Amendment of section 34 of the principal Act.

Section 34 of the principal Act is amended —

- (a) in subsection (1), by substituting for the word “Authority”, the word “Council”;
- (b) by inserting immediately after subsection (1), the following—

“(1a) For the purposes of subsection (1), the town clerk shall, within seven days from the date of a decision of the division urban council, transmit the decision to the Council.”

25. Amendment of section 35 of the principal Act.

Section 35 of the principal Act is amended—

- (a) in the headnote, by substituting for the word “may” the word “shall”;
- (b) by substituting for the word “may” the word “shall”.

26. Amendment of section 48 of the principal Act.

Section 48 of the principal Act is amended in subsection (2) by repealing the words “of the council”.

27. Replacement of section 49 of the principal Act.

The principal Act is amended by substituting for section 49, the following—

“49. Duty to operate in accordance with the Public Finance Management Act.

In the performance of its functions under this Act, the Authority shall have due regard to the provisions of the Public Finance Management Act, 2015.”

28. Repeal of section 52 of the principal Act.

The principal Act is amended by repealing section 52.

29. Repeal of section 54 of the principal Act.

The principal Act is amended by repealing section 54.

30. Amendment of section 57 of the principal Act.

Section 57 of the principal Act is amended by substituting for subsection (3), the following—

“(3) The Auditor General shall give a report of the audited accounts of the Authority to Parliament with copies to—

- (a) the Minister responsible for finance;
- (b) the Minister;
- (c) the Authority or lower urban council to which the audit relates;
- (d) the Kampala Capital City Public Accounts Committee;
- (e) the Local Government Finance Commission;
- (f) the Inspector General of Government; and
- (g) the Resident City Commissioner.”

31. Amendment of section 58 of the principal Act.

Section 58 of the principal Act is amended—

- (a) in subsection (5), by substituting for the words “five years”, the words “the duration of the term of the Council”

- (b) in subsection (11), by repealing the words “or division assistant executive director”.

32. Repeal of sections 61 to 70 of the principal Act.

The principal Act is amended by repealing sections 61 to 70.

33. Amendment of section 72 of the principal Act.

Section 72 of the principal Act is amended—

- (a) in subsection (1) paragraph (c)—
 - (i) by substituting for the words “act as”, the word “be”; and
 - (ii) by substituting for the word “Authority”, the word “Capital City”.
- (b) in subsection (2) paragraph (f)—
 - (i) by substituting for the words “Lord Mayor”, the word “Speaker”; and
 - (ii) by substituting for the word “Authority” the word “Council”.

34. Amendment of section 78 of the principal Act.

Section 78 of the principal Act is amended in subsection (2), by substituting for paragraph (c) the following—

- “(c) without prejudice to paragraph (b), the Local Governments (Rating) Act, shall, with effect from the commencement of this Act, apply to the Capital City such that the Council shall impose, levy and collect rates in accordance with the Act.”

35. Amendment of section 79 of the principal Act.

Section 79 of the principal Act is amended—

(a) in subsection (1)—

(i) by inserting immediately after paragraph (b), the following—

“(ba) to address the Council on matters of policy, national importance or development of the Capital City”;

(ii) in paragraph (c), by substituting for the word mayor, the words “Lord Mayor”.

36. Amendment of section 82 of the principal Act.

Section 82 of the principal Act is amended in subsection (2) by repealing paragraphs (b), (c), (e), (g) and (h).

37. Replacement of Fourth Schedule to the principal Act.

Substitute for the Fourth Schedule the following—

FOURTH SCHEDULE

Section 15, 45 (4), 83 (1)

MEETINGS OF THE COUNCIL

1. Meetings of the Council.

(1) The Speaker shall convene every meeting of the Council at a time and place as the Council may determine, and the Council shall meet for the discharge of business at least once in every three months.

(2) The Speaker may, at any time, convene a special meeting of the Council and shall also call a meeting within fourteen days, if requested to do so in writing by one third of the members of the Council.

(3) Notice of a meeting of the Council shall be given in writing to each member at least fourteen working days before the day of the meeting.

(4) The Speaker shall preside at every meeting of the Council.

2. Quorum.

(1) The quorum for a meeting of the Council shall be one half of all members of the Council.

(2) All decisions at a meeting of the Council shall be by a majority of the votes of the members present and voting and in case of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.

3. Minutes of meetings.

(1) The executive director shall cause to be recorded and kept, minutes of all meetings of the Council in a form approved by the Council.

(2) The minutes recorded under this paragraph shall be submitted to the Council for confirmation at its next meeting following that to which the minutes relate and when so confirmed, shall be signed by the Speaker and at least one councillor in the presence of the members present at the latter meeting.

4. Common seal of the Authority.

The common seal of the Authority shall be in a form determined by the Authority.

5 Power to co-opt.

(1) The Council may invite any person who, in the opinion of the Council, has expert knowledge concerning the functions of the Council, to attend and take part in the meetings of the Council.

(2) A person attending a meeting of the Council under this section may take part in any discussion at the meeting on which his or her advice is required but shall not have any right to vote at that meeting.

6. Validity of proceedings not affected by vacancy.

The validity of any proceedings of the Council or a committee of the Council shall not be affected by a vacancy in its membership or by any defect in the appointment or qualification of a member or by reason that a person not entitled, took part in its proceedings.

7. Disclosure of interest of members.

(1) A member of the Council who is in any way directly or indirectly interested in a contract made or proposed to be made by the Authority, or in any other matter which falls to be considered by the Council, shall disclose the nature of his or her interest at a meeting of the Council.

(2) A disclosure made under subparagraph (1) shall be recorded in the minutes of that meeting.

(3) A member who makes a disclosure under subparagraph (1) shall not—

- (a) be present during any deliberation of the Council with respect to that matter; or
- (b) take part in any decision of the Council with respect to that matter.

(4) For purposes of determining whether there is a quorum, a member withdrawing from a meeting or who is not taking part in a meeting under subparagraph (3) shall be treated as being present.

8. Service of documents.

A notice or other document may be served on the Council by delivering it to the office of the executive director, or by sending it by prepaid registered post addressed to the executive director.

9. Council may regulate its procedure.

Subject to this Act, the Council may regulate its own procedure or any other matter relating to its meetings.

10. Duties of a councillor.

(1) A councillor shall—

- (a) maintain contact with the electoral area, and consult the people on issues to be discussed in the Council where necessary;
- (b) present views, opinions and proposals to the Council;
- (c) attend sessions of the Council and meetings of committees or subcommittees of which he or she is a member;
- (d) appoint at least a day in a given period for meeting the people in his or her electoral area;
- (e) report to the electorate the general decisions of the Council and the actions it has taken to solve problems raised by the residents in the electoral area;
- (f) bring to bear on any discussion in the Council the benefit of his or her skill, profession, experience or specialised knowledge;
- (g) take part in communal and development activities in his or her electoral area and the district as whole.

(2) A Councillor shall, in the discharge of his or her duties, have due regard to the national and interests, the interests of the people in the metropolitan area and the electoral area.

11. Freedom of speech in proceedings.

There shall be freedom of speech, debate and proceedings in the Council and that freedom shall not be impeached or questioned in any court, tribunal or place out of the Council.

12. Unqualified persons sitting or voting in the Council

Any person who sits or votes in the Council after his or her seat has become vacant or after he or she has become disqualified from sitting or voting in the Council, knowing or having reasonable grounds for knowing that he or she is disqualified, or that the seat has become vacant, as the case may be, commits an offence and is liable on conviction to a fine not exceeding twelve currency points or imprisonment not exceeding six months or both.

Cross reference

Local Governments (Rating) Act, 2005, Act No. 8 of 2005.

Public Finance Management Act, 2015, Act No. 3 of 2015.