

ACTS SUPPLEMENT

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Act 8 *National Population Council Act* **2014**

THE NATIONAL POPULATION COUNCIL ACT, 2014

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THE NATIONAL POPULATION COUNCIL ACT, 2014.

An Act to provide for the establishment, composition, functions and administration of the National Population Council and its Secretariat and to provide for other related matters.

DATE OF ASSENT: 6th January, 2014.

Date of Commencement: See section 1.

BE IT ENACTED by Parliament as follows—

PART I—PRELIMINARY**1. Commencement**

This Act shall come into force three months after publication in the Gazette.

2. Interpretation

In this Act, unless the context otherwise requires—

“Council” means the National Population Council established by section 3;

“currency point” means the value assigned to a currency point in Schedule 1;

“Director General” means the Director General of the Council appointed under section 14;

“Minister” means the Minister responsible for planning and economic development;

“Population Secretariat” or “Secretariat” means the National Population Council Secretariat established under section 11.

PART II—NATIONAL POPULATION COUNCIL

3. Establishment of the Council

(1) There is established the National Population Council.

(2) The Council is a body corporate with perpetual succession, a common seal and may, for the discharge of its functions under this Act—

- (a) acquire, hold and dispose of moveable and immoveable property;
- (b) sue and be sued in its corporate name; and
- (c) do all acts and things as a body corporate may lawfully do.

4. Composition of the Council

(1) The National Population Council is composed of the following—

- (a) the Chairperson;
- (b) the Vice Chairperson;
- (c) two members, one of whom shall be a person with disabilities;
- (d) the Permanent Secretary of the Ministry responsible for finance;
- (e) one representative, at level of Commissioner or its equivalent, from:
 - (i) the Uganda National Bureau of statistics;

- (ii) the National Planning Authority;
 - (iii) the National Council of Higher Education;
 - (iv) the Immigration and Citizen Board;
 - (v) the Equal Opportunities Commission;
 - (vi) the Ministry responsible for Health;
- (f) one representative from the civil society organizations;
and
- (g) The Director General.

(2) The Chairperson and Vice Chairperson and the two members referred to in subsection 1(c) shall be appointed by the Minister on such terms and conditions as may be determined by the President.

(3) The President shall in appointing the persons in subsection (2) have regard to the knowledge of the persons and their ability to contribute to the work of the Council.

(4) The Director General shall be—

- (a) an *ex officio* member of the Council;
- (b) act as Secretary to Council; and
- (c) arrange the business for and cause to be recorded and kept the minutes of the meetings of the Council.

5. Tenure of the Council

(1) A member of the Council appointed under section 4(2) shall hold office for five years and is eligible for reappointment for one term only.

(2) A member of the Council may, at any time, resign his or her office in writing addressed to the President.

(3) A member of the Council may be removed from office by the President—

- (a) for inability to perform the functions required of him/her arising from infirmity of body or mind;
- (b) for misbehavior or misconduct;
- (c) for conflict of interest;
- (d) for incompetence;
- (e) if a member is convicted of a crime by a competent court involving dishonesty or moral turpitude; or
- (f) if the member is absent without prior permission of the Chairperson, or without reasonable cause to the satisfaction of the Minister, for more than four consecutive meetings of the Council, or is absent from Uganda for more than twelve consecutive months.

(4) Where a member of the Council resigns, dies, or is removed from office, ceases to be a member of the institution or body which he or she represents on the Council, the Chairperson shall notify the Minister of the vacancy and the Minister shall appoint another person to hold the office for the unexpired portion of the member's term of office.

6. Remuneration of Council Members

The Minister shall determine the remuneration and allowances of the members of the Council.

7. Functions of the Council

(1) The main function of the Council is to formulate policies to give strategic direction on the implementation of the objectives of the National Population Policy.

(2) The Council shall, to the greatest extent possible, cooperate with Government, line Ministries, Local Governments, institutions and civil society organisations in carrying out its functions under this Act.

(3) The Council shall—

- (a) advise the President on population matters; and

- (b) promote and popularize the National Population Policy and set up a National Population Databank.

8. Official seal of the Council

(1) The official seal of the Council shall be in a form determined by the Council.

(2) The official seal shall, when affixed to a document, be authenticated by the signatures of the Director General and one other member authorized of the Council and in the absence of the Director General, the person performing the functions of the Director General shall sign.

(3) An instrument or contract which, if executed or entered into by a person other than a body corporate would not require to be under seal may be executed or entered into on behalf of the Council by—

- (a) the Director General; or
- (b) any member of the Council or any other person if that member of the Council or other person has been duly authorised by resolution of the Council to execute or enter into the instrument or contract as the case may be.

(4) Every document purporting to be an instrument or contract executed or issued by or on behalf of the Council in accordance with this section shall be deemed to be so executed or issued until the contrary is proved.

9. Meetings of the Council

Schedule 2 to this Act shall have effect so far as meetings of the Council and other matters specified in that Schedule are concerned.

10. Committees of the Council

(1) The Council may appoint Adhoc Committees to advise it on any matter concerning the functions of the Council.

(2) A Committee appointed under subsection (1) shall consist of a Chairperson who shall be a member of the Council and such other persons, whether members of the Council or not, as the Council may determine.

(3) The Council shall in writing, specify the terms and conditions of service of the members of the Committee.

(4) Members of a Committee appointed under this section may be paid such allowances as the Council may, with the written approval of the Minister, determine.

(5) Subject to any direction given by the Council, a Committee appointed under this section may regulate its own procedure.

PART III—THE NATIONAL POPULATION COUNCIL SECRETARIAT

11. The National Population Secretariat.

There is established a National Population Secretariat, in this Act, referred to as the Population Secretariat.

12. Continuance in existence of the Population Secretariat

(1) The Population Secretariat in existence immediately before the commencement of this Act is continued in existence as the Secretariat of the Council, to be known as the National Population Council Secretariat, subject to the provisions of this Act.

(2) The Secretariat shall be under the supervision of the Council.

13. Functions of Population Secretariat

(1) The Population Secretariat shall be responsible for the implementation of the policy decisions of the Council.

(2) Notwithstanding the general function under sub section (1), the Population Secretariat shall carry out the following specific functions—

(a) play an advocacy role for population issues in Uganda;

- (b) promote the integration of population factors in development planning at the national and lower levels in accordance with the agreed framework under the National Development Plan;
- (c) promote, guide and coordinate the implementation of the National Population Policy and program in accordance with the agreed framework under the National Development Plan;
- (d) interpret, review and recommend appropriate changes in the National Population Policy;
- (e) popularize the National Population Policy;
- (f) regularly develop population sector plans;
- (g) analyse, interpret and document demographic trends including fertility, mortality, urbanization and migration and their implications on socio economic development;
- (h) align the population policy and programs with population related national policies, other national planning frameworks as well as international instruments;
- (i) provide guidelines for preparation and review of population profiles and plans of action at national and lower levels in accordance with the agreed framework under the National Development Plan;
- (j) build capacity at Central and Local Government levels for the implementation of the population programme;
- (k) mobilize resources to support population programmes;
- (l) commission research and policy oriented studies to inform policy and programming;
- (m) publish and disseminate the Annual Population Report, other population publications, reports and newsletters;

- (n) promote collaboration and strategic partnership for population and development within Government agencies, civil society organizations, private sector, cultural and religious institutions at various levels;
- (o) establish strategic partnerships with development partners;
- (p) monitor and evaluate the country population program in accordance with the agreed framework under the National Development Plan; and
- (q) undertake any other relevant activities.

14. Director General

(1) There shall be a Director General appointed by the President on the advice of the Minister, on such terms and conditions as may be specified in his or her instrument of appointment.

(2) The Director General shall be the Secretary to the Council and the accounting officer of the Council.

(3) The Director General shall be a person of high moral character and proven integrity, with the relevant qualifications and experience relating to the functions of the Council.

(4) the Director General shall cease to hold office if—

- (a) he or she resigns;
- (b) he or she is declared bankrupt by a competent court or suspends payment or compound with his or her creditors;
- (c) in the case of a person having professional qualifications, he or she is disqualified or suspended from practicing his or her profession by a competent Authority or ceases to be a member of the relevant profession;

- (d) he or she is convicted by a competent court of a crime involving dishonest or moral turpitude;
- (e) he or she is removed from office by the President on the recommendation of the Minister for inability to perform the functions of his or her office arising out of physical or mental incapacity or incompetence.

15. Functions of Director General

(1) The Director General shall be the Chief Executive of the Secretariat and shall be responsible for the day-to-day management and operations of the Secretariat.

(2) The Director General shall be responsible for the management of the funds, property and business of the Council and for the administration and control of the staff of the Council.

(3) The Director General shall, from time to time, keep the Council informed of the progress and activities of the Secretariat.

(4) The Director General is, in the performance of his or her functions answerable to the Council.

(5) The Director General may, in writing, delegate any of the above duties to any other Staff of Board.

16. Officers and staff of the Council

(1) The Council shall have such officers and staff as may be necessary for the efficient performance of its functions.

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

(3) The Council shall regulate the manner of appointment, terms and conditions of service and the discipline of officers and staff appointed under sub section (2).

PART IV—FINANCIAL PROVISIONS

17. Funds of the Council

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

- (a) money appropriated by Parliament for the purposes of the Council; and
- (b) grants, gifts or donations from the Government or other sources made with the approval of the Minister and the Minister responsible for finance.

18. Power to open and operate bank accounts

(1) The Council shall open and maintain such bank accounts as are necessary for the performance of its functions and the functions of the Secretariat in accordance with the Public Finance and Accountability Act, 2003.

(2) The Director General shall ensure that all money received by or on behalf of the Council is banked as soon as practicable after being received.

19. Borrowing powers

(1) The Council may, with the approval of the Minister given in consultation with the Minister responsible for finance, borrow money from any source as may be required for meeting its obligations or for the discharge of the functions of the Council under this Act.

(2) The Council may, with the prior approval of the Minister for the purpose of any borrowing under subsection (1), charge any asset or property of the Council with the repayment of any money borrowed under subsection (1).

20. Investment of surplus funds

Any funds of the Council not immediately required for any purpose under this Act may be invested in a manner, which the Council may, with the approval of the Minister, after consultation with the Minister responsible for finance, determine.

21. Estimates

(1) The Director General shall, within three months before the end of each financial year, cause to be prepared and submitted to the Council for its approval, estimates of the income and expenditure of the Council for the next financial year.

(2) The Council shall, within two months of receipt of the estimates referred to in subsection (1), cause to be submitted to the Minister for his or her approval, the estimates of income and expenditure as approved by the Council.

22. Accounts

(1) The Director General shall cause to be kept, proper books of accounts and records of the transactions of the Council.

(2) Subject to any direction given by the Minister, the Director General shall cause to be prepared and submitted to the Minister and the Minister responsible for finance in respect of each financial year, and not later than three months after the end of the financial year, a statement of accounts, which shall include—

- (a) a balance sheet, an income and expenditure account and a source and application of funds statement; and
- (b) any other information in respect of the financial affairs of the Council as the Minister responsible for finance may, in writing, require.

23. Audit

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

(2) The Director General shall ensure that within four months after the end of each financial year, a statement of accounts described in section 22(2) is submitted for auditing to the Auditor-General or an auditor appointed by the Auditor General.

(3) The Auditor General or any auditor appointed by the Auditor General shall have access to all books of accounts, vouchers and other records of the Council and is entitled to any information and explanation required in relation to those records.

PART V—MISCELLANEOUS

24. Protection of members and staff of the Council from liability

A member of the Council or an employee of the Council or a person acting on the directions of the Council is not personally liable for any act or omission done or omitted to be done in good faith in the exercise of the functions of the Council.

25. Consultants

The Council may engage consultants to serve as individual experts or advisers or as members of a Committee of the Council established under section 10, as may be useful and appropriate for the Council to discharge its functions.

26. Service of documents

A notice or document may be served on the Council by delivering it at the office of the Director General, or by sending it by pre-paid registered post to the Director General.

27. Regulations

(1) The Minister may, on the recommendation of the Council, by statutory instrument, make regulations generally for the better carrying into effect of the provisions of this Act.

(2) Without prejudice to the general effect of subsection (1) the Minister may on the recommendation of the Council, make regulations for the provision of the size, membership and scope of work of adhoc committees under section 10.

28. Amendment of Schedule

The Minister may, by statutory instrument, with the approval of Cabinet amend Schedule 1 to this Act.

PART VI—TRANSITIONAL PROVISIONS

29. Transfer of assets and liabilities

All property and assets vested in the Population Secretariat before the commencement of this Act shall, on the commencement of this Act, be vested in the Council subject to all interests, liabilities, obligations and trusts affecting the property.

30. Employees of the Population Secretariat

(1) On the commencement of this Act—

- (a) all persons who were employed in the Population Secretariat immediately before the commencement of this Act, shall continue in the employment of the Council;
- (b) the terms and conditions, including the salary, on which a person referred to in paragraph (a) was employed immediately before the commencement of this Act, shall be no less favourable than those that applied to that person's office immediately before the commencement of this Act; and
- (c) there shall be no break or interruption in the employment of those persons because of this Act.

(2) Subject to subsection (1)(b), the terms and conditions of any employment referred to in sub section (1) may be varied after the commencement of this Act.

(3) Nothing in this Act affects the pension rights under the Pensions Act of any person referred to in subsection (1).

Act 8

National Population Council Act

2014

SCHEDULE 1

Section 2, 28

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings

SCHEDULE 2*Section 7***MEETINGS OF THE COUNCIL AND RELATED MATTERS****1. Meetings of the Council**

(1) The Chairperson shall convene every meeting of the Council at times and places as the Council may determine, and the Council shall meet for the discharge of business at least once in every three months.

(2) The Chairperson 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 five members of the Council, and with the approval of the Minister.

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

(4) The Chairperson shall preside at every meeting of the Council and in his or her absence, the members present may appoint a member from among themselves to preside at the meeting.

2. Quorum

(1) The quorum for a meeting of the Council is two-thirds of the members.

(2) All decisions at a meeting of the Council shall be by 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 Secretary shall cause to be recorded and kept, minutes of all meetings of the Board 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 confirmed, shall be signed by the Chairperson and the Secretary in the presence of the members present at the latter meeting.

4. 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 a meeting 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 a right to vote at that meeting.

5. 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.

6. 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 Council, or in any other matter which falls to be considered by the Council, shall, as soon as the relevant facts come to his or her knowledge, 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 the 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.

7. Council may regulate its procedure

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

Cross References

Pensions Act, Cap. 286