

**ACTS SUPPLEMENT**

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**Act 16**

*Local Governments (Amendment) Act*

**2015**

THE LOCAL GOVERNMENTS (AMENDMENT) ACT, 2015.

ARRANGEMENT OF SECTIONS.

*Section*

1. Amendment of Cap 243.
2. Amendment of section 45 of the principal Act.
3. Amendment of section 47 of the principal Act.
4. Amendment of section 64 of the principal Act.
5. Amendment of section 65 of the principal Act.
6. Amendment of section 77 of the principal Act.
7. Amendment of section 82 of the principal Act.
8. Amendment of section 83 of the principal Act.
9. Amendment of section 90 of the principal Act.
10. Amendment of section 101A of the principal Act.
11. Amendment of section 101B of the principal Act.
12. Amendment of section 111 of the principal Act.
13. Amendment of section 113 of the principal Act.
14. Amendment of section 128 of the principal Act.
15. Amendment of section 129 of the principal Act.
16. Amendment of section 160B of the principal Act.
17. Repeal of section 168C of the principal Act.
18. Replacement of section 186 of the principal Act.

**THE LOCAL GOVERNMENTS (AMENDMENT) ACT, 2015.**

**An Act to amend the Local Governments Act to provide for the procedure of elections for administrative unit councils and committees; to harmonise and reconcile the provisions relating to public finance with the reforms made in public finance; and to provide for related matters.**

DATE OF ASSENT: 19th September, 2015.

*Date of Commencement:* 16th October, 2015.

BE IT ENACTED by Parliament as follows:

**1. Amendment of Cap 243.**

The Local Governments Act, in this Act referred to as the principal Act is amended in section 10(1) by substituting for paragraph (f), the following—

“(f) two older persons, a male and a female elected in accordance with the National Council for Older Persons Act, 2013;

(fa) two members representing workers, one of whom shall be a female elected in accordance with the Labour Unions Act, 2006.”

**2. Amendment of section 45 of the principal Act.**

Section 45 of the principal Act is amended in subsection (1) by substituting for paragraph (b) (iii), the following—

“(iii) the cell.”

**3. Amendment of section 47 of the principal Act.**

Section 47 of the principal Act is amended—

- (a) by inserting immediately after subsection (2), the following—

“(2a) The office of a member of the executive committee at the village or parish administrative unit shall become vacant where—

- (a) the appointment is revoked by the chairperson;
- (b) the member—
  - (i) resigns from office;
  - (ii) is disqualified from being a member of the council;
- (c) a new chairperson assumes office;
- (d) the council removes the member under subsection (4);
- (e) in subsection (5) by substituting for “returning officer”, the word “Magistrate”;
- (f) in subsection (6) by substituting for “returning officer”, the word “Magistrate”;
- (g) in subsection (7) by substituting for “returning officer”, the word “Magistrate”;
- (h) in subsection (8) by substituting for “returning officer”, the word “Magistrate”.

**4. Amendment of section 64 of the principal Act.**

Section 64 of the principal Act is amended—

- (a) by inserting immediately after subsection (1), the following—

“(1a) The chief administrative officer may transfer or post any employee of a local government within the district including an employee in a town council or town board as applicable.”; and

- (b) in subsection (3a), by inserting immediately after “respect of”, the words “all staff in the district including”.

**5. Amendment of section 65 of the principal Act.**

Section 65 of the principal Act is amended in subsection (1) by repealing the words “upon a request by the relevant urban council”.

**6. Amendment of section 77 of the principal Act.**

Section 77 of the principal Act is amended—

- (a) by substituting for subsection (5) the following—

“(5) A local Government budget for the ensuing financial year shall always take into account the approved Development Plan of that local government, the Charter for Fiscal Responsibility and the Budget Framework Paper for that year.”

- (b) by inserting immediately after subsection (5) the following—

“(6) The chairperson of a local government shall not later than the first day of April, cause to be prepared and laid before the council, the estimates of revenue and expenditure of the council for the next financial year.

(7) The council shall not later than the 31st day of May, consider and approve the budget and work plan of the council.

(8) The council may revise the development plan, where necessary, to harmonize it with the approved budget.

(9) The approved budget shall take effect on the 1st day of July in each year.”

**7. Amendment of section 82 of the principal Act.**

Section 82 of the principal Act is amended by repealing subsection (4).

**8. Amendment of section 83 of the principal Act.**

Section 83 of the principal Act is amended by inserting immediately after subsection 1 (c) the following—

- (d) Revenue from Royalties arising from petroleum production in accordance with Section. 75 of the Public Finance Management Act, 2015.

**9. Amendment of section 90 of the principal Act.**

Section 90 of the principal Act is amended by—

- (a) inserting immediately after subsection (1), the following—

“(1a) The internal audit department shall be responsible for—

- (a) appraising the soundness and application of the accounting, functional and operational controls of the council;
  - (b) evaluating the effectiveness of the risk management processes of the council;
  - (c) providing assurance on the efficiency and effectiveness of the economy in the administration of programmes and operations of the council.”
- (b) in subsection (2), by substituting for the word, “council”, the word “speaker”.

**10. Amendment of section 101A of the principal Act.**

Section 101A of the principal Act is amended in subsection (1) by repealing paragraph (d).

**11. Amendment of section 101B of the principal Act.**

Section 101B is amended by repealing subsection (a).

**12. Amendment of section 111 of the principal Act.**

Section 111 of the principal Act is amended—

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

“(1) Except for the village or cell council and parish or ward council, the election of the chairperson shall be by universal adult suffrage through a secret ballot using one ballot box for all candidates at each polling station.”;

(b) by inserting immediately after subsection (1), the following—

“(2) Election of village or cell council and parish or ward council chairperson shall be by the electorate lining behind the candidates nominated for the office, their representatives, portraits or symbols.”

**13. Amendment of section 113 of the principal Act.**

Section 113 of the principal Act is amended by substituting for subsection (1), the following—

“(1) Where, after the close of nominations and before the closing of polls, a candidate dies, the returning officer shall fix another nomination day giving reasonable time to another candidate, if any, to be nominated.”

**14. Amendment of section 128 of the principal Act.**

Section 128 of the principal Act is amended—

- (a) in subsection (5)(e), by substitution for “dipped into”, the words “marked with”;
- (a) in subsection (7) (c) by substituting for the words “dip the tip of any hand into”, with the words, “mark the tip of any hand with”.

**15. Amendment of section 129 of the principal Act.**

Section 129 of the principal Act is amended by inserting immediately after subsection (2), the following—

“(2a) A person shall not assist more than two voters to vote under this section.”

**16. Amendment of section 160B of the principal Act.**

Section 160B of the principal Act is amended by repealing subsection (3).

**17. Repeal of section 168C of the principal Act.**

The principal Act is amended by repealing section 168C.

**18. Replacement of section 186 of the principal Act.**

For section 186 of the principal Act there is substituted the following—

**“186. Term of office of interim council.**

(1) An interim council shall exercise the powers conferred upon it until elections are held under Part X of this Act.

(2) Councillors of a new local government unit holding office under this Part, shall hold office for the unexpired term of the local government council.”