

ACTS

SUPPLEMENT No. 8

20th October, 2003.

ACTS SUPPLEMENT

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Act 14 *National Council for Disability Act* **2003**

THE NATIONAL COUNCIL FOR DISABILITY ACT, 2003.

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THE NATIONAL COUNCIL FOR DISABILITY ACT, 2003.

An Act to provide for the establishment of a National Council for Disability, its composition, functions and administration for the promotion of the rights of persons with disabilities set out in international conventions and legal instruments, the Constitution and other laws, and for other connected matters.

DATE OF ASSENT: 10th September, 2003.

Date of commencement: 20th October, 2003.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.

1. Short title

This Act may be cited as the National Council for Disability Act, 2003.

2. Interpretation

In this Act; unless the context otherwise states—

“coping with disability” means being able to adopt to the limitations resulting from disability and the social, physical, political and economic environment;

“Council” means the National Council for Disability established by section 3 of this Act;

“disability” means substantial functional limitation of daily life activities of an individual caused by physical, sensory or mental impairment and environmental barriers;

“equalisation of opportunities” means the process through which the various systems of society and the environment, such as services, activities, information and documentation, are made available to all, particularly to persons with disabilities without bias;

“lower Councils for disability” includes district, city, municipal, city divisions, municipal divisions, town and sub-county councils for disability;

“Minister” means the Minister responsible for disability affairs;

“NGO” means Non-Governmental Organisation;

“Secretariat” means the Secretariat established under section 13 of this Act;

“service providers” means any person or organisation rendering services or providing goods to persons with disabilities;

“Standard Rules on the Equalisation of Opportunities for persons with disabilities” means The United Nations vision on how services can be extended to persons with a disability adopted by the United Nations General Assembly at its 48th session on 20th December, 1993 in its resolution 48/96.

PART II—ESTABLISHMENT, FUNCTIONS AND COMPOSITION OF THE COUNCIL.

3. Establishment of Council

(1) There is established a Council to be known as the National Council for Disability.

(2) The Council shall be a body corporate with perpetual succession, a common seal and may sue or be sued in its corporate name.

(3) The Council may, for and in connection with its objectives and functions under this Act, purchase, hold, manage and dispose of any property, whether movable or immovable, and may enter into any contract and any other transaction as may be expedient, and may do any act or thing that is lawfully done by a body corporate.

4. Seal of the Council

(1) The seal of the Council shall be kept under the custody of the Executive Secretary and shall be authenticated by the signature of the Chairperson of the Council and the Executive Secretary.

(2) A document purporting to be an instrument issued with the seal of the Council and authenticated in the manner provided under subsection (1) shall be deemed to be a document of the Council and shall be admissible in evidence without further proof, except where the contrary is shown.

5. Objectives of the Council

The objectives of the Council are—

- (a) to promote the implementation and the equalisation of opportunities for persons with disabilities;
- (b) to monitor and evaluate the impact of policies and programmes designed for equality and full participation of persons with disabilities;
- (c) to advocate for and promote effective service delivery and collaboration between service providers and persons with disability;
- (d) to advocate for the enactment of laws and the reviewing of existing laws with a view to complying with the equalisation of opportunities as stipulated in the United Nations Standard Rules on the Equalisation of Opportunities for persons with disabilities, the Constitution and other laws and international legal instruments.

6. Functions of the Council

(1) The functions of the Council are—

- (a) to act as a body at a national level through which the needs, problems, concerns potentials and abilities of persons with disabilities can be communicated to Government and its agencies for action;
- (b) to monitor and evaluate the extent to which Government, NGOs and the private sector include and meet the needs of persons with disabilities in their planning and service delivery;

- (c) to act as a co-ordinating body between Government departments, other service providers and persons with disabilities;
- (d) to solicit for and acquire funds and other resources from Government and donors for use in the performance of the Council's functions;
- (e) to advocate for the promotion of and encourage activities undertaken by institutions, organisations and individuals for the promotion and development of programmes and projects designed to improve the lives and situation of persons with disabilities;
- (f) to carry out or commission surveys and investigations in matters or incidents relating—
 - (i) to violation of rights of persons with disabilities,
 - (ii) non-compliance with programmes, policies or laws relating to disabilities;
 and take appropriate action in relation thereto or refer the matter to the relevant authority;
- (g) to hold annual general meetings of representative from lower councils for persons with disabilities for the purposes of reviewing the Council's performance and also plan for the subsequent year;
- (h) to consider and recommend ways and means of controlling the unnecessary increase of disability in Uganda;
- (i) to assist the Electoral Commission to ensure the conducting of free and fair elections of representatives of persons with disabilities to Parliament and Local Government Councils;
- (j) to identify and give guidelines to organisations working for persons with disabilities; and
- (k) to perform any other functions relating to the above as the Minister may determine.

(2) For the purpose of carrying out its function under paragraph (f) of subsection(1) the Council shall have powers to call witnesses and demand the production of documents that it may require.

7. Composition of the Council

(1) The Council shall be composed of the following members to be appointed by the Minister—

- (a) one representative of the following Ministries in charge of issues relating to disabilities as *ex-officio* members—
 - (i) Ministry responsible for local governments;
 - (ii) Ministry responsible for finance, planning and economic development;

- (iii) Ministry responsible for health;
- (iv) Ministry responsible for education and sports;
- (v) Ministry responsible for gender, labour and social development;
- (vi) Ministry responsible for public service;
- (vii) Ministry responsible for justice and constitutional affairs;
- (viii) Ministry responsible for works, housing and communication;

- (b) two persons with disabilities, male and female from each region nominated by the National Organisations of persons with disabilities and approved by the Minister;
- (c) one parent of a child with disabilities appointed by the Minister in consultation with the national organisations of persons with disabilities;
- (d) one professional and experienced person in the field of disability, appointed by the Minister in consultation with national organisations of persons with disabilities;
- (e) one representative of the youths with disabilities appointed by the Minister in consultation with the National Organisations of persons with disabilities;
- (f) one representative of the Federation of Uganda Employers appointed by the Minister in consultation with the Federation;
- (g) one representative of Non-Governmental Organisations working with persons with disabilities appointed by the Minister in consultation with the National Organisations of persons with disabilities;
- (h) one Member of Parliament representing persons with disabilities elected by the Members of Parliament representing persons with disabilities.

(2) For the purpose of paragraph (b) regions are the traditional regions, Eastern, Western, Northern and Southern or Central regions.

(3) The Council may co-opt not more than three persons at a time who are knowledgeable in disability issues and committed to the disability movement as and when it deems necessary.

(4) At least one third of the members of the Council shall be female.

8. Tenure of office of members of Council

A member of the Council shall hold office for a period of four years and is eligible for re-appointment for one more term.

9. Chairperson of the Council

(1) The Council shall elect the Chairperson and the Vice-Chairperson of the Council from Members of the Council who are persons with disabilities, taking into consideration gender balance.

(2) The Chairperson shall hold office for four years and is eligible for reappointment for one more term only.

(3) The Chairperson—

(a) may resign his or her office as Chairperson by notice in writing addressed to the Minister;

(b) may be removed by the Minister from office as Chairperson if requested to do so by a resolution of the Council supported by not less than two-thirds of the members of the Council;

(4) Any member of the Council may be removed by the Minister for—

(a) misbehaviour; or

(b) proven inability to perform the functions of his or her office by reason of infirmity of mind or body or for any other sufficient cause.

(5) A person shall not be removed from office under paragraph (b) of subsection (4) unless the Council in consultations with the Medical Board certifies that the person is unable to perform the functions of his or her office.

10. Remuneration of members

A member of the Council, and any person co-opted to any meeting of the Council, may be paid such remuneration or allowances and at such rate as the Minister may determine after consultation with the Minister responsible for finance.

11. Meetings of the Council

The provisions of the Schedule to this Act shall have effect with regard to meetings of the Council.

12. Committees of the Council

(1) The Council may establish such other committees as it may deem necessary for the efficient performance of its functions under this Act.

(2) The Council may prescribe the procedure for meetings of its committees.

(3) The Council may delegate any of its functions to any of the committees as it may consider fit and subject to such conditions as it may determine.

PART III—THE SECRETARIAT.

13. Secretariat and Secretary General

(1) The Council shall have a Secretariat headed by an Executive Secretary who shall be appointed by the Minister on the advice of the Council.

(2) Subject to the provisions of this Act, the Executive Secretary shall hold office on a full-time basis for three years subject to renewal and on such terms and conditions as shall be specified in the instrument of his or her appointment.

(3) The Executive Secretary may resign office in writing addressed to the Minister through the Council, not less than one month before he or she intends to resign office.

(4) The Minister may, on the advice of the Council and after giving him or her one month's notice in writing, remove the Executive Secretary from office for misbehaviour or inability to perform the functions of his or her office.

(5) Notwithstanding the provisions of subsection (3), the Executive Secretary shall not be removed from office under this section for inability to perform the functions of his or her office as result of infirmity of body or mind unless the Council, in consultation with the Medical Board, certifies that he or she is unable to perform the functions of his or her office.

14. Functions of Secretary General

(1) The Executive Secretary shall be the Chief Executive and accounting officer of the Council.

(2) Subject to the general control of the Council, the Executive Secretary shall—

(a) be the secretary at any meeting of the Council and shall keep a record of the minutes of the meetings; and

(b) perform such other functions as may be assigned to him or her by the Council.

(3) In the absence of the Executive Secretary, the Council may designate the next senior qualified officer of the Secretariat to act as Executive Secretary and in the event of continued absence without justifiable cause, the position shall be filled within two months from the date the Executive Secretary was last in office.

15. Remuneration of Secretary General and other staff

The Council shall pay to the Executive Secretary and other staff such remuneration and allowances as it deems reasonable and shall grant pension or retirement benefits or gratuity to them at such rates as the Council shall determine after consultation with the Minister responsible for finance and the Minister responsible for public service.

16. Other Staff

(1) The Council shall have such other officers and employees in the Secretariat as the Council may with the approval of the Minister, determine.

(2) The terms and conditions of service of the Executive Secretary, officers and employees of the Council shall be determined by the Council and approved by the Minister.

17. Experts and consultants

(1) The Council may, acting on the advice of the Executive Secretary, engage the services of experts and consultants when necessary.

(2) The experts and consultants engaged under this section may be paid fees and allowances and granted such facilities as may be determined by the Council.

PART IV—LOWER COUNCILS FOR DISABILITY.

18. District Council for Disability

(1) The Chairperson of a District or City Local Government Council shall appoint members of the District or City Council for Disability to serve for a period of three years.

(2) The District or City Council for Disability shall consist of—

- (a) the District Rehabilitation Officer as an *ex-officio* member;
- (b) the District finance Officer as an *ex-official* members;
- (c) the District Education Officer as an *ex-officio* member;
- (d) the Director of Health Services as an *ex-officio* member;
- (e) the two district councillors for disability as *ex-officio* members;
- (f) two other persons with disabilities appointed in consultation with the organisation of persons with disabilities in the district or city and one of whom shall be a woman;
- (g) one representative of the parents of children with disabilities appointed in consultation with the organisations of persons with disabilities in the district or city;
- (h) one representative of Non-Governmental Organisations working with persons with disabilities in the district or city;
- (i) the Chairperson of the District Committee responsible for disability affairs or Social Services at the Local Council as an *ex-officio* member;
- (j) one representative of youth with disabilities, on the District or city youth council;
- (k) one person of proven integrity with knowledge in disability who is involved in the promotion and advancement of the disability matters

appointed in consultation with organisations of persons with disabilities in the district or city.

(3) The District or City Council for Disability shall elect the Chairperson and the Vice Chairperson from Members of the Council who are persons with disabilities taking into consideration gender balance.

19. Functions of District Council for Disability

The functions of the District Council for Disability are—

- (a) to coordinate and monitor the implementation of policies and programmes for persons with disabilities in the District;
- (b) to promote and advocate for the integration of services for person with disabilities in the District Plans of Action;
- (c) to advocate for the implementation of national policies on disability in the District or City;
- (d) to submit reports on the situation of persons with disabilities in the District or City Local Government Council and to the National Council for Disability twice a year,
- (e) to inquire into any matter that violates the rights of persons with disabilities and non-compliance with laws, regulations, policies or programs relating to disability and recommend appropriate action to the relevant body at the District or City level, if appropriate or to the National Council; and
- (f) to perform any other function that may enhance the wellbeing of persons with disabilities in the District or city.

20. District or City Secretariat and staff

(1) A District or City Council for Disabilities shall have a Secretariat which shall plan, coordinate and generally assist the Council in carrying out the functions and day-to-day operations of the Councils.

(2) The Secretariat shall be headed by an Executive Secretary who shall be appointed by the District Chief Administrative Officer on the recommendation of the District Service Commission.

(3) The Secretariat shall have such other officers and employees as may be determined by the Council and approved by the District or City Chairperson who shall be appointed by the Chief Administrative Officer on the recommendation of the District Service Commission.

21. Sub-County Council for Disability

(1) The Chairperson of a Municipal, City Division, Municipal Division, Town or Sub-county local Council shall appoint members to the Municipal, City Division,

Municipal Division, Town or Sub-county Council for Disability as the case may be, who shall serve for a period of three years.

(2) The Municipal, City Division, Municipal Division, Town or Sub-county Council for Disability shall consist of—

- (a) the Community Development Officer responsible for disability, who shall be the Secretary;
- (b) two Councillors for disability at that level, who shall be *ex-officio*;
- (c) one person of proven integrity and commitment to the disability matters;
- (d) one parent of a child with disability;
- (e) Inspector of Schools as an *ex-officio* member;
- (f) an officer in charge of health services at that level as an *ex-officio* member;
- (g) a representative of non-governmental organisations if any, appointed in consultation with organisations of persons with disabilities at that level;
- (h) two other persons with disabilities appointed in consultation with organisations of persons with disabilities at that level and one of whom shall be a woman.

(3) The Municipal, City Division, Municipal Division, Town or Sub-county Council shall elect their Chairperson and Vice-Chairperson from members who are persons with disabilities taking into consideration gender balance.

22. Functions of Sub-County Council for Disability

The functions of a Municipal, City Division, Municipal Division, Town or Sub-county Council for Disability are—

- (a) to coordinate and monitor the implementation of policies and programmes for persons with disabilities in the Sub-county;
- (b) to promote and advocate for the integration of services for persons with disabilities in the Sub-county Plan of Action;
- (c) to advocate for the implementation of District and national policies on disability;
- (d) to submit reports on the situation of persons with disabilities in the Sub-county to the District Council for Disability twice a year;
- (e) to perform any other function that will enhance the wellbeing of persons with disabilities in the Sub-county;
- (f) inquire into any matter that violates the rights of persons with disabilities and non-compliance with laws, regulations, policies or programs relating to disability and recommend appropriate action to the District or City Council for Disability for relevant action; and

(g) to submit in a year; reports to the District or City Council for Disability every after six months.

(2) The members of the Municipal, City Division, Municipal Division, Town and Sub-county Council for Disability shall elect from among the members of the Council having disabilities a Chairperson and a vice Chairperson taking into consideration gender balance.

23. Remuneration of members of District and Sub-County Councils for Disability

(1) Members of the Lower Councils for Disability and persons co-opted to any meeting of the Councils may be paid such remuneration or allowances at such rates as the District Council or Sub-county Council may determine in accordance with Local Government Financial Regulations.

(2) A lower Council for Disability may invite relevant technical personnel to any of its meeting for technical advice and may be paid such remuneration or allowances at such rates as the relevant local government councils may determine in accordance with Local Government Financial Regulations.

24. Meetings of District and Sub-County Councils for Disability

(1) The lower Councils for Disability shall each meet at least once in four months for the discharge of their functions.

(2) The lower Councils for Disability shall each determine the procedure for its meetings.

PART V—FINANCIAL PROVISIONS.

25. Funds of the Council

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

- (a) grants from the Government;
- (b) loans from Government or from any person or organisation within or outside Uganda;
- (c) any sums that may become payable to the Council in the discharge of its functions under this Act; and
- (d) grants, gifts and donations that may be received by the Council from any source within or outside Uganda.

(2) All income and moneys of the Council shall be deposited to the credit of the Council in a bank approved by the Minister and shall not be withdrawn except with the approval of, and in the manner determined by the Council.

26. Borrowing powers

(1) The Council may, with the prior approval of the Minister and after consultation with the Minister responsible for finance, borrow by way of overdraft or otherwise from a bank or any other source, such sums as may be necessary for meeting the obligations of the Council.

(2) The Council may, with the prior approval of the Minister for the purpose of any borrowing under sub-section (1) mortgage, pledge or, charge any asset or property of the Council.

27. Estimates of income and expenditure

(1) The Council shall within three months before the end of each financial year, cause to be prepared and submitted to the Minister for submission to the Minister responsible for finance for his or her approval, estimates of the income and expenditure of the Council for that financial year.

(2) No expenditure shall be made out of the funds of the Council unless the expenditure has been approved by the Minister.

28. Financial year of the Council

The financial year of the Council shall be, in respect of the first accounting period, the period starting from the date of the commencement of this Act and ending on the 30th day of June the following year, and in respect of any subsequent accounting period, the period of twelve months ending on the 30th June.

29. Accounts

(1) The Council shall keep proper books of accounts of all its income and expenditure and proper records in relation to them.

(2) Subject to any directions that may be given by the Minister responsible for finance, the Council shall cause to be prepared a report on the performance of the Council during the financial year comprising—

(a) a balance sheet, a statement of income and expenditure and a statement of surplus and deficit; and

(b) any other information in respect of the financial affairs of the Council as the Minister responsible for finance may require.

30. Audit

(1) The accounts of the Council shall, in respect of each financial year, be audited by the Auditor General or by an auditor appointed by him or her.

(2) The Council shall ensure that within four months after the expiry of each financial year, a statement of accounts described in section 29 is submitted to the Auditor-General for auditing.

(3) The Auditor-General and any auditor appointed by him or her shall have access to all books of accounts, vouchers and other financial records of the Council and shall be entitled to have any information and explanation required by him or her in relation to the above documents as he or she may deem fit.

(4) The Auditor-General shall, within two months after receipt of the statement of accounts under subsection (2), audit the accounts and deliver to the Council a copy of the audited accounts together with his or her report on them, stating any matter which in his or her opinion should be brought to the attention of the Minister.

(5) The Auditor-General shall also deliver to the Minister a copy of the audited accounts together with his or her report on them.

31. Investment of funds

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

PART VI—MISCELLANEOUS.

32. Protection of members of the Council and staff from civil action

A member of the Council or an employee of the Council acting on its behalf shall not be personally liable for any act done by him or her in good faith for the purpose of carrying into effect the provisions of this Act.

33. Progress Report of the Council

(1) The Council shall, within three months after the end of each financial year, submit to the Minister a report on the activities of the Council in respect of that financial year and the report shall include its achievements during that financial year and its future plans.

(2) The Council shall submit the same report to Parliament for discussion.

34. Regulations

The Minister may, after consultation with the Council, by statutory instrument, make regulations for the better carrying into effect the provisions of this Act.

35. Minister's power to amend Schedule.

Schedule

The Minister may on the recommendation of the Council by statutory instrument amend the Schedule to this Act.

SCHEDULE.

MEETINGS OF THE COUNCIL

(SECTION 11).

1. Meeting of the Council

(1) The Chairperson shall convene every meeting of the Council.

(2) The Council shall meet for the transaction of its business at times and places that may be decided upon by the Council but shall meet at least once every three months.

(3) The Chairperson or, in the absence of the Chairperson, the Vice-Chairperson and in the absence of both a member elected by the Council to act as Chairperson may, at any

time, call a special meeting of the Council or call a special meeting upon a written request by a majority of the members of the Council.

(4) The Chairperson shall preside at all meetings of the Council and in his or her absence the Vice Chairperson shall preside and in the absence of both, the members present may elect a member from among themselves to preside at that meeting.

(5) The Council may co-opt any person who is not a member to attend any of its meetings as an advisor or consultant and that person may speak at the meeting on any matter in relation to which his or her advice is sought but shall not have the right to vote on any matter coming for decision before the meeting.

2. Quorum.

The quorum at a meeting of the Council shall be six members.

3. Decisions of the Council.

Questions proposed at meetings of the Council shall be by consensus and where consensus is not possible by a simple majority and in the event of an equality of votes, the person presiding shall have a casting vote in addition to his or her deliberative vote.

4. Disclosure

(1) A member of the Council who has pecuniary interest in a matter being considered by the Council shall, as soon as possible after relevant facts have come to his or her knowledge, disclose the nature of his or her interest to the Council.

(2) A disclosure of interest under subparagraph (1) shall be recorded in the minutes of the meeting of the Council and the member making the disclosure shall not, unless the Council otherwise determines in respect of that matter—

(a) be present during any deliberation on the matter by the Council;

(b) take part in the voting on the decision by the Council on the matter.

(3) For the purpose of the making of a decision by the Council under subparagraph (1), the member who has made the disclosure shall not—

(a) be present during the deliberations of the Council for the making of the decision;

(b) influence any other member or take part in the making of the decision by the Council.

5. Minutes of proceedings

(1) The Council shall cause the minutes of the proceedings of its meeting to be recorded and kept and the minutes of each meeting shall be approved by the Council at the next meeting and shall be signed by the Chairperson of the meeting.

(2) The Chairperson of the Council shall submit to the Minister a copy of the minutes of each meeting of the Council as soon as the minutes have been approved.

6. Council to regulate proceedings.

Subject to the provisions of this Schedule, the Council may regulate its own proceedings.