

ACTS SUPPLEMENT

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Act 2 National Council for Older Persons Act 2013

THE NATIONAL COUNCIL FOR OLDER PERSONS ACT, 2013.

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THE NATIONAL COUNCIL FOR OLDER PERSONS ACT, 2013

An Act to provide for the establishment of the National Council for Older Persons; to provide for the objects, composition and functions of the national council; to provide for a Secretariat of the national council and the executive secretary and other staff; to provide for lower councils for older persons; to provide for election of representatives of older persons; to provide for financial provisions of the national council and to provide for other related matters;

WHEREAS Objective VII of the National Objectives and Directive Principles of State Policy requires that the State shall make reasonable provision for the welfare and maintenance of the aged;

AND WHEREAS article 32 of the Constitution provides that the State shall take affirmative action in favour of marginalized groups on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which exist against them.

DATE OF ASSENT: 11th November, 2012.

Date of Commencement: 8th February, 2013.

NOW THEREFORE BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY**1. Interpretation.**

In this Act, unless the context otherwise requires—

“Executive Secretary” means the Executive Secretary appointed under section 11;

“gender” means socially constructed or determined roles and responsibilities of men and women, girls and boys in a given culture that are learned and changeable over time and location specific;

“geriatrician” means a doctor who specialises in the care and treatment of old people who are ill;

“lower council for older persons” includes district or city, municipal, city divisions, municipal divisions, town and subcounty councils for older persons;

“Minister” means the Minister responsible for older persons’ affairs;

“national council” means the National Council for Older Persons’ established by section 2;

“NGO” means a Non-Governmental Organisation;

“older person” means a person aged sixty years and above;

“region” means the East, West, North and Central;

“secretariat” means the secretariat established under section 11;

“service provider” means a person or organisation rendering services or providing goods to older persons;

“social gerontologist” means a person who studies old age and the process of ageing.

PART II—THE NATIONAL COUNCIL

2. Establishment of the national council.

(1) There is established a national council to be known as the National Council for Older Persons.

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

(3) The national council may, for and in connection with its objects 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 transactions as may be expedient, and may do any act or thing that is lawfully done by a body corporate.

3. Seal of the national council.

(1) The seal of the national council shall be kept under the custody of the Executive Secretary and shall be authenticated by the signature of the chairperson of the national 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 described under subsection (1) shall be taken to be a document of the national council and is admissible in evidence without proof, except where the contrary is shown.

4. Objects of the national council.

The objects of the national council are—

- (a) to act as a coordinating body between Government departments, other service providers and older persons;
- (b) to provide a structure through which free and fair elections of representatives of older persons will be conducted at any level of local governments;
- (c) to set standards and regulations to guide Government, civil society organisations and private sector on the quality of services provided to older persons with a view to redressing any bottlenecks encountered;

- (d) to act as a platform for older persons and stakeholders to meet regularly at least once in a year to review the performance of the national council;
- (e) to monitor and evaluate the extent to which Government, civil society, organisations and the private sector meet the needs of older persons in planning and implementing programmes designed for equality and full participation of Older Persons.

5. Composition of the national council.

(1) The national council shall be composed of the following members—

- (a) two older persons, male and female from each region elected by the district executive committees of older persons;
- (b) one representative of Non-Governmental Organisations working with older persons appointed by the Minister in consultation with the National Network for Organisation of Older Persons;
- (c) one geriatrician experienced in managing diseases of older persons, appointed by the Minister in consultation with the National Network for Organisations of Older Persons;
- (d) one social gerontologist, experienced in managing social-economic aspects of older persons appointed by the Minister in consultation with the National Network for Organisation of Older Persons;
- (e) one representative from the following government Ministries, as ex-officio members—
 - (i) Ministry responsible for gender, labour and social development;
 - (ii) Ministry responsible for health;

- (iii) Ministry responsible for public service;
- (iv) Ministry responsible for finance, planning and economic development; and
- (v) Ministry responsible for local government.

(2) At least one third of the members of the national council shall be female.

(3) The national council shall elect a chairperson and a vice chairperson from among its members taking into consideration gender balance.

6. Functions of national council.

- (1) The functions of the national council are—
 - (a) to act as a body at national level through which the needs, problems, concerns, potentials and abilities of older persons can be communicated to government and its agencies.
 - (b) to monitor and evaluate the extent to which Government, NGOs and the private sector include and meet the needs of older persons in their planning and service delivery.
 - (c) to act as a co-coordinating body between Government departments, other service providers and older persons.
 - (d) to solicit for and acquire funds and other resources from Government and development partners for use in the performance of the national council's functions.
 - (e) to advocate for the promotion of and encourage activities and individuals for the promotion and development of programmes and projects designed to improve the lives and situation of older persons.

- (f) to carry out or commission surveys and investigations in matters or incidents relating—
 - (i) to violation of rights of older persons;
 - (ii) to non-compliance with policies, programmes; and

to take appropriate action in relation to the surveys and investigation or refer the matter to the relevant authority.

- (g) to hold annual general meetings of representatives from district councils for older persons for the purpose of reviewing the council's performance and plan for the subsequent year.
- (h) to assist the Electoral Commission to ensure the conducting of free and fair elections of representatives of older persons to the respective local government councils.
- (i) to perform any other function relating to the foregoing or conducive or incidental to the carrying out of the objects of the national council as the Minister may determine.

7. Tenure of office of members of the national council.

(1) A member of the national council shall hold office for five years and is eligible for reappointment for only one more term.

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

(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 national council supported by not less than two thirds of the members of the national council.

(4) A member of the national council may be removed by the Minister for—

- (a) misbehaviour;
- (b) incompetence;
- (c) proven inability to perform the functions of his or her office by reason of infirmity of mind or body; or
- (d) for any other reasonable cause.

(5) A person shall not be removed from office under subsection (4)(c) as a result of infirmity of mind or body, unless a Medical Board established by the professional head of the health services in Uganda certifies that the person is unable to perform the functions of his or her office.

8. Committees of national council.

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

(2) The national council may delegate any of its functions to any of the committees as it may deem fit and subject to such conditions as it may determine.

9. Meetings of the national council.

(1) The provisions of the First Schedule to this Act shall have effect with regard to meetings of the national council.

(2) The national council may prescribe the procedure of its committees.

10. Remuneration of members.

A member of the national council and any person co-opted to any meeting of the national council may be paid such remuneration or allowances and at such rate as the Minister responsible for gender, labour and social development may in consultation with the Minister responsible for finance, planning and economic development determine.

PART III—THE SECRETARIAT

11. Secretariat.

The national council shall have a secretariat headed by the Executive Secretary.

12. Executive Secretary.

(1) The national council shall have an Executive Secretary appointed by the Minister on the advice of the national council.

(2) Subject to the provisions of this Act the Executive Secretary shall hold office for five years on a full time basis 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 from office by notice in writing addressed to the Minister through the national council, not more than one month before resignation.

(4) The Minister may on the advice of the National Council after giving him or her one month's notice in writing, remove the Executive Secretary from office for misbehavior or incompetence or may remove the Executive Secretary for inability to perform the functions of his or her office as a result of infirmity of mind or body.

(5) Notwithstanding subsection (4) the Executive Secretary shall not be removed from office under this section for inability to perform the functions of his or her office as a result of infirmity of body or mind unless a Medical Board appointed by the head of the health service of Uganda certifies that he or she is unable to perform the functions of his or her office.

(6) The terms and conditions of service of the Executive Secretary, shall be determined by the national council with the approval of the Minister.

(7) The national council shall pay to the Executive Secretary such remuneration and allowances as it deems reasonable and shall grant pension or retirement benefits or gratuity to the Executive Secretary at such rate as the national council shall determine after consultation with the Minister, the Minister responsible for finance and the Minister responsible for public service.

13. Functions of the Executive Secretary.

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

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

- (a) act as secretary at the meetings of the national council and shall keep a record of the minutes of the meetings;
- (b) exercise control over the other staff of the national council and be responsible for giving effect to the decisions of the national council; and
- (c) perform such other functions as may be assigned to him or her by the national council.

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

14. Other staff of the national council.

(1) The national council shall employ such other officers and employees in the Secretariat as the national council may with the approval of the Minister determine.

(2) The terms and conditions of service of officers and employees of the national council other than the Executive Secretary shall be determined by the national council and approved by the Minister.

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

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

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

PART IV—LOWER COUNCILS FOR OLDER PERSONS

15. District or city council for older persons.

There shall be a district or city council for older persons in every district or city.

16. Composition.

(1) A district or city council for older persons shall be composed of the following members—

- (a) five older persons (Executive Committee members at the district level) at least two of whom shall be older women;
- (b) two councillors of older persons (male and female) to the district or city council as *ex-officio members*;
- (c) one representative of non-governmental organisations working with older persons in the district or city;

- (d) one older person of proven integrity involved in the promotion and advancement of the older persons matters appointed by the District Chairperson in consultation with organisations of older persons in the district or city;
 - (e) the Chairperson of the Committee responsible for older persons' affairs at the district or city local government council as an *ex-officio member*;
 - (f) the District Community Development officer as an *ex-officio member*;
 - (g) the District Director of Health Services as an *ex-officio member*.
- (2) The district or city council for older persons shall elect its chairperson and vice chairperson from among its members taking into consideration gender balance.

17. Functions of the district or city council for older persons.

The functions of the district or city council for older persons are—

- (a) to coordinate and monitor the implementation of policies and programmes for older persons in the district or city;
- (b) to promote and advocate for the integration of services for older persons within the district or city plans;
- (c) to advocate for the implementation of national policies on older persons in the district or city;
- (d) to submit reports on the situation of older persons in the district or city local government council and to the national council twice a year;

- (e) to inquire into any matter that violates the rights of older persons and non-compliance with the law, regulations, policies or programmes relating to older persons and to recommend appropriate action to the relevant authority at the district or city level or to the national council; and
- (f) to perform any other function that may enhance the well-being of older persons in the district or city.

18. Secretariat of district or city council for older persons.

(1) A district or city council for older persons 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 council.

(2) The District Community Development Officer shall provide the secretariat.

19. A municipality, city division, town or subcounty council for older persons.

There shall be a municipality, city division, town or subcounty council for older persons for every municipality, city division, town or subcounty.

20. Composition of municipality, city division, town or subcounty council for older persons.

(1) A municipality, city division, town or subcounty council for older persons shall be composed of the following members—

- (a) five older persons (Executive Committee members at that level) a third of whom shall be older women;
- (b) two councillors for older persons (male and female) to the town or subcounty, municipal and city division local councils as *ex-officio members*;

- (c) one representative of Non-Governmental Organisations or community based organisations working with older persons at that level;
- (d) one older person of proven integrity and commitment to the matters of older persons appointed by the subcounty or town local council chairpersons;
- (e) the Chairperson of the committee responsible for older persons' affairs at the subcounty or town, municipality or city division local council as an *ex-officio member*;
- (f) the Community Development officer as an *ex-officio member*;
- (g) the Medical officer as an *ex-officio member*.

(2) The municipality, city division, subcounty or town council for older persons shall elect its chairperson and vice chairperson from amongst its members taking into consideration gender balance.

(3) The Community Development Officer shall provide the Secretariat.

21. Functions of a municipality, city division, subcounty or town council for older persons.

The functions of the municipality, city division, subcounty or town council for older persons are—

- (a) to coordinate and monitor the implementation of policies and programmes for older persons at that level;
- (b) to promote and advocate for the integration of services for older persons within the municipal, city division, subcounty or town council plans;
- (c) to advocate for the implementation of national policies on older persons at that level;

- (d) to submit reports on the situation of older persons in the municipal, city division, subcounty or town local government council and to the district council for older persons twice a year;
- (e) to inquire into any matter that violates the rights of older persons and non-compliance with the law, regulations, policies or programmes relating to older persons and to recommend appropriate action to the relevant body at the district or city level; and
- (f) to perform any other function that may enhance the well-being of older persons at that level.

22. Remuneration of members.

Members of the municipality, city division, subcounty or town council for older persons and persons co-opted to any meeting of the councils may be paid such remuneration or allowances at such rates as the municipality, city division, subcounty or town council may determine in accordance with local government financial regulations.

23. Meetings of the council of the municipality, city division, town or subcounty council for older persons.

A council for municipality, city division, subcounty or town council for older persons—

- (a) shall meet at least once in three months for the discharge of its functions;
- (b) shall determine the procedure at its meetings.

24. Parish or ward and village council for older persons.

There shall be a council for older persons at every parish or ward and village.

25. Composition of parish or ward and village council for older persons.

(1) A parish or ward council for older persons shall be composed of the five executive committee members from each village council for older persons within the parish or ward.

(2) A village council for older persons shall be composed of all older persons within the village who are willing to be members.

(3) A member of the council shall hold office for a period of five years and is eligible for re-appointment for one more term.

(4) The parish or ward and village councils for older persons shall elect its chairperson and vice chairperson from among members of the council who are older persons taking into consideration gender balance.

26. Functions of the parish or ward and village council for older persons.

The functions of the parish or ward and village council for older persons shall be to—

- (a) draw the attention of the local council at parish or ward level and local council at village level on matters that concern older persons;
- (b) mobilize older persons to participate in socio economic activities and civic education;
- (c) advocate and raise awareness among its community on the rights of older persons;
- (d) monitor and evaluate the delivery of services for older persons within its area of jurisdiction;
- (e) to carry out any other function that may be assigned to it by a higher council for older persons.

27. Functions of the Executive Committees for older persons at parish or ward and village level.

The executive committee of older persons at parish or ward and village level shall oversee the implementation of decisions made by its council and shall—

- (a) advocate for the rights of older persons;
- (b) initiate and participate in self-help income generating projects that benefit older persons;
- (c) serve as a communication channel between the parish and village local councils and older persons within its jurisdiction;
- (d) monitor and report regularly on matters concerning older persons to their respective councils and the parish or ward and village local councils;
- (e) participate in planning and prioritizing programs for older persons;
- (f) carry out other functions which may be assigned to it by the respective council;
- (g) at village level, identify and collect data on older persons within its area of jurisdiction

PART V—ELECTION OF REPRESENTATIVES OF OLDER PERSONS**28. Elections of representatives of older persons.**

(1) Election of representatives of older persons at all local government levels shall use the electoral structure prescribed in the Second Schedule to this Act.

(2) In forming the electoral colleges referred to in the Second Schedule, gender balance shall be considered.

(3) The Electoral Commission shall facilitate the formation of the electoral colleges at different levels of local government.

(4) The Electoral Commission shall appoint returning officers and presiding officers for the purpose of conducting elections of representatives of older persons.

(5) An older person meeting national standards for elections has a right to contest for any elective office to represent older persons at any level of local government.

29. Sponsorship of candidates by political organisations or political parties.

Under the multi-party political system, nomination of candidates for older persons may be made by a political organisation or a political party sponsoring a candidate or by a candidate standing for election as an independent.

PART VI—FINANCIAL PROVISIONS.

30. Funds of the national council.

(1) The funds and resources of the national council shall consist of—

- (a) such sums from the Consolidated Fund as may from time to time be appropriated by Parliament for the purposes of the national council;
- (b) any monies accruing to the national council in the discharge of its functions;
- (c) grants, gifts and donations to the national council that may be received from any source within or outside Uganda.

(2) All income and money of the national council shall be deposited to the credit of the national council in a bank approved by the Minister or the District Chairperson, chairperson of the municipality, city division, town or subcounty local council in the case of local governments and shall not be withdrawn except with the approval of and in the manner determined by the national council.

31. Borrowing powers.

(1) The national 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 national council.

(2) The national 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 national council.

(3) In the case of local governments, approvals shall be by the District Chairperson and chairperson of the local council of the municipality, city division, town or subcounty council for older persons within the provisions of the Local Government Financial Regulations.

32. Estimates of income and expenditure.

(1) The national 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 national council for the next financial year.

(2) In the case of local governments, the budget estimates shall be approved by district council and subcounty or town local council of the municipality, city division, town or subcounty council for older persons.

33. Financial year.

The financial year of the national council shall be the same as that of the Government of Uganda.

34. Accounts.

(1) The councils shall keep proper books of account of all its income and expenditure and proper records in relation to them in a form approved by the Auditor General or an auditor appointed by the Auditor General.

(2) Subject to any directions that may be given by the Minister responsible for finance, the national council shall cause to be prepared a report on the performance of the national 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 councils as the Minister responsible for finance may require.

35. Audit.

(1) The accounts of the national council shall each financial year be audited by the Auditor General or by an auditor appointed by the Auditor General.

(2) The national council shall ensure that within four months after the expiry of each financial year, a statement of accounts described in section 34 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 national council and shall be entitled to have any information and explanation required by him or her in relation to those documents as he or she may think fit.

(4) The Auditor General shall within two months after receipt of the statement of accounts under subsection (2) audit the accounts and submit to the councils 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 or in the case of local governments, the District Chairperson, the chairperson of the municipality, city division, town or subcounty local council.

(5) The Auditor General shall also submit to the Minister or the Chairperson of the district councils for older persons, the chairperson of the municipality, city division, town or subcounty council for older persons in case of lower councils for older persons, a copy of the audited accounts together with his or her report on them.

36. Investment of funds.

Any funds of the national council not immediately required under this Act shall be invested in such a manner as the councils may, with the approval of the Minister and in case of lower councils for older persons, the District Chairperson, the chairperson of the municipality, city division, town or subcounty local council after consultation with the Minister responsible for finance.

PART VII—MISCELLANEOUS.

37. Regulations.

The Minister may by statutory instrument, make regulations for giving full effect to the provisions of this Act.

38. Exemption from liability for acts done in good faith.

A member of the national council or a member of the staff of the national council shall not be liable for any act or omission done by him or her in good faith in the discharge of his or her functions under this Act.

FIRST SCHEDULE

Section 8

MEETINGS OF THE NATIONAL COUNCIL

1. Meeting of national council.

(1) The chairperson shall convene every meeting of the national council

(2) The national council shall meet for the transaction of business at times and places as may be decided by the national council but shall meet at least once in every three months.

(3) The chairperson or in the absence of the chairperson the vice chairperson and in the absence of both officers a member elected by the national council to act as chairperson may, at any time call a meeting of the national council or call a special meeting upon a written request by a majority of the members of the national council.

(4) The chairperson shall preside over all meetings of the national 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 national 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.

2. Quorum.

The quorum at a meeting of the national council shall be five members.

3. Questions of the national council.

Questions proposed at a meeting of the national council shall be determined by consensus and where consensus is not possible, by the votes of 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. Personal interest.

(1) A member of the national council who has a personal interest in a matter being considered by the national 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 national council.

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

- (a) be present during any deliberation on the matter by the national council;
- (b) take part in the voting on the decision by the national council on the matter;
- (c) influence any other member or take part in the making of the decision by the national council.

5. Minutes of national council.

(1) The national 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 national council at the next meeting and shall be signed by the chairperson of the meeting.

(2) The chairperson of the national council shall submit to the Minister and in case of lower councils for older persons, the District Chairperson, the Chairperson of the municipality, city division, town or subcounty local council a copy of the minutes of each meeting as soon as the minutes have been approved.

6. National council to regulate its own procedures.

(1) Subject to the provisions of this Schedule the national council may, with the approval of Minister, regulate its own proceedings.

(2) A lower council for older persons may with the approval of the District Chairperson or the chairperson of municipality, division, city division or town or subcounty council as the case may be regulate its own proceedings.

SECOND SCHEDULE*Section 28***ELECTORAL STRUCTURE FOR OLDER PERSONS****1. General.**

(1) Only older persons aged 60 years and above shall qualify to be executive committee members of the councils for older persons at the respective local government council levels.

(2) An executive committee shall consist of the chairperson, vice chairperson, secretary, vice secretary and treasurer.

(3) At least one third of the executive committee members shall be older women.

2. Election of village committee members.

(1) Older persons in each village, who are willing, shall assemble and elect 5 executive committee members.

(2) The chairperson of the older persons' executive committee shall become secretary for older persons affairs at the village local council.

3. Election of parish committee members for older persons.

(1) The 5 executive committee members from each village shall assemble at parish or ward and elect the 5 parish or ward executive committee members.

(2) The chairperson of the older persons' executive committee shall become secretary for older persons' affairs at the parish or ward local council.

4. Election of subcounty, town or municipality or division committee members for older persons.

All parish or ward executive committee members shall meet to elect 5 executive committee members of the subcounty or town or municipality or division and 2 representatives (male or female) to the subcounty or city division council.

5. Election of district or city committee members for older persons.

All subcounty or town or municipality or city division executive committee shall meet to elect 5 executive committee members of a district or city and 2 representatives (male and female) to the district or city council.