

STATUTORY INSTRUMENTS SUPPLEMENT

to The Uganda Gazette No. 12 Volume CII dated 20th March, 2009

Printed by UPPC, Entebbe, by Order of the Government.

S T A T U T O R Y I N S T R U M E N T S

2009 No. 19.

**THE NON-GOVERNMENTAL ORGANISATIONS REGISTRATION
REGULATIONS, 2009**

ARRANGEMENT OF REGULATIONS

Regulation

1. Title
2. Interpretation
3. Affiliated organisations
4. Application for registration
5. Requirements of registration
6. Issue of certificate of registration and incorporation
7. Permit
8. Renewal of permit
9. Notification of rejection of an application for registration and incorporation
10. Fees
11. Notification of revocation
12. Exemption
13. Special obligations of organisation
14. Staffing of organisation
15. Business operations of organisation
16. Annual returns, estimates and furnishing information
17. Dissolution
18. Community based organisations
19. Self regulatory body
20. Revocation of SI No. 113-1

SCHEDULE

Form A – Application for Registration

Form B – Certificate of Registration and Incorporation

Form C – Permit to Operate as a Non-Governmental Organisation

Form D – Application for Renewal of a Permit

Form E – Annual Returns

Form F – Notification of Refusal to Register a Non-Governmental Organisation

Form G – Notification of Revocation of Registration

Form H – Certificate of Exemption from Provisions of the Act

STATUTORY INSTRUMENTS

2009 No. 19.

The Non-Governmental Organisations Registration Regulations 2009.

(Under section 13 of Non Governmental Organisation Registration Act, Cap. 113)

IN EXERCISE of the powers conferred upon the Minister responsible for internal affairs by section 13 of the Non-Governmental Organisation Registration Act, these Regulations are made this 26th day of August, 2008.

1. Title

These Regulations may be cited as the Non-Governmental Organisations Registration Regulations 2009.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“Act” means the Non-Governmental Organisations Registration Act;

“Board” means the National Board of Non-Governmental Organisations;

“certificate of registration and incorporation” means a document of registration and incorporation issued by the Board under regulation 6;

“community based organisation,” means an organisation wholly controlled by Ugandans operating at a sub-county level and below, whose objective is to promote and advance the well-being of its members or the community;

“dissolution” means the ceasing of operation of an organisation voluntarily or by order of the Board;

“foreign organisation” means an organisation which is not a local

- organisation;
- “local organisation” means an Organisation which is wholly owned and controlled by Ugandans;
- “organisation” means a non governmental organisation;
- “permit” means a document which grants permission to an organisation to operate;
- “surety” means a referee of reputable standing in society.

3. Affiliated organisations

An organisation which is affiliated to another organisation registered under the Act shall not operate in Uganda unless it has itself been duly registered under the Act.

4. Application for registration.

An application for registration under section 3 of the Act shall be in **Form A** as specified in the Schedule to these Regulations.

5. Requirements for registration

- (1) An application under regulation 4 shall be accompanied by—
- (a) a specification of the area of intended operation of the organisation—
 - (i) geographical area; and
 - (ii) field of operation e.g. health, education etc;
 - (b) the prescribed fee;
 - (c) valid reservation of its name by the Registrar of Companies;
 - (d) two copies of the organisation’s constitution;
 - (e) a chart showing the organisational structure of the organisation;
 - (f) a work plan and a budget for the first year of operation of the

organisation;

(g) in the case of a local organisation—

- (i) a written recommendation to the Board by two sureties;
- (ii) a written recommendation by the chairperson of the executive committee of the sub county council and the Resident District Commissioner of the area where the organisation intends to operate;
- (iii) where the organisation intends to operate throughout Uganda, a written recommendation by the chairperson of at least two sub county councils and at least two Resident District Commissioners;
- (iv) where the Resident District Commissioner rejects an application for a recommendation under sub-paragraph (ii) or (iii), of this paragraph the reason for refusal shall be given in writing within a period of 60 days.

(2) The application shall be signed by at least two promoters.

(3) Notwithstanding sub regulation (1) (c) the Board may reject a name if in its opinion it may cause confusion with an already existing organisation.

6. Issue of certificate of registration and incorporation.

(1) On the fulfilment by an organisation of the conditions specified in regulation 5, the Board shall issue a certificate of registration and incorporation to the organisation.

(2) The certificate of registration and incorporation shall be as specified in **Form B** in the Schedule to these Regulations and shall indicate the name, registration number and date of registration and incorporation of the organisation.

7. Permit.

(1) The Board shall, in addition to issuing a certificate of registration and incorporation referred to in regulation 6, issue a permit

to the organisation.

(2) The permit shall be in **Form C** in the Schedule to these Regulations.

(3) A permit shall be issued in the first instance for a period of twelve months from the date of issue of the permit.

(4) A permit is renewable in the first instance for thirty six months from the date of renewal and in case of a subsequent renewal, for a period of sixty months.

(5) The permit shall indicate a summary of activities of the organisation and the geographical area where it is to operate and such conditions and directions as may be specified in the permit.

(6) Where there is any change in the activities or geographical area of operation of an organisation, the organisation shall seek approval of the Board.

8. Renewal of permit.

(1) Upon the expiry of the permit, an organisation shall within three months, apply to the Board for the renewal of the permit.

(2) The application shall be in **Form D** accompanied by a return in **Form E** as specified in the Schedule to these Regulations.

(3) An organisation which fails to submit its application for renewal within the period specified in subregulation (1) shall be required to pay a fine of one currency point for every month of default.

(4) An application for renewal of a permit shall be accompanied by the documents specified in guidelines issued by the Board.

(5) Upon approval of an application made under subregulation (1), the Board shall issue a permit to take effect from the date of expiry of that organisation's previous permit.

(6) The Board may upon renewal of a permit vary the terms and conditions attached to the permit at the time of issuing a new permit

under these Regulations.

9. Notification of rejection of an application for registration and incorporation.

(1) Where the Board rejects an application for registration and incorporation made by an Organisation, the Board shall give reasons for the rejection and notify the organisation of its decision to reject the application within twenty one days.

(2) The notification shall be in **Form F** as specified in the Schedule to these Regulations.

10. Fees

(1) The prescribed fee for the purposes of section 3(2) of the Act and regulation 5 shall be as follows—

- (a) in the case of a local organisation, one currency point; and
- (b) in the case of a foreign organisation, US\$100 or its equivalent in convertible currency.

(2) The same fee as prescribed in sub-regulation (1) shall be payable upon application for a permit or for renewal of a permit.

11. Notification of revocation

Where the Board has revoked a certificate of registration and incorporation of an organisation under section 10 of the Act, the Board shall immediately, notify the organisation of the revocation in **Form G** as specified in the Schedule.

12. Exemption

(1) Where the Minister exempts an organisation under section 3(3) of the Act, the Minister shall issue a one year certificate of exemption to the organisation in **Form H** as specified in the Schedule to these Regulations and a one year permit of operation.

(2) An exempted organisation shall before the expiry of the one

year period given by the Minister apply for registration.

13. Special obligations of organisations

An organisation shall, in carrying out its operations comply with the following—

- (a) not make any direct contact with the people in their area of operation in Uganda unless it has given seven days notice in writing of its intention to do so to the local councils and Resident District Commissioners of the area;
- (b) co-operate with the local councils in the area and the relevant district committees;
- (c) not engage in any act which is prejudicial to the security of Uganda or any part of it;
- (d) restrict its operations to the area of Uganda in respect of which it is permitted to operate;
- (e) hold itself responsible for all acts of its members and employees done in the course of their employment;
- (f) obtain the approval of the Board for any goods for which it seeks exemptions;
- (g) not engage in any act, which is prejudicial to the interests of Uganda and the dignity of the people of Uganda.

14. Staffing of organisations

An organisation shall comply with the following in respect to staffing—

- (a) at the time of applying for registration submit to the Board a chart showing its organisational structure as stipulated in its Constitution accompanied by a statement—
 - (i) specifying its foreign staff requirements where necessary;
 - (ii) indicating its requirements of Ugandan counterparts of

- the foreign employees; and
 - (iii) indicating the period for the replacement of its foreign employees with qualified Ugandans;
 - (b) comply with any written law in Uganda relating to labour, and employment services;
 - (c) not employ a person who is not a citizen of Uganda unless that person has, before proceeding to Uganda for the purposes of the employment by the organisation, submitted to the Ugandan diplomatic mission in his or her country of origin for transmission to the Government of Uganda for consideration for his suitability for the employment—
 - (i) certified details of his or her certificates, credentials and recommendations of his or her academic and professional qualifications and proven work experience; and
 - (ii) a certificate of clearance of no criminal record from his or her country of origin;
 - (d) ensure that any remuneration including salaries, allowances, fringe benefits and other terms and conditions of service of the Ugandan employees of the organisation are reasonably comparable to those for the time being prevailing in the employment market in Uganda or reasonably comparable to those of their foreign counterparts;
 - (e) have a memorandum of understanding with the donors, sponsors and both local and foreign partners if any specifying the terms and conditions of ownership, employment and resources mobilised for the organisation and any other relevant matters.

15. Business operations of organisation.

(1) An organisation or a member or employee of the organisation shall not use the organisation directly or indirectly to engage in any gainful activities for individual interests except for the economic interest

of the organisation or in fulfilling its objectives.

(2) An organisation shall open and maintain a bank account.

(3) Where an organisation receives monies in foreign currency, it shall open and operate an external bank account with a reputable bank in which the currency shall be deposited and through which the transactions shall be conducted.

(4) Except for fundraising purposes, where an organisation sells any goods or services to the public or to any other organisation, the prices of the goods and services shall be in conformity with the prices if any, prescribed by the government for those goods and services or, where no such prices have been prescribed, in conformity with the open market prices in respect of those goods and services for the time being obtaining in Uganda.

(5) Any sum of money received from the sale of any goods or services as referred to in subregulation (4) in excess of the administrative costs incurred in the sale shall be re-invested in the project or as directed by the organisation.

16. Annual returns, estimates and furnishing of information.

An Organisation shall—

- (a) submit to the Board an annual return in **Form E** as specified in the Schedule to these Regulations;
- (b) submit to the Board a report approved by the organisation's annual general meeting or Board of Directors;
- (c) furnish to the District Development Committee of each area in which it operates, estimates of its income and expenditure for information;
- (d) submit to the Board such other information that the Board may, consider to be in the public interest.

17. Dissolution.

(1) The dissolution of an Organisation may be either—

- (a) voluntary; or
- (b) by order of the Board.

(2) An Organisation may dissolve voluntarily—

- (a) where the members pass a resolution according to the constitution of the Organisation requiring the organisation to be dissolved; or
- (b) where the organisation resolves by dissolution to the effect that it cannot by reason of its liabilities continue its activities and that it is advisable to dissolve in accordance with its constitution.

(3) An organisation may dissolve by order of the Board if—

- (a) the Board has reason to believe that a registered organisation has not commenced its activities within twelve months from the time of registration or without justifiable cause has ceased to exist after that;
- (b) it is proved to be defrauding the public or its members or both;
- (c) it has violated the terms and conditions attached to its permit;
- (d) it has operated in contravention of the provisions of the Act;
- (e) for any other reason the Board considers necessary in the public interest.

(4) In the case of the dissolution by the Board, before a decision is made, the Board shall give a thirty days notice to the organisation to appear before it and show cause why it should not be dissolved and the notice shall take effect from the date of communication to an authorised officer of the organisation.

(5) Where an organisation appears before the Board and does not satisfy the Board in its defence as to the need for its continued existence, the Board shall proceed to dissolve the organisation.

(6) Where the organisation without justifiable cause fails to appear,

the Board shall proceed to dissolve the organisation.

(7) Upon dissolution by the Board—

- (a) the Board shall issue a revocation certificate in **Form G** in the Schedule to these regulations; and
- (b) the Board shall cause the assets and liabilities of the organisation to be dealt with in accordance with the relevant provisions of its constitution.

18. Community based organisations

(1) As required by section 7 of the Act, Community Based Organisations shall not be required to be incorporated under the Act but shall register with the district local government of the area where they operate.

(2) The form of the application for registration under sub-regulation (1) shall, with the necessary modifications, be the same as prescribed in **Form A** in Schedule to these Regulations.

(3) Upon the registration, the district local government shall issue a certificate of registration specifying the area of operation of the organisation and the activities that the organisation is authorised to operate.

(4) The prescribed fee for registration under this regulation shall be one currency point.

19. Self regulatory bodies

(1) Two or more organisations may form a self regulating body.

(2) A self regulatory body shall be registered with the Board.

(3) An application for registration under this regulation shall be accompanied by—

- (a) the resolution of each of the organisations forming the body

stating its willingness to be part of the self regulating body;
(b) the code of conduct of the self regulatory body;

(c) any other information that the Board may reasonably require.

(4) The code of conduct of a self regulatory body shall be adopted by resolution at a special meeting of the policy making organ of the body attended by not less than two thirds of its membership and the resolution shall be supported by not less than three quarters of the voting members of the organ present

(5) Self regulatory bodies under this regulation shall adopt their own structures, rules and procedures for efficient administration of their activities.

(6) The Board may call upon any self regulatory body to assist in execution of its mandate.

20. Revocation of S.I. No. 113-1/1990

The Non-Governmental Organisations Regulations are revoked.

FORM A

Regulation 4

THE REPUBLIC OF UGANDA

THE NON-GOVERNMENTAL ORGANIZATIONS REGISTRATION ACT,
CAP.113

APPLICATION FOR REGISTRATION.

To the Secretary
National Board for
Non Governmental Organisation

We the undersigned officers hereby apply for registration/Incorporation under the Non- Governmental Organisations Registration Act.

- (a) Name of the Organization.....
.....
.....
.....
- (b) Country of origin
- (c) Proposed physical address of the NGO.....
.....
Telephone.....
.....
- (d) Name of each organization or group established outside or inside Uganda, if any, with which the organization is affiliated or connected with.....
.....
.....
- (e) Objects of the organization
.....
.....
.....

-
 (f) Class or classes of persons to whom membership of the organization is open.....

- (g) Present number of members

- (h) Titles of officers of the organization.....

- (i) Names, occupation and addresses of the present or proposed officers of the organization.....

- (j) Sources of funding
- (k) (i) Property (if any) owned by the organization.....

- (ii) Manner in which that property is held, acquired or vested

- (l) Bankers of the organization.....

- (m) Any privileges, immunities and exemptions requested by the organization from the Government

.....
Names, Signatures and passport size photographs of promoters:
.....
.....
.....
.....

Date.....

FORM B

Regulation 6

THE REPUBLIC OF UGANDA

THE NON-GOVERNMENTAL ORGANIZATIONS REGISTRATION
ACT, CAP.113

Registration Number:

CERTIFICATE OF REGISTRATION AND INCORPORATION

I CERTIFY that

.....
.....
.....
.....has been registered and incorporated without
share capital.

Dated at Kampala, this.....day of20.....

.....
*Chairperson, National Board for
Non-Governmental Organisations*

FORM C

Regulation 7

THE REPUBLIC OF UGANDA

THE NON-GOVERNMENTAL ORGANIZATIONS
REGISTRATION ACT, CAP.113

Registration Number:.....

PERMIT TO OPERATE AS A NON-GOVERNMENTAL ORGANISATION

I HEREBY CERTIFY that.....
.....
.....
.....
.....has thisday
of20...

Been issued with a permit to body corporate under the Non-Governmental Organisations Registration Act.

This permit is subject to the following conditions/directions:-

.....
.....

.....
Member

.....
Member

.....
*Chairperson, National Board for
Non-Governmental Organizations.*

FORM D

Regulation 8

THE REPUBLIC OF UGANDA

THE NON-GOVERNMENTAL ORGANIZATIONS
REGISTRATION ACT, CAP.113

APPLICATION FOR RENEWAL OF A PERMIT

1. Name of the organisation.....
.....
.....
2. Country of origin.....
3. District (s) of operation.....
.....
.....
4. Sector (s) of intervention.....
.....
.....
5. Activities in the previous workplan.....
.....
.....
.....
6. Activities accomplished/achieved
.....
.....
.....
7. (a) Sources of Funding
.....

(b) State if there is any change of sources of funding

.....
.....
.....
.....
.....

8. Constraints/Challenges

.....
.....
.....
.....

9. Solutions.

.....
.....
.....
.....

10. Future Plans

.....
.....
.....
.....

Names, Signatures and passport size photographs of promoters:.....

.....
.....
.....
.....

Date.....

FORM E

Regulation 8, 16

THE REPUBLIC OF UGANDA

THE NON-GOVERNMENTAL ORGANIZATIONS
REGISTRATION ACT, CAP.113

ANNUAL RETURNS

RETURNS OF THE FOR THE
PERIODTO....., 20

1. Date of the annual Board/General meeting in the year ending on
....., 20.....
2. Number of members of the organizations as at
....., 20.....
3. Full names, occupations and addresses of the officers as at
....., 20.....
.....
.....
.....
4. If there has been any change since the date of application for
Registration or the date of the last annual return, whichever is latter, then
specify the change in the appropriate paragraph as follows:

- (a) (i) Name of the Organizations
.....
.....
- (ii) Objects or Constitutions or rules of the organizations
.....
.....
- (iii) Any organisation or group established outside Uganda
.....
.....

.....
(b) The classes or classes of persons to whom its membership is open
.....
.....

(c) The titles of its officers

.....
.....
.....
.....
.....

Names, and Signatures of the Promoters.....
.....
.....
.....
.....

FORM F

Regulation 9

THE REPUBLIC OF UGANDA

THE NON-GOVERNMENTAL ORGANIZATIONS
REGISTRATION ACT, CAP.113

NOTIFICATION OF REFUSAL TO REGISTER AN ORGANISATION.

To:

I,, Secretary of the National Board for Non-Governmental Organizations, hereby give you notice that in accordance with section 7 (a) of the Non-Governmental Organizations Registration Act, the Board has rejected your application for registration under the Act on the following grounds:-

- (a)
- (b)
- (c)
- (d)
- (e)

Dated atthisday of, 20.....

.....
*Secretary, National Board for
Non-Governmental Organizations.*

FORM G

Regulation 11

THE REPUBLIC OF UGANDA

THE NON-GOVERNMENTAL ORGANISATIONS
REGISTRATION ACT, CAP.113

NOTIFICATION OF REVOCATION OF REGISTRATION

To:
.....

I,.....,Secretary of the Non-Governmental
Organisations give you notice that in accordance with section of the Non-
Governmental Organisations Registration Act, the Board has revoked your
registration under the Act on the ground that
.....
.....
.....
.....

.....
*Secretary, National Board for
Non-Governmental Organisations*

FORM H

Regulation 12

THE REPUBLIC OF UGANDA

THE NON-GOVERNMENTAL ORGANIZATIONS
REGISTRATION ACT, CAP.113

CERTIFICATE OF EXEMPTION FROM PROVISIONS
OF THIS ACT

IN EXERCISE of the powers conferred on the Minister responsible for Internal Affairs section 3 (3) of the Non-Governmental Organizations Act, the.....
.....
..... is exempted from section 3 (3) of the Act.

HON. RUHAKANA RUGUNDA,
Minister of Internal Affairs.