

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

**2013 No. 32.**

**THE PARLIAMENTARY PENSIONS REGULATIONS, 2013.**

**ARRANGEMENT OF REGULATIONS**

*Regulation*

**PART I—PRELIMINARY**

1. Citation.
2. Commencement.
3. Application.
4. Interpretation.
5. Composition of the fund.
6. Covenants.

**PART II—GOVERNANCE AND MANAGEMENT**

7. Independence of the scheme.
8. Management of the scheme.
9. The board of trustees.
10. Election of members of the board.
11. Functions of the board.
12. Discretion of the board.
13. Powers of the board.
14. Powers conferred by law.
15. Meetings of the board.

## *Regulation*

16. Quorum.
17. Minutes of meetings.
18. Power to co-opt.
19. Disclosure of interest of members.
20. Code of ethics.
21. Committees of the board.
22. Transactions of the board.
23. Expenses of administration and management.
24. Protection of trustees.
25. Indemnification and protection against financial loss.

### *Annual and Special General Meeting of the Scheme*

26. Annual general meeting.
27. Special general meeting of the scheme.

## PART III—SCHEME MANAGEMENT

28. The chief executive officer.
29. Role of the chief executive officer.
30. Appointment of officers or staff of the scheme.
31. Functions of the pension manager.
32. Appointment of service providers.

### *Specific Functions of Key Service Providers*

33. Functions of the fund manager.
34. Functions of the custodian.

## PART V—MEMBERSHIP AND CONTRIBUTIONS

35. Eligibility.
36. Enrolment of members.
37. Nomination of beneficiary.
38. Rights, duties, and responsibilities of members.
39. Temporary absence from service.
40. Effect on terms of employment.

## *Regulation*

### *Contribution and Payment of Benefits*

41. Payment of contributions.
42. Payment of benefits.
43. Pension to a former member.
44. Retirement as a consequence of another Government appointment.
45. Refund of scheme credit.
46. Deferment of payment of benefits.
47. Death of a member.
48. Death of a person receiving pension.
49. Suspension of pension on re-election.
50. Procedure for payment of benefits.
51. Duty of the Commission to provide information.
52. Prohibited payments and benefits.
53. Death of a member.
54. Procedure on determination of trivial pension.

### *Accounts*

55. Bank accounts.
56. Audit of Accounts.

### Part VI—Miscellaneous.

57. Amendment of regulations.
58. Savings.
59. Other provisions.

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

2013 No. 32.

## **The Parliamentary Pensions Regulations 2013.**

*(Under section 24 of the Parliamentary Pensions Act, 2007)*

IN EXERCISE of the powers conferred on the Board of Trustees of Parliamentary Pension Scheme by Section 24 of the Parliamentary Pensions Act, these Regulations are made this 15th day of May 2013.

### PART I—PRELIMINARY

#### **1. Citation.**

These Regulations may be cited as the Parliamentary Pensions Regulations, 2013.

#### **2. Commencement.**

These Regulations shall be deemed to have come into force on the 2nd day of July 2007.

#### **3. Application.**

These Regulations shall apply to all members of the Parliamentary Pension Scheme.

#### **4. Interpretation.**

In these Regulations, except where the context otherwise requires—

“Act” means the Parliamentary Pensions Act, 2007;

“auditor” means the auditor to the scheme;

“Authority” means the Uganda Retirement Benefits Regulatory Authority;

“financial year” means the period of twelve months ending on the 30th day of June in any year, or any other period declared by the board of trustees to be the financial year;

“pension manager” means the person appointed by the board to administer the scheme in accordance with such terms and conditions of appointment;

“pensionable emolument” means basic salary, excluding any allowance or gratuity;

“reserve account” means a reserve account established by the board under the Act;

“service” means service as a Member of Parliament or service in the employment of the Commission;

“service provider” means a person appointed as such under these Regulations;

“special board meeting” means a meeting of the board or scheme convened at the request of members of the board or scheme other than the chairperson or the secretary;

“sponsor” means the Parliamentary Commission;

“trivial pension” means a pension determined as such by the board in accordance with regulation 54;

“trustee” means a member of the parliamentary pension scheme board of trustees.

## **5. Composition of the fund.**

The fund shall consist of scheme assets and sums paid into the scheme by and in respect of the members including income accruing thereon.

## **6. Covenants.**

(1) The Commission covenants with the board as follows—

- (a) to observe the provisions of and perform its obligations under the Act and these Regulations;
- (b) to collect all sums contributed by Government in accordance with these Regulations and such other payments as and on its behalf are to be made under the regulations and to pay such sums to the board or as the board shall direct;

- (c) to deduct from the member's pensionable emolument the member's contribution and remit the contribution and other sums made payable by the member to the scheme;
  - (d) subject to section 19 of the Act, to pay all necessary charges incurred and expenses incurred by the board in the administration and management of the scheme.
- (2) The Government covenants to—
- (a) observe the provisions of, and perform its obligations under the Act and these Regulations; and
  - (b) pay to the scheme the contributions and other sums made payable to a member under the Act.
- (3) The board covenants to—
- (a) manage and administer the scheme for the benefit of the members and the beneficiaries;
  - (b) pay or provide for the payment of the benefits prescribed by these Regulations, subject to, the assets of the scheme always being sufficient for the purpose; and
  - (c) comply with the provisions of the Uganda Retirement Benefits Regulatory Authority Act, Income Tax Act Cap. 340 and any other legislation relating to the administration and management of the scheme.

## PART II—GOVERNANCE AND MANAGEMENT

### **7. Independence of the scheme.**

(1) Subject to section 21 of the Act, the scheme shall be independent of the Parliamentary Commission.

(2) The trustees shall in execution of their functions act independently of any person or organisations.

## **8. Management of the scheme.**

The scheme shall be managed by the board of trustees as provided for in the Act and in these Regulations.

## **9. The board of trustees.**

(1) The board of trustees shall be composed of—

- (a) the Minister responsible for Finance or his or her representative authorised in writing;
- (b) two back bench Members of Parliament elected from different political parties or organisations one of whom shall be a woman;
- (c) one elected backbench Commissioner;
- (d) one member of staff elected by the members of staff of the Parliamentary Commission; and
- (e) two pensioners elected by the pensioners, one of whom shall be a former staff of the Parliamentary Commission and the other a former Member of Parliament.

## **10. Election of members of the board.**

The conduct of elections for the board of trustees shall be as follows—

- (a) the Minister in Regulation 9 (1) (a) shall not be voted upon;
- (b) the chief executive officer of the fund or a person appointed by him or her for the purpose shall be the *defacto* returning officer for purposes of election of trustees and the chairperson of the board;
- (c) the returning officer shall make a call for nominations at least two weeks before the election date stating the following—
  - (i) which positions are vacant;
  - (ii) the eligibility criteria for members wishing to stand;
  - (iii) details of how nominations may be lodged;

- (iv) the date and time for the opening and closing of nominations; and
- (v) details of how and when polling shall be conducted;
- (d) voting under these Regulations shall be by secret ballot, provided that where there is only one eligible and duly nominated candidate for a vacant position, that sole candidate shall be announced as elected unopposed to that position at the close of nominations;
- (e) where a vacancy exists on the board, the secretary to the board shall immediately arrange for the election of the trustee in accordance with these Regulations.

## **11. Functions of the board.**

The functions of the board of the trustees shall include the following—

- (a) ensure proper management of the scheme in accordance with the Act and these Regulations;
- (b) ensure that payment of benefits is made to members and beneficiaries of the scheme when they are due, in a timely and accurate manner;
- (c) ensure the protection of the interests of members, beneficiaries and sponsor of the scheme in accordance with these Regulations;
- (d) ensure the collection of contributions and all monies due to the scheme;
- (e) provide for the proper investment of scheme funds in accordance with the Act and these Regulations;
- (f) appoint an actuary, auditor, pension manager, investment fund manager and custodian and any other staff or service provider of the scheme provided under the Act and these Regulations;



- (g) develop policies and issue guidelines on procurement, human resource, communication, investment and such other matters as may become necessary under these Regulations.

## **12. Discretion of the board.**

The board shall exercise discretion in a fiduciary manner in the following areas—

- (a) appointment of service providers;
- (b) investment matters; and
- (c) any other matter within the Act and these Regulations.

## **13. Powers of the board.**

(1) The board shall in addition and without prejudice to all powers conferred upon trustees by any other law, have the following powers—

- (a) to delegate any of its duties to any other person as provided in these Regulations;
- (b) to raise or borrow any sum of money in such manner and upon such terms as the board may deem advisable;
- (c) to commence or carry on or defend proceedings relating to the scheme or the determination of any rights of the members and others therein;
- (d) to invest any monies forming part of the scheme as it deems fit;
- (e) to underwrite or sub-underwrite and enter into agreements for underwriting or sub-underwriting any investments or securities whether on issue or sale and whether jointly with other persons or not and to do all things incidental thereto;
- (f) to apply any monies forming part of the scheme in effecting or maintaining any insurance which in the opinion of the trustees is suited for the purpose of the scheme to vary the terms of surrender, sell or otherwise dispose of any insurance or exchange the same for a substituted insurance;

- (g) to form subcommittees as and when desired to execute certain duties;
- (h) to determine trivial pension to be paid in lump sum; and
- (i) execute and do all such acts and things as the trustees may consider necessary or expedient for the maintenance and preservation of the scheme and of the rights of the members and others therein.

(2) Except where otherwise expressly provided in the Act or under these Regulations, the board may carry out its functions notwithstanding any vacancy in its membership.

#### **14. Powers conferred by law.**

The trustees shall in addition to any powers or provisions for the indemnity or otherwise for the protection of the trustees conferred by or contained in these Regulations, be entitled to exercise any powers conferred by law on trustees if and in so far as a contrary intention is not expressed in these Regulations.

#### **15. Meetings of the board.**

(1) The board shall hold regular meetings to transact the business of the scheme as the board shall determine but the board shall meet at least four times in a calendar year.

(2) The chairperson of the board shall preside at every meeting of the board and in the absence of the chairperson, the secretary of the board shall call the meetings and the members present at that meeting shall elect, from among themselves, a chairperson for the purposes of the sitting.

(3) A notice of a board meeting shall be given in writing to each member at least seven days before the date of the meeting.

(4) A notice of a meeting shall contain, as a minimum, details of the time and date of the meeting and the proposed business to be transacted at the meeting.

(5) A special meeting of the board may be called, giving notice of not less than three days, upon written request of at least two trustees addressed to the chairperson.

(6) The secretary of the board in consultation with the chairperson shall be responsible for the preparation and distribution of the agenda.

(7) The secretary of the board shall be responsible for the servicing of the board, including the preparation of the agenda, minutes of the previous meeting of the board and relevant discussion papers or proposals.

(8) Subject to these Regulations, the board may regulate its own procedure or any other matter relating to its meetings.

(9) The board shall determine any expenses related to meetings.

## **16. Quorum.**

(1) The quorum for a meeting of the board shall be five members.

(2) Where a vote is necessary to decide an issue at any meeting of the board, the issue shall be decided by a majority vote on a show of hands of those present, and in case of an equality of votes, the chairperson shall have a second or casting vote.

## **17. Minutes of meetings.**

(1) The minutes of each board meeting shall be clearly and concisely taken with full regard to their potential use as legal documents.

(2) The minutes of a board meeting shall be signed by the chairperson and the secretary of the board at the next meeting of the board and shall then be adopted as a true record of the preceding meeting.

## **18. Power to co-opt.**

(1) The board may invite any person, who in the opinion of the board has expert knowledge concerning a particular matter under consideration by the board, to attend and take part in the proceedings of the board.

(2) A person attending a meeting of the board under this regulation may take part in any discussion at the meeting on which his or her advice is required but shall not have any right to vote at that meeting.

### **19. Disclosure of interest of members.**

(1) A member of the board who is in any way directly or indirectly interested in a contract made or proposed to be made by the board, or any other matter which falls to be considered by the board, shall disclose the nature of his or her interest at a meeting of the board.

(2) A disclosure made under sub regulation (1) shall be recorded in the minutes of that meeting.

(3) The board shall determine whether a member who makes a disclosure under sub regulation (1) shall be present during the deliberations on that matter or not.

(4) For purposes of determining whether there is quorum, a trustee withdrawing from a meeting or who is not taking part in a meeting under sub regulation(3) shall be treated as being present for that meeting.

(5) These Regulations shall apply *mutatis mutandis* to any person or officer other than a trustee attending a board meeting.

### **20. Code of ethics.**

(1) The board shall develop a code of ethics to guide the conduct and behavior of trustees, staff and other service providers of the scheme.

(2) A person who breaches the code of conduct shall be liable to administrative sanctions, as shall be determined by the board from time to time.

### **21. Committees of the board.**

(1) The board shall establish committees on—

(a) governance and administration;

(b) investment, risk and custody;

(c) audit; and

(d) any other matter or subject as the board may determine.

(2) A committee appointed under sub regulation (1) shall consist of a chairperson who shall be a member of the board and such other persons, whether members of the board or not, as the board may determine.

(3) The board shall , in writing specify the terms and conditions of service of the members of a committee appointed under sub regulation (1).

(4) The board may delegate any of its functions under these Regulations to a committee appointed under these Regulations.

(5) The board may require a committee appointed under these Regulations to act jointly or in cooperation with any other committee.

(6) A member of a committee appointed under these Regulations may be paid such allowances as the board may determine.

(7) Subject to any direction given by the board, a committee appointed under these Regulations may regulate its own procedure

## **22. Transactions of the board.**

A transaction, instrument, or cheque issued by the board shall be signed by the chairperson, the chief executive officer and any other trustee or officer appointed by the board and with such mandate as the board may by special resolution determine.

## **23. Expenses of administration and management.**

Except as otherwise provided, the trustees shall pay from the scheme all remuneration fees, commission, costs and other expenses of administering and managing the scheme.

## **24. Protection of trustees.**

(1) A trustee shall not be liable for the act, negligence, default, fraud or misconduct of any agent, officer, servant or any other person employed by the trustees or otherwise engaged or occupied in connection with the scheme notwithstanding that it may not have been strictly necessary or expedient for any person to be so employed,

engaged or occupied or by reason of any mistake or omission made in good faith or by reason of any other matter or thing except wilful fraud or wrongdoing on the part of any of the trustees.

(2) A trustee who is or has been a member shall be entitled to retain for himself or herself any benefit to which he or she is entitled by virtue of such membership.

(3) The trustees shall be indemnified by the scheme against all proceedings, costs and expenses incurred by reason of any claim with the scheme not arising from their gross negligence or breach of trust.

## **25. Indemnification and protection against financial loss.**

The board may take such steps as it deems appropriate to protect the scheme and the individual assets comprising the scheme against any manner of insurable risk or financial loss which might arise out of the negligence or default, wilful or otherwise, of the scheme's trustees, officers, pension manager, fund manager or custodian or other professional advisers by way of such insurance and in such amount as the trustees shall determine.

### *Annual and Special General Meeting of the Scheme*

## **26. Annual general meeting.**

(1) There shall be held an annual general meeting of the members of the scheme including former members receiving a pension under the scheme or with deferred benefits in the scheme.

(2) The annual general meeting of the scheme shall be held not later than the 28th day of February of each calendar year at a place and time to be determined by the board.

(3) The board shall hold an annual general meeting at least once in every year and shall determine the agenda for such a meeting.

(4) The business to be transacted at the annual general meeting shall be limited to the following agenda—

- (a) chairperson's report;
- (b) trustee's annual report;
- (c) investment report;
- (d) annual audited account;
- (e) any other competent business which shall be communicated at least twenty one days earlier to the members as shall be determined from time to time by the board.

(5) The annual general meeting shall be governed in accordance with the rules of procedure provided for in Schedule 1.

## **27. Special general meeting of the scheme.**

(1) The board may, whenever it deems fit, convene a special general meeting of the scheme.

(2) The board shall, on the requisition in writing of at least one third of all members, convene a special general meeting of the scheme.

(3) A requisition of members for a special general meeting shall—

- (a) state the purpose or purposes for the meeting;
- (b) be signed by the members making the requisition;
- (c) be lodged with the secretary; and
- (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.

(4) If the board fails to convene a special general meeting within one month after the date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than three months after that date.

(5) A special general meeting convened by a member or members as referred to in sub-regulation (4) shall be convened as nearly as is practicable in the same manner as the annual general meeting in accordance with Schedule 1.

### PART III—SCHEME MANAGEMENT

#### **28. The chief executive officer.**

The Clerk to Parliament shall be the secretary to the board of trustees and the chief executive officer of the scheme.

#### **29. Role of the chief executive officer.**

The chief executive officer shall—

- (a) be the secretary to the board;
- (b) manage staff of the scheme and any service provider appointed by the board;
- (c) oversee the administration of the scheme;
- (d) prepare agenda and minutes for the board meetings; and
- (e) carry out any other function as shall be determined by the board from time to time.

#### **30. Appointment of officers or staff of the scheme.**

(1) The board may appoint such officers or staff of the scheme as may be necessary for the effective and efficient performance of its functions.

(2) The staff or officers appointed under this regulation shall hold office on such terms and conditions as may be specified in the instrument of appointment.

(3) The board shall develop a human resource policy to guide the appointment, discipline and all other matters affecting staff of the scheme.



### **31. Functions of the pension manager.**

(1) The functions of the pension manager shall include assisting the chief executive officer to—

- (a) supervise the day to day operations of the scheme;
- (b) develop and coordinate the preparation and presentation of the annual and other reports including financial reports;
- (c) coordinate the activities of the scheme, including activities of the board committees;
- (d) develop and coordinate the preparation, discussion, approval and implementation of the scheme's policies, including investment and other strategies in consultation with the fund manager, the custodian, members, pensioners and the board;
- (e) recommend to the board policies on the efficient management of the scheme;
- (f) ensure effective co-ordination of service providers to the scheme;
- (g) ensure that the scheme operates effectively and meets performance, quality and customer care targets and complies with best practices;
- (h) ensure regulatory compliance;
- (i) ensure the availability of up-to-date and appropriate information sources for members and pensioners; and
- (j) perform any other duties as may be assigned to him or her by the board.

(2) The pension manager shall not at the same time act as a trustee, fund manager or custodian of the scheme.

(3) For avoidance of doubt, the pension manager shall carry out the duties of internal scheme administrator.

### **32. Appointment of service providers.**

(1) The board may appoint a service provider who may include; , a scheme actuary, scheme auditor, administrator, fund manager, custodian, legal counsel on such terms and conditions as shall be stipulated in the instrument of appointment.

(2) The board shall appoint service providers who are licensed or registered, as the case may be.

(3) An appointment made under sub regulation (1) shall be in accordance with the procurement guidelines developed by the board.

#### *Specific Functions of Key Service Providers*

### **33. Functions of the fund manager.**

(1) The functions of the fund manager shall include the following—

- (a) manage funds and other assets of the scheme for purposes of investment in accordance with the scheme's investment policy;
- (b) provide advisory services on the investment of the scheme funds and disseminate information concerning the assets available for investment of scheme funds;
- (c) make tactical asset allocation decisions based on the scheme asset allocation policy;
- (d) assist the board to have a prudent investment policy of the funds of the scheme so as to maintain the capital fund of the scheme;
- (e) ensure that liquidity is available to meet the scheme's needs;
- (f) keep records, books, and statements on investments;
- (g) provide accurate and timely periodic reports; and

(h) any other function as may be determined by the board.

(2) The fund manager shall not at the same time act as a trustee, custodian, administrator, or pension manager of the scheme.

### **34. Functions of the custodian.**

(1) The functions of the custodian shall include the following—

(a) hold the funds, assets and investments of the scheme in safe custody for the members and beneficiaries of the scheme;

(b) receive contributions made to the scheme;

(c) collect dividends and income in relation to the investments of the scheme;

(d) carryout financial transactions as instructed by the fund manager;

(e) recover tax and settle transactions;

(f) keep proper records and books of account of the assets and investment activities;

(g) notify the board on any deviation from the investment policy; and

(h) any other function as may be determined by the board.

(2) The custodian shall not at the same time act as a trustee, fund manager, administrator or pension manager of the scheme.

## **PART V—MEMBERSHIP AND CONTRIBUTIONS.**

### **35. Eligibility.**

Membership of the scheme shall consist of Members of Parliament, whether elected or *ex-officio*, and members of staff of the Parliamentary Service on permanent and pensionable terms, except that a member who is also a Vice President or a Prime Minister or a Speaker or Deputy Speaker shall not be a member of the scheme, or where already a

member shall cease to be a member.

**36. Enrolment of members.**

(1) A member shall fill his or her particulars in the format provided in Form A in Schedule 2 to these Regulations.

(2) A member shall be issued with a membership certificate.

**37. Nomination of beneficiary.**

A member shall nominate a person as his or her beneficiary using the format provided in Form B in Schedule 2 to these Regulations to receive pension, lump sum benefits or any other benefit payable under the provisions of the Act or these Regulations.

**38. Rights, duties, and responsibilities of members.**

(1) The rights of a member of the scheme include a right to—

- (a) pension or a lump sum payment as provided under these Regulations;
- (b) make recommendations for the consideration of the board;
- (c) initiate recall of any member of the board of trustees based upon valid grounds in accordance with the rules outlined in Schedule 3;
- (d) receive information on the financial condition or result of operations of the scheme.

(2) The duties and responsibilities of a member of the scheme include—

- (a) to support, and cooperate where applicable in all activities and undertakings of the scheme;
- (b) to ensure that his or her particulars required under regulation 36 and 37 are correct and updated as and when required;
- (c) to inquire into the status of his or her account; and
- (d) to attend the annual general meeting and other meetings of the

scheme when required.

### **39. Temporary absence from service.**

(1) Where a member is temporarily absent from service with permission of the Commission or the Speaker; and during such absence the—

- (a) member's pensionable emolument is neither reduced or suspended, the contributions by and in respect of the member shall continue to be paid;
- (b) member's pensionable emolument is reduced, the contributions by and in respect of the member shall be reduced proportionally; or
- (c) member is not in receipt of a pensionable emolument, the member shall remain a member of the scheme and shall not be liable to make the monthly contributions under the Act, and his or her benefits shall be limited to the accrued benefits.

(2) Subject to sub regulation (1) , the period during which a member is on authorised leave shall be counted as continuous service provided it is not more than one year.

### **40. Effect on terms of employment.**

(1) Nothing in these Regulations shall in any way restrict the right of the Commission to terminate the employment of a member or affect any agreement between the Commission and a member of staff in regard to conditions of service.

(2) No benefit, right or interest to which a member or his or her dependents may claim to be entitled in terms of these Regulations shall be used as a ground for damages in any action brought by such member or his or her dependents against the Commission and or Government.

### *Contribution and Payment of Benefits*

### **41. Payment of contributions.**

(1) Contributions by and in respect of a member shall cease to be payable as from the first day of the month following in which the

member ceases to earn a pensionable emolument.

(2) The board shall maintain a record of all contributions made by both the member and the Government.

#### **42. Payment of benefits.**

Payment of benefits to a member shall be done in the event of the following circumstances happening—

- (a) on retirement;
- (b) on resignation;
- (c) retirement on health grounds; or
- (d) upon death of a member.

#### **43. Pension to a former member.**

(1) Pension shall be paid to a member who retires or ceases to be a member on or after attaining forty-five years of age, subject to service as a member for a continuous period of five years or more.

(2) The pension payable to a former member shall be calculated basing on a formula provided in Schedule 1 of the Act.

(3) The board may by Statutory Instrument and in consultation with the Parliamentary Commission amend Schedule 1 of the Act after an actuarial review being carried out.

(4) The pension payable to a former member on his or her retirement shall be of such amount as can be purchased by his or her scheme credit at the date of retirement by monthly payments.

(5) Notwithstanding sub-regulation (4), a member entitled to a pension shall have an option of receiving a commuted lump sum payment of not more than twenty five percent of his or her scheme credit.

(6) A person receiving pension shall annually submit to the scheme, a confirmation of continuous existence for him or her, which shall be

witnessed by the Clerk to Parliament or Local Council, religious leader, priest or magistrate where that person ordinarily resides.

(7) Notwithstanding sub regulation 4 and 5, a former member qualifying for pension under the Act may receive a lump sum payment as trivial pension in accordance with regulation 54.

#### **44. Retirement as a consequence of another Government appointment.**

The benefits of a member, who retires or ceases to be a member as a consequence of another Government appointment with a retirement scheme, shall be deferred until the member retires or ceases to hold the new appointment.

#### **45. Refund of scheme credit.**

(1) Subject to section 12A of the Act, a member who retires or ceases to be a member whose age is less than forty-five years, or who has had less than five years of pensionable service, shall be entitled to a refund of his or her scheme credit.

(2) For the purposes of sub regulation (1), the proportion of the Government contribution that vests in the member shall be calculated as follows—

- (a) ten percent of the contribution shall vest after service of less than or equal to one year;
- (b) twenty percent of the contribution shall vest after service of one year but less than two years;
- (c) forty percent of the contribution shall vest after service of at least two years but less than three years;
- (d) sixty percent of the contribution shall vest after service of at least three years but less than four years;
- (e) eighty percent of the contribution shall vest after service of at least four years but less than five years;

(f) one hundred percent of the contribution shall vest after service of at least five years.

(3) This Regulation shall not apply to a person who was a member before 2010.

#### **46. Deferment of payment of benefits.**

(1) Notwithstanding the provision of regulation 45 (1), a member whose membership ceases before he or she attains the age of forty-five years, but whose pensionable service is five years or more, may leave his or her contribution in the Scheme as deferred benefits until he or she attains the age of forty-five years.

(2) A member whose payment is deferred under sub regulation (1) shall, on attaining the age of forty-five years or more, be paid his or her scheme credit as a pension and shall be entitled to a commuted lump sum payment of not more than twenty five percent of his or her scheme credit.

(3) A member who has opted to defer his or her benefits under this regulation shall not reverse that decision.

#### **47. Death of a member.**

Where a member dies while in pensionable service, his or her spouse or dependant, and where applicable, a person nominated by the member before the member's death shall be paid a refund of his or her scheme credit.

#### **48. Death of a person receiving pension.**

(1) Where a person dies when he or she is receiving a pension under the Act, his or her spouse, dependant or where applicable, a person nominated by the member before the member's death shall be entitled to receive the deceased member's pension.



(2) The pension payable in sub regulation (1) shall be the difference between the guaranteed pension and pension received.

(3) Pension is guaranteed for fifteen years after death.

**49. Suspension of pension on re-election.**

(1) Where a person receiving a pension under the Act is elected as a Member of Parliament or appointed as a member of staff of the Commission on permanent and pensionable terms contributing to the fund, the payment of the pension or any part of it shall be suspended during the period he or she is a serving member.

(2) For avoidance of doubt, no pension under these Regulations shall be paid to a serving Member of Parliament.

**50. Procedure for payment of benefits.**

(1) Where a person ceases to be a member, the Commission shall notify the board of the member's date of retirement and any subsequent change in the retirement date shall be made within thirty days from the date of the notice.

(2) Where the date of birth of a member is in doubt, and if such date is not proved by any written record used for official purposes, the board may, for the purpose of any claim under the Act, accept the date of birth declared at the time of registration of that member or any document produced by the member and verified by the board as proof of the member's age.

(3) The board shall in accordance with the vesting scale provided under regulation 45 pay pension or any other benefit to such a member within 90 days from the effective date of retirement.

(4) Where any contribution by and in respect of a member remains due, the board shall on payment of any benefit under the Act, deduct any payment of contribution due before payment.

(5) Except for cases of termination or death, it shall be the duty of every member to notify the board of his or her intention to leave the

scheme within three months to the intended date of retirement.

(6) Where a beneficiary cannot be traced or there is failure to fulfill requirements for payment of benefits, the board shall at the end of twelve months transfer the benefits due to the general reserve account.

**51. Duty of the Commission to provide information.**

The trustees shall not be required to effect any payment or perform any obligation under the Fund unless the trustees have been notified by the Commission or by the member or the beneficiary concerned of all events giving rise to or affecting the incidence of such liability or obligation.

**52. Prohibited payments and benefits.**

(1) Payments shall not be made to a member while on pensionable service.

(2) Loans, advances or other similar benefits or payments shall not be provided out of the Fund to a member except that; a prescribed proportion of the benefits accruing to the member may be assigned and used by the member; to secure a mortgage or loan for purchasing a residential house from any institution or pay for medical treatment in respect of the member.

(3) The Board shall develop guidelines to be followed in sub regulation (2).

**53. Death of a member.**

(1) Upon the death of a member, the Commission shall inform the board on the death of the member.

(2) In accordance with Sections 16 and 16A of the Act, a person applying for the member's benefits shall attach the following documents with the application—

- (a) his or her identity card;
- (b) letters of administration or probate;

- (c) marriage certificate, where applicable;
- (d) birth certificate, where applicable; or
- (e) any other document that may be required for the purpose.

**54. Procedure on determination of trivial pension.**

(1) The board shall determine trivial pension after consultation with and recommendation of an actuary having regard to the significance and economic viability from time to time.

(2) A member must qualify for pension under regulation 42 before he or she applies for trivial pension under these regulations.

(3) A member who qualifies for trivial pension shall take up the commutation within 12 months from the date of retirement or event enumerated under regulation 42.

(4) Payment of trivial pension shall extinguish all pension rights or payments due to the member from the scheme.

*Accounts*

**55. Bank accounts.**

(1) The board shall open and maintain bank accounts necessary for the exercise of the functions of the Scheme and shall pay into them—

- (a) a contributions by and in respect of the members and income thereon; and
- (b) all other monies received by the board in the exercise of their functions under the Act.

(2) Monies received by the scheme under paragraphs (a) and (b) of sub regulation (1) shall be kept in separate accounts.

**56. Audit of Accounts.**

(1) The accounts of the scheme shall be audited by the Auditor

General or an auditor appointed by him or her at least once every financial year.

(2) The board shall within four months after the end of each financial year, prepare and circulate to all members a copy of the audited accounts of the Scheme.

(3) The board shall submit to the Authority audited accounts in accordance with the Uganda Retirement Benefits Regulatory Authority Act.

(4) The bank account statements for the scheme shall be kept for at least seven years after audit.

## PART VI—MISCELLANEOUS

### **57. Amendment of regulations.**

(1) The board may, in consultation with the Parliamentary Commission, amend the provisions of these Regulations.

(2) Notwithstanding sub regulation (1), any amendment affecting the financial position of the scheme shall be made after consultation with the actuary.

### **58. Savings.**

All actions legally done in accordance with the Act before the commencement of these Regulations are saved.

### **59. Other provisions.**

Where there is an occurrence of any event not expressly provided for in these Regulations, the board may by special resolution determine the manner in which such matter may be handled.

## SCHEDULE 1

Reg. 26

### **RULES OF PROCEDURE FOR THE ANNUAL GENERAL MEETINGS OF THE PARLIAMENTARY PENSION SCHEME**

#### **1. Purpose.**

(1) These Rules of Procedure apply to Annual General Meetings (AGM) of the Parliamentary Pension Scheme.

(2) The Scheme shall hold an annual general meeting each year in order to satisfy its obligations under the Act and these Regulations.

(3) The purpose of the AGM is to enable the members and pensioners of the Scheme to receive the Scheme's annual report, chairperson's report, investment report and auditor's report.

#### **2. Interpretation.**

(1) In these rules, except where the context otherwise requires—

“member” means a member of the scheme including former members receiving a pension under the scheme or, with deferred benefits.

(2) In these rules, unless the context otherwise requires all words and expressions used shall have the same meaning assigned to them in the Act and Regulations.

*Convening an annual general meeting.*

#### **3. Frequency of holding an annual general meeting.**

The Scheme shall hold an annual general meeting once in each year and within six months after the end of its financial year.

**4. Extension of time for holding the annual general meeting.**

Where an extension of time is needed for holding the annual general meeting beyond six months after the end of the financial year, the board shall notify the members of the fact detailing the circumstances leading to the extension.

**5. Notice of an annual general meeting.**

(1) A notice of at least two weeks prior to an annual general meeting shall be given to every member and the auditor of the scheme by telephone, email or by pre-paid post.

(2) The notice shall specify the date, time and place of the meeting and state the general nature of the business to be transacted at the meeting.

**6. Adjourning an annual general meeting.**

(1) Prior to an annual general meeting, the board may change the venue for, postpone or cancel the annual general meeting.

(2) The chairperson may, and shall if so directed by the meeting, adjourn the meeting.

(3) The only business that shall be discussed at any adjourned meeting is the unfinished business from the meeting at which the adjournment took place.

*Documentation for the annual general meeting*

**7. Provision of reports.**

Reports to be presented shall be available to all members 14 days prior to the meeting.

**8. Communication or submissions prior to an annual general meeting.**

(1) A proposal shall be written in a prescribed format and distributed to all voting members in advance of the meeting.

(2) Notwithstanding *subrule* (1), the chairperson may, in exceptional circumstances and at his or her discretion, permit the discussion of proposals and amendments not in writing.

(3) Any communication, submission or document to be tabled at an

annual general meeting must be forwarded to the secretary board of trustees within one month of the date of the meeting.

*Attendance, representation and observers.*

**9. Attendance by a member, the scheme auditor.**

(1) All members may attend, speak and vote at annual general meeting.

(2) The scheme's auditor or his/her representative shall be entitled to attend and speak at an annual general meeting.

**10. Observers.**

A person may attend an annual general meeting if invited by the board, and, with the permission of the chairperson, may speak but not vote at the meeting.

*Conduct of the annual general meeting.*

**11. Chairperson.**

(1) The chairperson of the board shall preside as chairperson at each annual general meeting and shall be responsible for the control of all sessions of the meeting and for ensuring that the Rules of Procedure are adhered to.

(2) Any question arising relating to the order of business, procedure or conduct of the meeting must be referred to the chairperson whose decision shall stand.

(3) If the chairperson is not present, or unable to act as chairperson of the meeting, the members present shall elect from amongst the other trustees present a chairperson of the meeting.

**12. Agenda.**

The board shall determine the agenda for the annual general meeting.

**13. Business to be discussed.**

(1) The business of an annual general meeting shall be the consideration of the trustees annual report, chairperson's report, auditor's report, and any other item on the agenda approved by the board.

(2) The board shall present the following reports to the annual general

meeting—

- (a) the board of trustees' annual report;
- (b) the chairperson's report;
- (c) the audited financial statements;
- (d) the investment report.

(3) The chairperson shall allow a reasonable opportunity for a member to question or comment on the reports presented in sub rule (2).

#### **14. Quorum.**

(1) No business may be transacted at an annual general meeting, unless a quorum of one third of all members is present.

(2) Where within one hour of the notified starting time, quorum has not been attained, the chairperson shall start the meeting provided there are seventy members present.

(3) Where the members present are less than seventy, the meeting shall be adjourned to the proceeding week or to another appropriate date, in which case, the number of members present at the meeting shall form quorum for that meeting.

#### **15. Order for discussion.**

The order for discussion is progression through the agenda.

#### **16. Speaking rights.**

(1) A member may speak to each agenda item.

(2) An observer may only speak with the permission of the chairperson.

#### **17. Working language of the annual general meeting.**

The working language of the meetings of the Scheme shall be English.

*The Secretary*

#### **18. Role of the secretary.**

The secretary shall facilitate the work of the annual general meeting by—



- (a) providing necessary advice, clarifications, inputs and information;
- (b) acting as resource persons particularly in the preparation of reports; and
- (c) summarising discussions and preparing the minutes of the meeting.

**19. Reporting.**

The secretary shall within sixty days after holding an annual general meeting communicate to all members the executive summary of the report of the annual general meeting.

*Amendment of Rules of Procedure*

**20. Amendment.**

These Rules may be amended by the board as may be required.

**21. Matters not covered by the regulations.**

Any matter not covered by these rules may be determined by the board.

**SCHEDULE 2**

**FORMS**

**FORM A**

**Reg. 36**

**PARLIAMENTARY PENSIONS ACT**

**Enrolment Form  
Member's Personal Details**

Surname\* (Hon./Mr./Mrs./Miss./Ms.) .....

Forename/s .....

Sex.....

Marital Status .....

Date of Birth .....

Employee I.D No\* .....

Date joined Parliament/Parliamentary Service\*.....

Department .....

Pensionable emolument.....

Residential Address.....

District.....

Sub-county.....

LC 1.....

Village.....

**STATEMENT OF ACCURACY**

I declare that the details given above are accurate to the best of my knowledge and belief

.....  
*Signature of Declarant*

.....  
*Date*

**CONFIRMATION BY THE PARLIAMENTARY COMMISSION**

I confirm that the details given above do not differ from our records

.....  
*Clerk to Parliament*

.....  
*Date*

\*. Please attach current photos and copies of the documents.

## FORM B

Reg. 37

### THE PARLIAMENTARY PENSION SCHEME

#### NOMINATION OF BENEFICIARY

<i>Full name*</i>	<i>Relationship</i>	<i>Telephone Contact</i>	<i>Proportion (%)</i>
Where this space is inadequate, please attach a signed list.			
<b>Total Benefits 100%</b>			

To : Board of Trustees  
Parliamentary Pension Scheme

<b>Guardian's Details:</b>	
Full Name:	
Address:	
ID No.	
Tel. No:	

I..... (*Members' full name\**), hereby nominate the following to be my beneficiaries to receive any pension or lump sum benefits payable under the provisions of the Parliamentary Pension Scheme in the event of my death:

In case of a minor nominee (only applicable where a nominee is below 18 yrs)

\*Please provide a photocopy of your ID, a copy of your recent passport photograph, a copy of your birth certificate or any other official document.

Further, provide one recent passport photograph(s) of your Nominee(s) and their birth certificate(s) or any other official document.

I certify that the information given above is true.

.....  
*Signature of Member*

### SCHEDULE 3

Reg.38

#### Rules regarding the right to recall a trustee

1. Subject to the provisions of these Regulations, a member shall have the right to recall a trustee before the expiry of his or her term of office.
2. A trustee may be recalled from that office on any of the following grounds—
  - (a) physical or mental incapacity rendering that member incapable of performing the functions of the office;
  - (b) misconduct or misbehavior likely to bring hatred, ridicule, contempt or disrepute to the office; or
  - (c) failure to perform the duties of a trustee.
3. The recall of a trustee shall be initiated by a petition in writing to the board setting out the grounds relied on and signed by at least two-thirds of the membership.
4. On receipt of the petition referred to in rule 3, the board shall, within seven days constitute a committee to conduct an inquiry into the matters alleged in the petition and the committee shall expeditiously conduct the necessary inquiry and report its findings to the chairperson.
5. The board shall—
  - (a) declare the seat vacant, if the committee reports that it is satisfied from the inquiry, with the genuineness of the petition; or
  - (b) declare immediately that the petition was unjustified, if the committee reports that it is not satisfied with the genuineness of the petition.

A handwritten signature in black ink, appearing to be 'A. J. ...', is written over the text of rule 5(b).

6. A petitioner or trustee who is not satisfied with the decision of the board may petition the annual general meeting whose decision in the matter will be final.

*Chairperson, Board of Trustees,  
Parliamentary Pensions Scheme.*