

ACTS SUPPLEMENT

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Act 6 *Uganda National Commission for
UNESCO Act* **2014**

THE UGANDA NATIONAL COMMISSION FOR UNESCO ACT, 2014

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SCHEDULE

MEETINGS OF THE BOARD AND RELATED MATTERS.

**THE UGANDA NATIONAL COMMISSION FOR UNESCO
ACT, 2014.**

An Act to provide for the establishment and operation of the Uganda National Commission for UNESCO (UNATCOM); to provide for the object of the Commission; to provide for the functions of the Commission; to provide for the Board; to provide for the functions of the Board; to provide for committees of the Board; to provide for the Secretariat of the Commission; to provide for funds of the Commission; and to provide for other related matters.

DATE OF ASSENT: 21st June, 2014.

Date of Commencement: See section 1.

BE IT ENACTED by Parliament as follows—

PART I—PRELIMINARY**1. Commencement.**

This Act shall come into force on a date appointed by the Minister by Statutory Instrument.

2. Interpretation.

In this Act, unless the context otherwise requires —

“Board” means a member of the Board of the Commission appointed under section 7;

“Chairperson” means the Chairperson of the Commission appointed under section 7;

“Civil Society Organization” means an aggregate of Non-Governmental Organizations, institutions and individuals in a society whose activities are independent of the government;

“Commission” means the Uganda National Commission for UNESCO;

“Government” means government of Uganda;

“Minister” means the Minister responsible for education;

“Organs of UNESCO” includes the UNESCO General Conference, the UNESCO Executive Board and the UNESCO Secretariat;

“Secretary General” means the Secretary General of the Commission appointed under section 14 and includes a Deputy Secretary General;

“Uganda’s Permanent Delegation to UNESCO” means the office established for the representation of Uganda at the UNESCO headquarters in Paris;

“UNATCOM” means the Uganda National Commission for UNESCO;

“UNESCO” means the United Nations Educational, Scientific and Cultural Organisation;

“UNESCO fellowship holder” means a person sponsored for UNESCO designated workshop, course, or activity in line with UNESCO areas of competence;

“UNESCO fields of competence” includes education, sciences, culture, communication and information;

“UNESCO programmes” means education, natural science, social science, human science, culture, communication and information.

PART II—THE UGANDA NATIONAL COMMISSION FOR UNESCO

3. Establishment of the Commission.

(1) There is established a Commission to be known as the Uganda National Commission for UNESCO (UNATCOM), in this Act referred to as the Commission.

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

(3) The Commission 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 other transactions as may be expedient and may do any other act or thing as in law may be done by a body corporate subject to this Act.

4. Object of the Commission.

The object of the Commission is to contribute to peace, justice, security, the rule of law and maintenance of human rights and freedoms for the common welfare of humanity through—

- (a) education, sciences, culture, communication and information in Uganda; and
- (b) the involvement of Government ministries, departments and agencies, civil society organisations and individuals, in the affairs and programmes of the Commission and of UNESCO.

5. Functions of the Commission.

- (1) The functions of the Commission are—
- (a) to promote understanding of the objects and purposes of UNESCO among the people of the Republic of Uganda;
 - (b) to advise the Government of Uganda on matters relating to UNESCO;
 - (c) to serve as a liaison agency between the Government of Uganda and the institutions concerned with the working for the advancement of education, sciences, culture, communication and information;
 - (d) to approve and recommend all UNESCO activities and programmes in Uganda;
 - (e) to advice government ministries, departments or agencies, civil society organizations and individuals on the resolutions, recommendations and any other matter adopted by the organs of UNESCO, and follow up on their implementation;
 - (f) to participate in the planning and execution of activities entrusted to UNESCO which are undertaken with the assistance of the Government, United Nations agencies and any other international organizations or development partners;

- (g) to disseminate information to the public on the objectives, programmes and activities of UNESCO;
- (h) to collaborate with other national commissions for UNESCO, UNESCO field offices, United Nations agencies and other partners in fostering regional, sub-regional and bilateral co-operation in UNESCO fields of competence particularly through the joint formulation and execution of programmes;
- (i) to participate in the search for qualified candidates for UNESCO posts and in the placement of UNESCO fellowship holders;
- (j) to initiate, support, undertake, sponsor, promote and encourage activities in UNESCO fields of competence;
- (k) collect relevant data relating to UNESCO fields of competence for the purpose of its wide distribution;
- (l) to monitor and evaluate the progress of UNESCO programmes in Uganda and report to UNESCO head offices; and
- (m) to perform any other function related to the Act as the Minister may direct by statutory instrument.

(2) The Commissioner may consult and co-operate with the Government ministries, departments and agencies, civil society organisations and individuals carrying out duties, aims or objectives related to those of the Commission.

6. The powers of the Minister.

(1) The Minister may, in writing, give policy guidelines to the Commission regarding the performance of its functions under this Act.

(2) The Commission shall comply with the policy guidelines given by the Minister under subsection (1).

7. Board of the Commission.

(1) The Commission shall have a Board, which shall be the governing body of the Commission.

(2) The Board shall consist of nine members appointed by the Minister with the approval of Cabinet.

(3) The members appointed under subsection (2) shall include—

- (a) a representative of the Ministry responsible for education;
- (b) a representative of the Ministry responsible for culture;
- (c) a representative of the Ministry responsible for tourism;
- (d) a representative of the Ministry responsible for information;
- (e) a representative of persons with disabilities nominated by the national council for persons with disabilities; and
- (f) five other members with professional experience in any of UNESCO fields of competence and who possess qualities likely to be beneficial to the Board, of whom at least—
 - (i) one person shall be nominated by the organisation representative of the youth to represent their interests;
 - (ii) one person shall be nominated by the organisation representative of the private sector to represent their interests;
 - (iii) one person shall be nominated by the organisation representative of the civil society sector to represent their interests;

(4) Members of the Board referred to in subsection 3(f) shall be appointed by the Minister from among persons who have knowledge relevant to the object and functions of the Commission.

(5) There shall be a Secretary General who shall be an ex-officio member of the commission.

(6) The Secretary General shall act as secretary to the Board and shall perform such functions in relation to the Board as the Board may direct.

(7) The Minister shall appoint a Chairperson from among the members of the Board.

(8) The members of the Board shall elect one person from among their number who shall be the Vice-Chairperson of the Board.

(9) At least one third of members of the board shall be women.

8. Tenure of office of members of the Board.

(1) The appointed members of the Board shall hold office on terms and conditions specified in the instrument of appointment.

(2) A member of the Board shall hold office for three years and is eligible for re-appointment for one more term.

(3) An appointed member may resign his or her office by notice in writing addressed to the Minister, and the resignation shall take effect from the date on which the Minister receives the notice.

(4) The appointment of a member may be revoked by the Minister in writing—

- (a) if the appointed member is absent from three consecutive meetings of the Board without reasonable cause;
- (b) on grounds of incapacity to perform the functions of his or her office arising out of infirmity of body or mind;
- (c) on grounds of negligence in the performance of his or her functions;
- (d) if the appointed member is adjudged or otherwise declared bankrupt under any law in force in Uganda;
- (e) for misbehavior, misconduct or incompetence; or
- (f) if the appointed member is convicted of a criminal offence in respect of which the maximum penalty imposed exceeds six months imprisonment.

(5) Where the office of an appointed member becomes vacant, the Minister may appoint another person qualified to perform the functions of that office.

(6) For the avoidance of doubt, a person holding office as a member of the Board by virtue of any office held by him or her, shall cease to be a member of the Board upon ceasing to hold that office under which he or she was nominated but if otherwise qualified, he or she may be appointed or nominated as a member of the Board again in his or her personal capacity.

9. Functions of the Board.

The functions of the Board shall be—

- (a) to formulate and review the policy of the Commission;

- (b) to carry out the objects and functions of the Commission;
- (c) to set targets for the annual performance of the Commission;
- (d) to monitor and evaluate the performance of the management of the Commission;
- (e) to determine the organisational structure and staffing of the Commission;
- (f) to consider and approve plans of the Commission;
- (g) to supervise the management of the property and business of the Commission; and
- (h) to perform any other functions prescribed by or under this Act and Regulations or as may be directed in writing by the Minister.

10. Meetings of the Board and related matters.

(1) The Board shall meet at least once every three months for the purpose of discharging its functions under this Act.

(2) The meetings of the Board shall be conducted in a manner specified in the Schedule to this Act.

11. Committees of the Board.

(1) The Commission may appoint committees of the Board—

- (a) to inquire into and advise the Board on any matter concerning the functions of the Commission, as the Board may refer to the committee; and

- (b) to exercise the powers or perform functions of the Commission, as the Board may delegate or refer to the committee.

(2) A committee appointed under subsection (1) shall consist of a chairperson and other persons, whether members of the Board or not, as the Board may determine.

(3) The Board may require a committee appointed under this section to act jointly or in co-operation with any other committee of the Commission.

(4) Subject to any direction given by the Board, a committee appointed under this section may regulate its own procedure.

12. Delegation of functions of the Board.

(1) The Board may, by instrument of delegation, delegate to the Chairperson, a member of the Board, an officer of the Commission or to a committee established under section 11, any of the powers, duties or functions of the Commission under this Act.

(2) The terms and conditions regulating the exercise of the powers delegated under this section shall be contained in the instrument of delegation.

(3) A person aggrieved by the decision of a delegate in the exercise of powers under this section may appeal to the Board.

(4) A person shall, in the exercise of a delegated power under this section, comply with directions or guidelines as the Board may, from time to time, issue in writing.

PART III—SECRETARIAT AND STAFF OF THE COMMISSION

13. Secretariat of the Commission.

The Commission shall have a secretariat which shall be responsible for the day -to -day operations of the Commission and implementing the decisions of the Commission.

14. Secretary General of the Commission.

(1) There shall be a Secretary General of the Commission who shall be appointed by the Minister on the recommendation of the Board and on terms and conditions specified in the instrument of appointment.

(2) The Secretary General shall hold office for four years and is eligible for re-appointment for one more term.

(3) The Secretary General shall be the Chief Executive Officer of the Commission and subject to the general supervision and control of the Board, shall be responsible for—

- (a) the day-to-day operations of the Commission;
- (b) the management of the funds of the Commission;
- (c) the administration and management of the property of the Commission;
- (d) the supervision and control of the officers and other staff of the Commission; and
- (e) advising the board on any relevant matter relating to the functions of the Board.

(4) The Secretary General shall be a person of high moral character and proven integrity, with the relevant qualifications and experience relating to any of UNESCO fields of competence.

(5) The Minister may, on the recommendation of not less than two thirds of members of the Board, remove the Secretary General from office for—

- (a) inability to perform the functions of that office due to infirmity of body or mind;
- (b) misbehavior or misconduct;
- (c) incompetence; or
- (d) being convicted of a criminal offence.

15. Deputy Secretary General.

(1) There shall be a Deputy Secretary General to the Commission who shall be appointed by the Minister on recommendation of the Board, on terms and conditions specified in the instrument of appointment.

(2) The Deputy Secretary General shall hold office for four years and is eligible for re-appointment for one more term.

(3) The Deputy Secretary General shall deputise the Secretary General.

16. Other officers and staff of the Commission.

(1) The Board may, appoint officers and staff of the Commission as may be necessary for the proper and efficient performance of the functions of the Commission.

(2) The officers and staff appointed under this section shall hold office on terms and conditions determined by the Board and specified in their instruments of appointment.

17. Protection of members and employees from personal liability.

A member of the Board or an employee of the Commission or a person acting on the directions of such a person is not personally liable for any act or omission done or omitted to be done in good faith in the exercise of the functions of the Commission.

18. Establishment of Uganda's Permanent Delegation to UNESCO.

(1) There is established an office to be known as Uganda's Permanent Delegation for the representation of Uganda at the UNESCO headquarters in Paris.

(2) The Minister shall in consultation with the Board, appoint officers and staff to the office of Uganda's Permanent Delegation as may be necessary for the proper and efficient discharge of the functions of the Commission under this Act.

19. Remuneration of members of the Board.

The Chairperson and members of the Board shall be paid remuneration or allowances as the Minister may specify in their instruments of appointment.

20. Remuneration of committee members.

Members of a committee appointed under section 11 shall be paid remuneration or allowances as the Board may determine.

21. Remuneration of the Secretary General.

The Secretary General shall be paid remuneration or allowances as the Board may with the written approval of the Minister, in consultation with the Minister responsible for finance and the Minister responsible for public service, determine.

22. Remuneration of the other officers and staff.

The officers and staff of the Commission shall be paid remuneration or allowances as the Board may in consultation with the Minister responsible for finance and the Minister responsible for public service, determine.

PART IV—FINANCIAL PROVISIONS**23. Funds of the Commission.**

The funds of the Commission shall include the following—

- (a) monies appropriated by Parliament for the purposes of the Commission;
- (b) loans, grants, donations and gifts from sources with approval of the Minister responsible for finance;
- (c) earnings from investments; and
- (d) such other sums of money as may become payable to the Commission in the discharge of its functions under this Act.

24. Duty to operate on sound financial principles.

The Commission shall, in the performance of its functions under this Act, have due regard to sound financial principles.

25. Power to open and operate bank accounts.

(1) The Board shall in consultation with the Accountant General open and maintain such bank accounts as are necessary for the performance of the functions of the Commission.

(2) The Secretary General shall ensure that all money received by or on behalf of the Commission is banked as soon as practicable.

(3) The Secretary General shall ensure that no money is withdrawn from or paid out of any of the bank accounts of the Commission, without the authority of the Board.

26. Borrowing powers.

(1) The Board shall, with the approval of the Minister in consultation with the Minister responsible for finance, borrow money from any source as may be required for meeting its obligations or for the discharge of the functions of the Commission under this Act.

(2) The Commission may, with the prior approval of the Minister for the purpose of any borrowing under subsection (1), charge any asset or property of the Commission with the repayment of any money so borrowed.

27. Investment of surplus funds.

Funds of the Commission not immediately required for any purpose under this Act may be invested in a manner, which the Board may, with the approval of the Minister, after consultation with the Minister responsible for finance, determine.

28. Estimates.

(1) The Secretary General shall, within three months before the commencement of each financial year, cause to be prepared and submitted to the Board for its approval, estimates of the income and expenditure of the Commission.

(2) The Board shall, within two months of receipt of the estimates referred to in subsection (1), cause to be submitted to the Minister for his or her approval, the estimates of income and expenditure as approved by the Board.

29. Financial year of Commission.

The financial year of the Commission shall be the same as the financial year of the Government.

30. Accounts.

(1) The Secretary General shall cause to be kept, proper books of accounts and records of the transactions of the Commission in accordance with accepted accounting principles.

(2) Subject to any direction given by the Board, the Secretary General shall cause to be prepared an annual financial statement stating the basis of accounting and shall identify any significant departure from it and the reasons for the departure.

(3) The statements of accounts shall include—

- (a) a balance sheet, an income and expenditure account and a source and application of the Commission's statement; and
- (b) any other information in respect of the financial affairs of the Commission as the Auditor General or an auditor appointed by the Auditor General may in writing require.

31. Audit.

(1) The Auditor General or an auditor appointed by the Auditor General shall, in each financial year, audit the accounts of the Commission.

(2) The Board shall ensure that three months after the end of each financial year, a statement of accounts is submitted to the Auditor General or an auditor appointed by the Auditor General for auditing.

(3) The Auditor General or an auditor appointed by the Auditor General shall have access to all books of accounts, vouchers and other records of the Commission and is entitled to any information and explanation required in relation to those records.

PART V—MISCELLANEOUS PROVISIONS

32. Annual report.

(1) The Board shall submit to the Minister, within three months after the end of each financial year, a report on the activities and operations of the Commission for that financial year.

(2) The Commission shall submit to the Minister the audited financial statements of the Commission, together with the report referred to in sub section (1).

(3) The Minister shall, within two months after receipt of the report submitted to him under subsection (1), table the report before Parliament.

(4) Notwithstanding the provisions of this section, the Commission shall produce annual reports to local governments and cultural institutions.

33. Official seal of the Commission.

(1) The official seal of the Commission shall be in a form determined by the Board.

(2) The official seal shall, when affixed to any document, be authenticated by the signatures of the Secretary General and one other member of the Board and in the absence of the Secretary General, the person performing the functions of the Secretary General shall sign.

(3) An instrument or contract which, if executed or entered into by a person other than a body corporate and would not require to be under the official seal, may be executed or entered into on behalf of the Commission by—

- (a) the Secretary General; or
- (b) any member of the Board or any other person if that member of the Board or other person has been duly authorised by resolution of the Board to execute or enter into the instrument or contract as the case may be.

(4) Every document purporting to be an instrument or contract executed or issued by or on behalf of the Commission in accordance with this section shall be deemed to be so executed or issued until the contrary is proved.

34. Service of documents.

Any notice or document may be served on the Commission by delivering it at the office of the Secretary General, or by sending it by pre-paid registered post or through electronic modes of communication, to the Secretary General.

35. Regulations.

(1) The Minister may, by Statutory Instrument in consultation with the Board, make regulations generally for the better carrying into effect the provisions of this Act.

(2) A Statutory Instrument made under this section shall be laid before Parliament.

PART VI—TRANSITIONAL PROVISIONS.

36. Vesting of assets and liabilities.

(1) All property except land which, before the commencement of this Act was vested in the Government for the use of the Commission shall, on the date of commencement of this Act, vest in the Commission, subject to all interests, liabilities, charges, obligations and trusts affecting that property.

(2) The Minister may with the approval of the Minister responsible for finance, transfer to the Commission the ownership or possession of other assets except land belonging to the Government which, by virtue of this Act, are necessary for the performance of the functions of the Commission and the Commission shall, have all the rights to those assets and be subject to all the liabilities attached to those assets.

(3) All contracts, debts, engagements and liabilities of the Government attributable to the Commission before the commencement of this Act, shall on the date of commencement of this Act, become contracts, debts, engagements and liabilities of the Commission.

37. Transfer of service contracts.

(1) The employees of the Ministry responsible for education who wish to join the Commission shall be subjected to the terms and conditions of service as prescribed by the Board.

(2) The employees referred to in subsection (1), shall before the commencement of this Act, be given an opportunity to choose whether to join the service of the Commission or to continue serving the Ministry responsible for education.

(3) Nothing in this Act affects the pension rights under the Pension Act of any person referred to in subsection (1).

Section 10

MEETINGS OF THE BOARD AND RELATED MATTERS

1. Meetings of the Board.

(1) The Chairperson shall convene every meeting of the Board at times and places as the Board may determine, and the Board shall meet for the discharge of business at least once every three months.

(2) The Chairperson may, at any time, convene a special meeting of the Board, if requested to do so in writing by at least five members of the Board.

(3) Meetings of the Board shall be convened by a two weeks' notice in writing except that a shorter notice may be given for a special meeting.

(4) The Chairperson shall preside at every meeting of the Board and in his or her absence the members present may appoint a member from among themselves to preside at the meeting.

2. Quorum.

(1) The quorum for a meeting of the Board shall be a half of the members.

(2) All decisions at a meeting of the Board shall be by majority of the votes of the members present and voting and in case of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.

3. Minutes of meetings.

(1) The Secretary shall cause to be recorded and kept, minutes of all meetings of the Board in a form approved by the Board.

(2) The minutes recorded under this paragraph shall be submitted to the Board for confirmation at its next meeting following that to which the minutes relate and when so confirmed, shall be signed by the Chairperson and the Secretary in the presence of the members present at the latter

meeting.

4. Power to co-opt.

(1) The Chairperson shall preside at every meeting of the Board and in the absence of the chairperson and the vice chairperson, the members present may appoint a member from among themselves to preside at the meeting.

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

5. Validity of proceedings not affected by vacancy.

The validity of any proceedings of the Board or committee shall not be affected by a vacancy in its membership or by any defect in the appointment or qualification of a member or by reason that a person not entitled, took part in its proceedings.

6. 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 in any other matter to be considered by the Board, shall, as soon as the relevant facts come to his or her knowledge, disclose the nature of his or her interest at a meeting of the Board.

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

(3) A member who makes a disclosure under subparagraph (1) shall not—

- (a) be present during any deliberation of the Board with respect to that matter;
- (b) take part in any decision of the Board with respect to that matter;
- (c) the failure of any member of the board to disclose an interest in any contract or proposed contract or any matter before the board, shall render the decision void and that member shall be relieved of his or her duties as a member of the Board.

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

7. Board may regulate its procedure.

Subject to this Act, the Board may regulate its own procedure or any other

matter relating to its meetings.

Cross Reference

Budget Act, 2006

Pension Act Cap. 286.

Public Finance and Accountability Act 2003