

ACTS SUPPLEMENT

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Act 15

Uganda Road Fund Act

2008

THE UGANDA ROAD FUND ACT, 2008.

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THE UGANDA ROAD FUND ACT, 2008.

AN ACT to establish the Uganda Road Fund for the purpose of financing routine and periodic maintenance of public roads; to facilitate the delivery of road maintenance services; to provide for designated agencies for purposes of the Road Fund; to provide for the management of the Fund; and for other related matters.

DATE OF ASSENT: 31st August, 2008.

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 to be appointed by the Minister by statutory instrument; and different days may be appointed for the commencement of different provisions of this Act.

2. Purpose of the Act.

The purpose of this Act is—

- (a) to establish the Uganda Road Fund;
- (b) to facilitate the delivery of road maintenance services;

- (c) to create an environment that is conducive to the efficient and effective maintenance of public roads; and
- (d) to promote potential for the continuous improvement of the services provided by the Fund.

3. Principles of the Fund.

The Fund shall, in achieving its purposes under section 2, take into account and give effect to the following principles—

- (a) the provision of its services in the most economic, efficient and effective manner;
- (b) the management of its affairs in a business-like and cost-effective manner and in accordance with modern management practices and techniques and in particular, apply to its operations the best standards of financial management and accounting; and
- (c) ensure that its operations are designed for the provision of the best services to its customers, while maintaining a high degree of responsiveness to their needs.

4. Interpretation.

In this Act, unless the context otherwise requires—

- “Annual Road Maintenance Programme” means a programme relating to routine and periodic maintenance of public roads referred to in section 23;
- “Authority” means the Uganda National Roads Authority established by the Uganda National Roads Authority Act, 2006;
- “Board” means the Fund Management Board established by section 7;
- “currency point” has the value assigned to it in Schedule 1;
- “designated agency” means an agency or sub agency designated under section 41;

“Executive Director” means the Executive Director of the Board appointed under section 17, or a person authorised to act on his or her behalf;

“Fund” means the Uganda Road Fund established by section 5;

“Minister” means the Minister responsible for finance;

“public roads” includes national, district, urban roads and community access roads;

“road tariff” means road user charges within the meaning of section 21(1) (a);

“Secretariat” means the Secretariat of the Board;

“weight-distance charge” means a surcharge imposed on heavy vehicles to account for the large impact of heavy vehicles on the road network.

PART II—ESTABLISHMENT OF THE UGANDA ROAD FUND

5. Establishment of the Uganda Road Fund.

(1) There is established the Uganda Road Fund.

(2) The Fund shall be a body corporate with perpetual succession and an official seal and may, for the discharge of its functions under this Act—

- (a) acquire, hold and dispose of movable and immovable property;
- (b) sue and be sued in its corporate name; and
- (c) do or perform all acts and things as a body corporate may lawfully do or perform.

6. Object of the Fund.

The object of the Fund is—

- (a) to finance the routine and periodic maintenance of public roads in Uganda;

- (b) to ensure that public roads are maintained at all times; and
- (c) to advise the Minister, in consultation with the Minister responsible for roads and the Minister responsible for local governments on—
 - (i) the preparation and efficient and effective implementation of the Annual Road Maintenance Programme; and
 - (ii) the control of overloading of vehicles on public roads.

PART III—MANAGEMENT OF THE FUND

7. Fund Management Board.

(1) There is established a Fund Management Board.

(2) The Board shall manage the business of the Fund in accordance with sound commercial principles to enable effective, efficient and stable road expenditures through the implementation of a road user charging system.

8. Composition of the Board.

(1) The Board shall be a broad based private and public board with a majority of road users, comprising seven reputable persons nominated from the public and private sectors appointed by the Minister, in consultation with the Minister responsible for roads, with the approval of Cabinet.

(2) The members appointed under subsection (1) shall include—

- (a) a representative of the Ministry responsible for finance, not below the rank of Commissioner;
- (b) a representative of the Ministry responsible for roads not below the rank of Commissioner;
- (c) a representative of the Ministry responsible for local governments, not below the rank of Commissioner;
- (d) a representative of freight transporters;

- (e) a representative of passenger transporters;
- (f) a representative of the accountants profession; and
- (g) a representative of the engineers profession.

(3) The Minister shall appoint the Chairperson of the Board from among the members appointed under subsection (2) (d), (e), (f) and (g).

(4) The Executive Director shall be an exofficio member of the Board and shall act as the Secretary to the Board.

(5) At least one third of the members of the Board shall be women.

9. Qualifications of members of the Board.

(1) The members of the Board shall be persons of high moral character and proven integrity who are qualified in, and have had experience of and shown capacity in management, business administration, financial management, road engineering or road transport matters.

(2) The members of the Board shall hold office on terms and conditions specified in their instruments of appointment.

10. Disqualification for appointment to the Board.

A person shall not be appointed to the Board who—

- (a) has been convicted of an offence under this Act or of an offence involving dishonesty or fraud by a competent court in Uganda or outside Uganda;
- (b) has been convicted of an offence and sentenced to a term of imprisonment for six months or more by a competent court in Uganda or outside Uganda;
- (c) is an undischarged bankrupt, or has made any assignment or arrangement with his or her creditors; or
- (d) is a Member of Parliament, a Minister or a member of a local government council.

11. Tenure of office of members of the Board.

(1) A member of the Board shall hold office for three years and is eligible for reappointment for one more term, except that of the first members to be appointed to the Board, three shall be appointed to hold office for two years.

(2) A member of the Board may, at any time, resign his or her office by letter addressed to the Minister, giving notice of not less than one month.

(3) The Minister may, at any time, remove a member of the Board—

- (a) for inability to perform the functions of his or her office arising from infirmity of body or mind;
- (b) for misbehavior or misconduct;
- (c) for incompetence;
- (d) for absence, without prior permission of the Chairperson, or without reasonable cause to the satisfaction of the Minister for more than four consecutive meetings of the Board, or absence from Uganda for more than twelve months;
- (e) for bankruptcy or insolvency;
- (f) for conviction for a criminal offence, in Uganda or outside Uganda, in respect of which the maximum penalty exceeds six months imprisonment without the option of a fine; or
- (g) if information relating to the conduct of a member, which could have precluded his or her appointment if it had been made available to the Minister, is brought to the attention of the Minister.

(4) A person representing an institution may be withdrawn from the Board by that institution in accordance with the laws that govern the institution.

(5) The Chairperson of the Board shall notify the Minister of a vacancy that occurs in the membership of the Board within one month after occurrence of the vacancy.

12. Filling of vacancies on the Board.

(1) Where a member of the Board resigns, dies, is removed from office, ceases to be a member of the institution or body which he or she represents on the Board or is for any other reason unable to act as a member of the Board, the Chairperson shall notify the Minister of the vacancy and the Minister shall, in accordance with section 9, appoint another person to hold office for the unexpired portion of the member's term of office.

(2) Where the member of the Board referred to in subsection(1) is the Chairperson of the Board, the Secretary to the Board shall notify the Minister of the vacancy and the Minister shall appoint another person to the office of Chairperson for the unexpired portion of the Chairperson's term of office.

13. Remuneration of members of the Board.

The Chairperson and the members of the Board shall be paid such allowances as the Board may, subject to the approval of the Minister, determine.

14. Functions of the Board.

(1) The Board is responsible for the general management of the Fund.

(2) Without prejudice to the general effect of subsection (1), the functions of the Board are—

- (a) to administer and manage the Fund;
- (b) to recommend to the Minister, appropriate levels of the road user charges, fines, levies or any other sums to be collected under this Act and paid into the Fund;
- (c) to advise on arrangements for collecting road user charges to minimise avoidance and evasion;

- (d) to provide guidance and establish procedures to be followed in the preparation of the Annual Road Maintenance Programme by the designated agencies;
- (e) to establish procedures for disbursing funds for the Annual Road Maintenance Programme;
- (f) to prepare and submit to the Minister, audited annual accounts of the Fund; and
- (g) to publish periodic reports on the activities and achievements of the Fund and make the reports available to the general public.

(3) The Board shall be responsible and accountable to the Minister for ensuring efficiency, effectiveness, transparency and propriety in—

- (a) the utilisation of public funds under this Act;
- (b) the conduct of its business; and
- (c) the operations and activities of the Fund.

15. Meetings of the Board.

Schedule 2 has effect in relation to meetings of the Board and other matters provided for in that Schedule.

PART IV—SECRETARIAT OF THE BOARD

16. Secretariat of the Board.

(1) The Board shall have a Secretariat headed by an Executive Director.

(2) The Secretariat shall be responsible for the day-to-day management of the Fund and for the implementation of the decisions of the Board.

17. Executive Director.

(1) The Executive Director shall be appointed by the Minister on the recommendation of the Board and shall perform such functions as the Board may direct or delegate to him or her.

(2) The Executive Director shall be a person of high moral character and proven integrity, with the relevant qualifications and experience relating to the functions of the Board.

18. Functions of Executive Director.

(1) Subject to this Act and to the general supervision and control of the Board, the Executive Director is responsible for—

- (a) the implementation of the policies and programmes of the Board and reporting on them to the Board and ensuring that the agreed objectives, targets and service standards are met;
- (b) the proper management of the funds and property of the Board;
- (c) the organisation and control of the staff of the Board;
- (d) the development of an operating plan to guide the Board in achieving its objectives;
- (e) co-operation with other lead agencies and organisations in the roads sector;
- (f) the development of an economic, efficient and cost effective internal management structure;
- (g) providing advice as required on all matters which fall within the area of the Board's responsibility; and
- (h) performing any other duty necessary for the implementation of this Act as may be assigned to him or her by the Board.

(2) The Executive Director is, in the performance of his or her functions, answerable to the Board.

19. Tenure of office of Executive Director.

(1) The Executive Director shall hold office for five years and is eligible for re-appointment for one more term.

(2) The Executive Director shall cease to hold office if—

- (a) he or she resigns;
- (b) he or she is declared or becomes bankrupt or insolvent or has made an arrangement with his or her creditors;
- (c) he or she is convicted of a criminal offence, in Uganda or elsewhere, in respect of which the maximum penalty exceeds six months imprisonment without the option of a fine.

(3) The Executive Director may be removed from office by the Minister on the recommendation of the Board for—

- (a) inability to perform the functions of his or her office arising from infirmity of body or mind;
- (b) misbehavior or misconduct; or
- (c) incompetence.

20. Other officers and staff of the Secretariat.

(1) The Board may, on the advice of the Executive Director, appoint other officers and staff of the Secretariat as may be necessary for the effective performance of the functions of the Board.

(2) The employees appointed under this section shall hold office on such terms and conditions as the Board may determine and specify in their instruments of appointment.

(3) The terms and conditions of employment of the Secretariat shall be determined by the Board.

PART V—FINANCES OF THE FUND

21. Finances of the Fund.

(1) The monies of the Fund shall consist of—

- (a) road user charges as the Minister may, on the recommendation of the Board determine by statutory order, including—

- (i) fuel levies;
 - (ii) international transit fees, collected from foreign vehicles entering the country;
 - (iii) road licence fees;
 - (iv) axle load fines;
 - (v) bridges tolls and road tolls; and
 - (vi) weight distance charges;
- (b) fines under the Traffic and Road Safety Act;
- (c) monies appropriated by Parliament for the purposes of the Fund;
- (d) revenue or assets received by the Fund in the performance of its functions under this Act;
- (e) grants, monies or assets donated to the Fund by Government with the approval of the Minister or assets donated to the Fund by any foreign government, international agency or other external body of persons, corporate or unincorporated;
- (f) any revenue derived from the sale of any property, movable or immovable, by or on behalf of the Fund;
- (g) money received by the Fund by way of voluntary contributions;
- (h) fines payable under this Act; and
- (i) earnings from investments made under section 34 and interest accruing from monies of the funds deposited in Banks.

(2) For the purposes of this section an external body of persons referred to in subsection (1) (d) means any body of persons, corporate or unincorporated, formed under or by virtue of the laws of a country other than Uganda.

(3) The road user charges referred to in subsection (1) (a) shall be remitted directly to the Fund on a monthly basis.

22. Purposes for which the Fund may be applied.

- (1) The Fund may be applied for—

- (a) routine and periodic maintenance of public roads;
- (b) road safety activities including erection of sign posts;
- (c) operational expenses of the Authority;
- (d) administrative expenses of the Fund;
- (e) research in road works; and
- (f) such activities relevant to the maintenance of public roads as may be determined by the Board.

(2) Allocations from the Fund to the designated agencies shall be based among other factors, on the conditions of the public roads, maintenance requirements, the length of the road network and the relevant volume of traffic or derived from an approved maintenance management tool.

23. Annual Road Maintenance Programme.

(1) Each designated agency shall prepare, annually, and at least three months before the start of each financial year, an Annual Road Maintenance Programme in such form and containing such details as may be prescribed by the Board.

(2) The Annual Road Maintenance Programme shall be reviewed by the Board in order to determine—

- (a) the affordability of the Programme; and
- (b) the appropriateness of the amounts allocated in the programme for each class of roads.

24. Annual Road Expenditure Programme.

(1) The Board shall prepare an Annual Road Expenditure Programme to be financed from the Fund in consultation with the Minister and the minister responsible for roads.

(2) The Board may, under section 21, recommend an increase in the level of the road tariff to ensure that it generates sufficient revenue to finance the approved Annual Road Maintenance Programme and shall provide the Minister and the Minister responsible for roads with an estimate of the additional income to the Fund from those increases.

25. Road Maintenance Plans.

(1) The Board shall, after consultation with the designated agencies—

- (a) before the commencement of each financial year, prepare a one-year Road Maintenance Plan;
- (b) every three years, prepare a three year Road Maintenance Plan; and
- (c) every five years, prepare a five-year Road Maintenance Plan.

(2) There is hereby established for every district a committee to be known as the district roads committee which shall be composed of—

- (a) the chairman or mayor of every local authority in the district;
- (b) all members of Parliament from the District;
- (c) the chief administrative officer;
- (d) the district roads engineer in charge of the district;
- (e) the district secretary for works; and
- (f) the municipal works engineer.

(3) The district roads committee shall appoint one of the members under (a) or (b) to be the Chairperson of the Committee.

(4) The district roads engineer shall be the secretary of the district roads committee.

(5) The district roads committee shall have such powers and perform such functions as are conferred on it by regulations made under section 49 of this Act or any other law.

(6) The plans provided for in subsection (1) shall contain the following—

- (a) particulars of the estimated income of the Fund;
- (b) particulars of the proposed levels of road tariffs;
- (c) the administrative expenses of the Fund;

- (d) the administrative expenses of the Authority; and
- (e) particulars of any factors which may affect the implementation of the plan and the measures which will be taken to ensure execution of the plan.

(7) The Board shall submit a copy of every plan to the Minister.

(8) The Board shall publish each plan in the *Gazette* and in any other manner as the Minister may determine.

26. Performance Statement.

(1) The Board shall, at least one month before the commencement of each financial year, submit a draft performance statement to the Minister and the Minister responsible for roads which shall contain the strategies which the Board intends to employ in, and the methods by which the Board intends to assess its performance in relation to the exercise and performance of its powers, duties and functions in order to achieve the objectives of this Act.

(2) The draft performance statement referred to in subsection (1) shall include—

- (a) an explanation of the manner in which effect will be given to—
 - (i) the mode in which the funding levels are determined; and
 - (ii) the principles used in determining road tariffs, in respect of the ensuing financial year;
- (b) such measures as are necessary to protect the liquidity of the Fund;
- (c) the management and financial systems to be implemented by the Board and the principles to be applied in budgeting for administrative expenses; and
- (d) any other matter relating to the exercise or performance of the powers, duties and functions of the Board as may be required by the Minister.

(3) The Minister shall in consultation with the Minister responsible for roads, upon receipt of a draft performance statement, approve it or return it to the Board with directions in writing to the Board to amend the statement.

27. Failure to comply with Road Maintenance Plan or Performance Statement.

The failure of the Board to comply with any provision of a Road Maintenance Plan or a Performance Statement or any amendment to a Road Maintenance Plan or Performance Statement shall not affect the validity or enforceability of any act, agreement, right, obligation or liability performed, entered into, acquired or incurred by the Board.

28. Tabling of Plans and Performance Statements before Parliament.

Every Road Maintenance Plan, and every Performance Statement shall be tabled in Parliament by the Minister responsible for roads within 28 days after—

(a) the receipt by that Minister of the plan; or

(b) the approval by the Board of the draft Performance Statement,

as the case may be, if Parliament is in session or, if Parliament is not in session, within 28 days after the commencement of its next session.

29. Limits on disbursement of monies from the Fund.

(1) Money from the Fund shall only be disbursed for goods and services that form part of the approved Annual Road Expenditure Programme, except in case of emergencies as approved by the Board.

(2) Payments shall not be made out of the Fund, except for payments meant for the administrative expenses of the Fund, unless the goods and services to which the payment relates have been subject to and determined by an open competitive pricing procedure in accordance with the Public Procurement and Disposal of Public Assets Act, 2003.

30. Withdrawal procedure.

Money shall not be withdrawn from the Fund unless it has been duly authorised by the Board.

31. Duty to operate on sound financial principles.

(1) The Board shall, in the performance of its functions under this Act, have due regard to sound financial principles and shall conduct its business in such a manner that, taking one transaction with another, and taking one year with another—

- (a) its revenue is sufficient for meeting all charges, including interest on capital and loans properly chargeable to revenue account;
- (b) sufficient provision is made to provide for depreciation of assets; and
- (c) where any loss or bad debt arises in respect of any transaction, provision is made in respect of other transactions, whether of a similar nature or otherwise, to offset the amount of that loss or debt.

(2) Where, in exceptional circumstances, the income of the Fund together with any surplus income brought forward from a previous year, is insufficient to meet the actual or estimated liabilities of the Fund, the Minister may make advances to the Fund in order to meet the deficiency or any part of the deficiency and the advances shall be made on such terms and conditions, whether as to repayment or otherwise, as the Minister may determine.

(3) The advance referred to in subsection (2) shall be repaid from the income of the Fund in the next financial year.

32. Power to open and operate bank accounts.

(1) The Fund shall open and maintain such bank accounts as are necessary for the performance of the functions of the Board.

(2) The Executive Director shall ensure that all money received by or on behalf of the Fund is banked as soon as practicable after being received.

(3) The Executive Director shall ensure that no money is withdrawn from or paid out of any of the bank accounts of the Fund without the authority of the Board.

33. Borrowing powers.

The Board may, with the approval of the Minister, borrow money from any source as may be required for meeting its obligations or for the discharge of the functions of the Board under this Act.

34. Investment of surplus funds.

Any monies of the Fund not immediately required for any purpose under this Act may be invested in a manner which the Board may, after consultation with the Minister and the Minister responsible for roads, determine.

35. Estimates.

(1) The Executive Director shall, within three months before the end of each financial year, cause to be prepared and submitted to the Board for its approval, estimates of the income and expenditure of the Fund.

(2) The Board shall, within two months after 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.

36. Financial year of the Fund.

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

37. Accounts.

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

(2) Subject to any direction given by the Board, the Executive Director shall cause to be prepared and submitted to the Minister and shall also publish in the *Gazette* in respect of each financial year, and not later than three months after the end of the financial year, a statement of accounts, which shall include—

- (a) a balance sheet, an income and expenditure account and a source and application of funds statement; and

- (b) any other information in respect of the financial affairs of the Fund as the Minister may, in writing, require.

38. Audit.

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

(2) The Board shall ensure that within four months after the end of each financial year, a statement of accounts described in section 37 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 Fund and is entitled to any information and explanation required in relation to those records.

39. Annual report.

(1) The Board shall submit to the Minister, as soon as practicable and in any event not later than six months after the end of each financial year, a report dealing generally with the activities and operations of the Fund during the year to which the report relates.

(2) The report referred to in subsection (1) shall contain—

- (a) the audited accounts of the Fund and the Auditor General's report on the accounts of the Fund; and
- (b) such other information as the Board may consider necessary.

(3) The Minister shall, within two months after the receipt of the annual report, submit the report to Parliament with such statement as he or she considers necessary.

40. Compliance with Public Finance and Accountability Act, 2003.

The Fund shall at all times comply with the Public Finance and Accountability Act, 2003.

PART VI—DESIGNATED AGENCIES

41. Designation of agencies.

(1) The Minister shall, by statutory order, designate local governments and urban councils as agencies for the purposes of this Act.

(2) Notwithstanding subsection (1), the Uganda National Roads Authority is a designated agency for the purposes of this Act.

(3) A designated agency under subsection (1) or (2) may, by notice in writing, designate sub agencies that are acceptable to the Board.

(4) A designation under subsection (3) may be made subject to such conditions as the Board thinks fit and where any such conditions are made, they shall be specified in the notice of designation.

(5) The functions of a designated agency are—

- (a) to maintain the categories of roads specified in the notice of designation; and
- (b) to perform such additional functions as the Board may, from time to time, assign.

42. General duties of designated agencies.

In the execution of its functions under this Act, a designated agency shall ensure—

- (a) the development, rehabilitation and maintenance of public roads in a manner consistent with the economy and set standards;
- (b) that its operations are conducted efficiently, economically and with due regard to safety; and
- (c) that the financial administration conducted is in accordance with the provisions of this Act, regulations made under this Act and any general or specific directions issued by the Board.

43. Allocation of funds to designated agencies.

(1) The Board shall, subject to this Act, allocate funds to designated agencies for the maintenance of the categories of roads in respect of which they are designated.

- (2) The Board may, in consultation with the Minister—
- (a) impose penalties, including suspension of funding allocations as it may prescribe by notice in the Gazette on a road agency which fails to comply with this Act or regulations made under this Act; or
 - (b) take such supplementary, remedial or alternative measures to ensure the performance of a road agency which persistently fails to discharge its functions under this Act.

44. Provision of information.

The Board may request a designated agency to provide it, at any time and in a manner as it may direct, any information which the Board may require for the proper discharge of its functions under this Act.

PART VII—MISCELLANEOUS.

45. Protection from liability of members of the Board and employees of the Fund.

A member of the Board, an employee of the Fund or a person acting on the directions of the Board is not personally liable for any act or omission done or omitted to be done in good faith in the exercise of their functions under this Act.

46. Collection of information by the Board.

The Board shall collect any data and information which may be necessary to enable it to maintain and supervise functions of the designated agencies.

47. Service of documents.

Any notice or document may be served on the Fund by delivering it at the office of the Fund, or by sending it by post to the office of the Fund.

48. Supremacy of this Act.

Where any provision of any written law relating to public roads, road traffic or road safety is inconsistent with any provision of this Act, the provisions of that law shall be invalid to the extent of the inconsistency.

49. Regulations.

(1) The Minister shall, in consultation with the Board and the Minister responsible for roads, by statutory instrument, make regulations for the better carrying into effect the purposes of this Act.

(2) Without prejudice to the general effect of subsection (1), regulations made under this section may provide for—

- (a) financial procedures;
- (b) monitoring and evaluation of the operations of the Fund;
- (c) investment of surplus funds;
- (d) collection of revenue;
- (e) the procedure for determination of levels of road tariffs;
- (f) procedures for developing road maintenance budgets;
- (g) procedures for the allocation and transfer of funds to designated agencies and the control of those funds;
- (h) the structure and functions of the secretariat;
- (i) details of the Annual Road Maintenance Programme.

(3) Regulations made under this section may, in respect of any contravention of any of the regulations—

- (a) prescribe a penalty of a fine not exceeding seventy five currency points or imprisonment for a term not exceeding one year or both;
- (b) in the case of a continuing contravention, prescribe an additional penalty not exceeding fifty currency points in respect of each day on which the offence continues; and

- (c) prescribe a higher penalty not exceeding one hundred and fifty currency points in respect of a second or subsequent contravention.

50. Amendment of Schedules.

(1) The Minister may, by statutory instrument with the approval of Cabinet, amend Schedule 1.

(2) The Minister shall in consultation with the Board, by statutory instrument, amend Schedule 2.

SCHEDULES.

SCHEDULE 1

Sections 4, 50 (1)

CURRENCY POINT

One currency point is equivalent to twenty thousand shillings

SCHEDULE 2

Sections 15, 50(2)

MEETINGS OF THE BOARD AND RELATED MATTERS

1. Meetings of the Board.

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

(2) The Chairperson may, at any time, convene a special meeting of the Board and shall also call a meeting within fourteen days, if requested to do so in writing by two thirds of the members of the Board.

(3) Notice of a Board meeting shall be given in writing to each member at least fourteen working days before the day of the meeting.

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

2. Quorum.

(1) The quorum for a meeting of the Board is two thirds of the members, at least two of whom shall be from the public sector and two from the private sector.

(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 Board may invite any person who, in the opinion of the Board, has expert knowledge concerning the functions of the Board, to attend and take part in a meeting of the Board.

(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 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 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 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; or
- (b) take part in any decision of the Board with respect to that matter.

(4) A member who fails to disclose his or her interest under subparagraph (2) of this paragraph shall be removed from the Board.

(5) For purposes of determining whether there is a 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. Official seal of the Fund.

(1) The official seal of the Fund 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 Chairperson and one other member of the Board.

(3) In the absence of the Chairperson, the person performing the functions of the Chairperson shall sign.

(4) An instrument or contract which if executed or entered into by a person other than a body corporate would not require to be under seal may be executed or entered into on behalf of the Board by the Chairperson, or by any member of the Board or any other person if that member of the Board or that 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.

(5) Every document purporting to be an instrument or contract executed or issued by or on behalf of the Board shall be deemed to be so executed or issued until the contrary is proved.

8. 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 References

The Public Finance and Accountability Act, 2003, Act No. 6 of 2003.

The Public Procurement and Disposal of Public Assets Act, 2003, Act No. 1 of 2003.

The Traffic and Road Safety Act, Cap. 361

The Uganda National Roads Authority Act, 2006 Act, No. 15 of 2006.