

ACTS

SUPPLEMENT No. 4

6th June, 2003.

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*Universities and Other Tertiary
Act 7 Institutions (Amendment) Act 2003*

THE UNIVERSITIES AND OTHER TERTIARY INSTITUTIONS (AMENDMENT)
ACT, 2003.

ARRANGEMENT OF SECTIONS.

Section.

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**THE UNIVERSITIES AND OTHER TERTIARY INSTITUTIONS
(AMENDMENT) ACT, 2003.**

An Act to amend the Universities and Other Tertiary Institutions Act, 2001 to provide for the merger of the Uganda National Institute of Special Education, the Institute of Teacher Education, Kyambogo and the Uganda Polytechnic, Kyambogo to form one University to be known as Kyambogo University under section 22 of that Act; and to provide for other matters relating to the foregoing.

DATE OF ASSENT: 20th May, 2003.

Date of commencement: 6th June, 2003.

BE IT ENACTED by Parliament as follows:

1. Short title

This Act may be cited as the Universities and Other Tertiary Institutions (Amendment) Act, 2003.

2. Interpretation

In this Act, “principal Act” means the Universities and Other Tertiary Institutions Act, 2001.

3. Merger of certain existing institutions.

The Institute of Teacher Education, Kyambogo, the Uganda National Institute of Special Education and the Uganda Polytechnic, Kyambogo shall be merged into one University to be known as the Kyambogo University which shall be established by the Minister by statutory instrument under section 22 of the principal Act.

4. Transitional provisions in respect of Institute of Teacher Education, Kyambogo

(1) Upon the establishment of the Kyambogo University by virtue of section 3 of this Act, the following provisions shall have effect—

- (a)* any regulations or statutes made or continued in force in respect of the Institute of Teacher Education, Kyambogo shall continue in force until revoked under the principal Act or until replaced by new ones under the principal Act;
- (b)* any acts, appointments or programmes made or started under the Statute referred to in subsection (1) of section 73 of the principal Act and continued in existence under subsection (3) of section 73 of the principal Act in respect of the institute referred to in paragraph *(a)* of this subsection, and also any acts, appointments or programmes made or started or continued under the principal Act in respect of that institute shall continue in existence as if made under the principal Act in respect of the Kyambogo University established by virtue of section 3 of this Act or until they expire;
- (c)* all assets and property vested in the Makerere University Council in respect of the institute referred to in paragraph *(a)* of this subsection shall vest in the University Council of the Kyambogo University established by virtue of section 3 of this Act;
- (d)* all liabilities, court actions or contracts incurred or enforceable by or against the Makerere University Council in respect of the institute referred to in paragraph *(a)* of this subsection shall be enforceable by or against the University Council of the Kyambogo University established by virtue of section 3 of this Act;
- (e)* all programmes and courses offered by Makerere University in respect of Kyambogo University shall continue as programmes and courses of Kyambogo University established by virtue of section 3 of this Act; and

(f) all students of the Makerere University in respect of the institute referred to in paragraph *(a)* of this subsection shall continue to be students of the Kyambogo University established by virtue of section 3 of this Act.

(2) Sections 73 and 74 of the principal Act shall have effect with such modifications as may be necessary to give effect to the provisions of this section.

5. Repeal of the Uganda National Institute of Special Education Act, 1998 and transitional provisions

(1) Upon the establishment of the Kyambogo University by virtue of section 3 of this Act, the Uganda National Institute of Special Education Act, 1998 shall be deemed to be repealed.

(2) Upon the coming into force of the repeal effected by subsection (1) of this section the following provisions shall have effect—

(a) any regulations and statutes made under the Uganda National Institute of Special Education Act, 1998 shall continue in force as if made under the principal Act until revoked or replaced under the principal Act;

(b) any acts, appointments or programmes made or started under the Act repealed by subsection (1) of this section shall continue in existence as if made under the principal Act or until they expire;

(c) all assets and property vested in the Uganda National Institute of Special Education under the Act repealed by subsection (1) of this section shall vest in the University Council of the Kyambogo University established by virtue of section 3 of this Act;

(d) all liabilities, court actions or contracts made or enforceable by or against the institute referred to in paragraph *(d)* of this subsection shall be enforceable by or against the Kyambogo University established by virtue of section 3 of this Act;

(e) all employees and staff of the institute referred to in paragraph *(d)* of this subsection shall be deemed to have been engaged under the principal Act by the Kyambogo University established by virtue of section 3 of this Act until removed under the principal Act; and

(f) all students of the institute referred to in paragraph *(d)* of this subsection who were admitted under the Act repealed by subsection (1), shall continue to be students of the Kyambogo University established by virtue of section 3 of this Act.

6. Transitional provisions relating to Uganda Polytechnic, Kyambogo

(1) Upon the establishment of the Kyambogo University by virtue of section 3 of this Act all rights, property, liability and obligations and contracts existing or held by or in respect of or subsisting against the Uganda Polytechnic Kyambogo shall continue to exist or be held by or in respect of or to subsist against the Kyambogo University established by virtue of section 3 of this Act.

(2) Subject to section 51(1) of the principal Act, all qualifying academic and other members of staff of Uganda Polytechnic Kyambogo before the commencement of this Act shall be transferred to Kyambogo University and their terms and conditions of service shall, on transfer, be those offered by the University to the respective grades of staff.

(3) All other members of staff who may not have the academic qualifications at the commencement of this Act but who may wish to up-grade their qualification and be retained in the service of Kyambogo University shall be given a period of grace to up-grade their qualifications.

(4) All other members of staff who may not take the offer to up-grade their qualifications shall be transferred to the Ministry responsible for education or paid retirement benefits.

(5) Retirement benefits for those employees who may not be transferred to the University or the Ministry shall be those determined by the Minister responsible for Public Service in accordance with the relevant law relating to the retirement benefits for the Public Service.

(6) All students of Uganda Polytechnic Kyambogo shall continue to be students of the Kyambogo University established by virtue of section 3 of this Act.

7. Amendment to section 22

Section 22 of the principal Act is amended by inserting a new subsection (3) to read as follows—

“(3) The National Council shall ensure that the University Council for the University established under subsection (1) is constituted within six months of establishing the University.”

8. Amendment to section 38

Section 38 of the principal Act is amended by replacing paragraph (1) (q) as follows—

“(q) two representatives of the constituent colleges, schools and institutes elected by the Chairpersons of the governing councils from among themselves;

(r) two representatives of persons with disabilities, one elected by the members of staff who are persons with disabilities and another by National Organisations of persons with disabilities.”

9. Amendment to section 44

Section 44 of the principal Act is amended by replacing paragraph (d) as follows—

“(d) two representatives of the Principals of constituent Colleges, schools or institutes.”

10. Amendment to section 77

Section 77 is amended in subsection (2) by replacing paragraph (b) to read as follows—

“(b) one person representing a public University to which the institution is affiliated.”

11. Consequential amendment of principal Act

Upon the establishment of the Kyambogo University by virtue of section 3 of this Act, the principal Act is amended as follows—

(a) in section 130 by the repeal of the words “and the Uganda National Institute of Special Education” in subsection (1);

(b) in section 131 by substituting for subsection (5) the following—

“(5) Notwithstanding the provisions of this Act, the Islamic University in Uganda shall be recognised and registered by the National Council and its awards shall be subject to the equating and relevant regulations made by the National Council, but shall operate in accordance with the provisions of the Islamic University in Uganda Statute, 1990;”

(c) subsection (7) is repealed.