

**SUBMISSION OF ISSUES ON THE LOCAL GOVERNMENTS  
(AMENDMENT) BILL MADE THIS 7<sup>TH</sup> OF JULY 2000 TO THE  
PARLIAMENTARY SESSIONAL COMMITTEE ON LOCAL  
GOVERNMENT AND PUBLIC SERVICE**

The two respective Executive Committees of the Uganda Local Authorities Association (ULAA) and the Urban Authorities Association of Uganda (UAAU) considered the proposed amendments of the Local Governments Act, 1997 embodied under the Local Governments (Amendments) Bill, 2000. Each came up with independent highlights that were presented at the Special General meeting of members of the two Associations, held on the 5<sup>th</sup> of July 2000. It is in line with the outcome of this general meeting that the following submission is now made:

- **CLAUSE 5 (a) (1A) (a): Amendment to S.15**

The Local Government Authorities observed that there is need to rephrase the whole provision to give it clarity. Their proposed change is such that the statement should read: **“the holder resigns in writing addressed to the Speaker, or dies”**.

- **CLAUSE 5 (a) (1A) (b):**

Members rejected this Clause, on the grounds that keeping in mind the stature and nature of office of the District Chairperson as the political head of the District, the requirement for the justification of his/her absence from Council meetings is uncalled for.

**The District Chairperson should be able to attend Council meetings as and when he deems necessary, in as long as he/she presents the district’s state of address as required.**

- **CLAUSE 5 (a) (1A) (e):**

The Local Government Authorities consider this particular provision as being superfluous, since one can no longer be able to hold office on conviction.

- **CLAUSE 5 (b) (2A):**

The Local Government Authorities recommend that this new provision needs to be reconsidered due to the fact that circumstances may arise that one may wish to withdraw such signature after serious second thought.

- **CLAUSE 5 (c) &(d):**

These two provisions are not acceptable to member local governments as they undermine the constitutionally enshrined principle of separation of powers between the Executive and the Judiciary. Accordingly, it is strongly recommended that the **CHIEF JUSTICE** should remain the relevant **ORGAN** as is stipulated by the current law under sub-sections, (3) and (4). **These should not be replaced.**

- **CLAUSE 7 (5A): Amendment to S.19**

Members recommend that provision be made for purpose of clarity, for the Deputy Speaker to act as Speaker of Council during the time when the Speaker shall be acting as Chairperson or Vice Chairperson. This is to ensure that the Speaker does not take on a dual role at the time.

- **CLAUSE 8: Amendment to S.25**

Members are of the view that the term or words "**Assistant Chief Administrative Officer**" is irrelevant/ does not apply to local governments in charge of urban areas. It is their recommendation therefore, that the new law should clearly differentiate cases in rural and urban local governments. Accordingly, in urban local governments, the relevant official should be the **TOWN CLERK** or the corresponding official in the lower local government councils.

- **CLAUSE 9: Amendment to S. 26 (2)**

The Local Government Authorities recommend that an insertion of the phrase, "**shall not exceed five members or one third of all the members of Council, which ever is lower**". This is to ensure that a scenario does not arise where all members of Council do not at the same time form the total composition of the Executive Committee.

- **CLAUSE 10:Amendment to S.28**

The Local Government Authorities recommend that this provision needs improvement on the wording in order to make the meaning clear.

- **CLAUSE 11 (5):Amendment to S.48**

Member local governments recommend that a separate provision for the removal of LC1 Executives be made, for purposes of clarity. In practice the process has proved to be very problematic such that this respective class of Executives has to be catered for strictly.

- **CLAUSE 12: Amendment to S.51**

As is the case with Clause 8 above, this new provision should differentiate Administrative Units in rural areas from those in urban areas. Therefore the relevant official should be the **TOWN CLERK** or the corresponding official in the lower local government council where the Administrative Unit Council (in question) happens to fall.

- **CLAUSE 18 (b) (2) (b): Amendment to S.69 (2)**

Members are of the view that since interdiction is an administrative disciplinary action, and it is the District Service Commission which is in charge of disciplinary action of staff of local government administration in a District, then it is their strong recommendation that the District Service Commission should be the authority that carries out the interdiction of the Chief Administrative Officer or Town Clerk.

- **CLAUSE 18 (2)(e):**

In respect of this provision, the Local Government Authorities recommend that the Public Service Standing Orders on hand over should apply.

- **CLAUSE 21: Amendment to S.80**

It is recommended by both the urban and the rural local governments that this new provision be scrapped. It is the considered view of all the local governments that the revenue base of the urban local governments in relation to their respective mandates does not allow for this new provision.

- **CLAUSE 25: Amendment to S. 91**

In relation to the new provision, S.91A, the local authorities recommend that the words "**or the Town Clerk**" should be added after the word "officer", and the words "**an Urban Council**" should also be added after the word "District" wherever it appears.

- **CLAUSE 26 (b) (3A): Amendment to S.92 (3)**

The Local Government Authorities recommend that the Chief Administrative Officer or Town Clerk should assign the Secretary to the Tender Board as the case may be, for purposes of continuity of the office.

- **CLAUSE 27 (a): Amendment to S. 95 (1)**

Members strongly recommend that the words/phrase "and its Divisions" should be omitted to avoid ambiguities. The Tender Board of the Municipal Council is to serve the Divisions in the Municipality.

Members further request Parliament to clearly spell out the corporate and legal status of the City, or Municipal Council, vis-à-vis their respective Division Councils.

The local governments interpret the status quo as that: **when one refers to a "City Council", the interpretation legally embodies its Divisions. This applies to the Municipal Councils as well.** However, controversies have arisen in some cases, where divisions attempt to disassociate from their mother councils.

In addition, it is proposed that a provision to cater for the expenses of the Urban Tender Boards from the Consolidated Fund.

- **CLAUSE 32: Amendment to S. 117**

The local governments submit that this provision should be improved upon for purposes of clarity. Any public officer should not be a Councilor in any local government council in Uganda. The amendment should therefore be re-drafted to clearly bring out this point.

- **CLAUSE 34: Amendment to S.120**

The Local Government Authorities further submit that the use of symbols may tend to confuse the electorate, especially the illiterate. Therefore, it is strongly recommended that the use of photographs remain in the law.

- **CLAUSE 43: Amendment to S. 171**

Within the new provision, S. 171A, it recommended that the words "**or any other national elections**" should be added after the word "Parliamentary elections".

### **OTHER PROPOSALS:**

- The local governments propose the amendment of S. 2 (a) of the Local Governments Act, 1997 by rephrasing it and inserting the word "**devolution**". This word has a stronger impact in relation to the implementation of the decentralization policy; i.e. the provision should read: "**To give full effect to the decentralization and devolution of functions....**".
- Under S. 10 of the Local Government Act 1997, it had been observed that there is confusion between the Executive and Legislative powers of Council. It is therefore proposed that in order to ensure that there are checks and balances within the system, there should be a reflection of the structure at the national level, even at the local government level.
- Under S.13 (1) (a), members propose that the phrase "**and shall take precedence over all other persons in the district**" be added immediately after "the political head of the District", in order to highlight the position of the Chairperson in respect

to other dignitaries in the district. This was intended to avoid doubts or confusion in protocol.

- With reference to S.15 (19) of the Act, it is proposed that Council should cater for the expenses of the Chairperson in the event of succeeding against a petition.
- It is also proposed that under S.49 of the Local Governments Act 1997 concerning the functions of the administrative units, provision should be made to make Parish Councils responsible for the supervision and monitoring of the activities of Parish Development Committees (PDC). The Parish development committees are considered a necessary structure for several reasons including:
  1. Having a committee to address development issues from a broader perspective, and minimizes having several sectoral committees such as Village health committee, water source committee e.t.c. all using more or less the same persons to constitute them.
  2. Having a committee to strengthen the planning and resource mobilization capacity of the LCII as provided for in S. 38 (1) and (4) of the Local Governments act, 1997.
  3. Being an apolitical and action oriented committee, PDCs have been found to be an asset in community mobilization in particular, e.g. immunization events, protection of water sources and growth monitoring.

The Parish Council is chosen as the level at which to have the development committee because it is the level near enough to the community, and also near enough to the sub-county where a network of administrative and technical staff are placed and should be strengthened for effective service delivery

- Under S. 55 (3), the local governments propose that the phrase “for one further term” be **deleted**, leaving the decision to extend such term of office in the wisdom of Council for flexibility purposes.

WE HUMBLY BEG TO SUBMIT THE ABOVE VIEWS AND PROPOSALS FOR YOUR CONSIDERATION, HON. CHAIRPERSON, AND HON. MEMBERS OF OUR AUGUST PARLIAMENT.

C.G. Kiwanuka-Musisi,  
**PRESIDENT-ULAA**

Patrick Namawar Wanyeraw,  
**CHAIRPERSON-UAAU**

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