

# THE NON-GOVERNMENTAL ORGANISATIONS REGISTRATION (AMENDMENT) ACT, 2006.

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## THE NON-GOVERNMENTAL ORGANISATIONS REGISTRATION (AMENDMENT) ACT, 2006.

**An Act to amend the Non-Governmental Organisations Registration Act, Cap. 113.**

DATE OF ASSENT: 24th May, 2006.

Date of commencement: 4th August, 2006.

BE IT ENACTED by Parliament as follows—

### **1. Short title**

This Act may be cited as the Non-Governmental Organisations Registration (Amendment) Act, 2006.

### **2. Amendment of Cap. 113**

For the long title to the Non-Governmental Organisations Registration Act, in this Act referred to as the principal enactment, there is substituted, the following—

“An Act to provide for the registration of non-governmental organisations, to provide for the monitoring of non-governmental organisations, to establish a Board for these purposes and for other connected matters”.

### **3. Amendment of section 1**

Section 1 of the principal enactment is amended by inserting immediately after the definition of “Chairperson” the following new definition—

“currency point” has the value specified in relation to a currency point in Schedule 1”.

### **4. Amendment of section 2**

Section 2 of the principal enactment is amended—

(a) by substituting for subsection (1) the following new subsection—

“(1) No Organisation shall operate in Uganda unless it has been duly registered with the Board established under section 3 of this Act and has a valid permit issued by the Board;”

(b) by inserting immediately after subsection (1) the following new subsections—

“(1a) Subsection (1) shall not apply to organisations which elect to register under the Trustees Incorporation Act or the Companies Act.

(1b) No organisation shall be registered by the Board without prior application having been made to the Registrar of Companies to have its proposed name reserved and approved for registration.

(1c) Notwithstanding the provisions of sub-section (1a) where an NGO has submitted its application for renewal of a permit and paid the prescribed fees and the Board has not made and communicated its decision, giving reasons in writing to the applicant within ninety days, the NGO shall continue its operations and shall be presumed to be operating with a valid permit.”

(c) by substituting for subsection (3) the following new subsection—

“(3) Upon the registration of an organisation under this Act and the registration under this section, the Organisation shall become a body corporate with perpetual succession and with power to sue and be sued in its corporate name;”

(d) by substituting for subsection (4) the following new subsection—

“(4) An organisation shall not be registered under this Act if the objectives of the Organisation as specified in its constitution are in contravention of the law”.

(e) by inserting immediately after subsection (4) the following new subsection—

“(5) An organisation which—

(a) contravenes any provisions of this Act;

(b) operates contrary to the conditions or directions specified in its permit;

(c) carries out any activity without a valid permit or certificate of incorporation; commits an offence and is liable, on conviction, to a fine not exceeding twenty five currency points.

(6) Where an organisation commits an offence under subsection (5), any director or officer of the organisation whose act or omission gave rise to the offence also commits an offence and is liable on conviction—

(a) in the case of an offence under subsection (5) (a), to a fine not exceeding fifty currency points

or imprisonment not exceeding one year or both;  
(b) in the case of an offence under subsection (5) (b) or (c), to a fine not exceeding twenty currency points or imprisonment not exceeding six months or both.”

### **5. Amendment of section 3**

Section 3 of the principal enactment is amended—

(a) by substituting for subsection (3) the following—

“(3) The Minister may, in an emergency situation, exempt an Organisation from any of the provisions of this section; except that the exemption shall not include the payment of the prescribed fee.”

(b) by inserting immediately after subsection (3) the following new subsection—

“(4) No exemption made under this section shall exceed a period of one year.”

### **6. Amendment of section 4**

Section 4 of the principal enactment is amended by substituting for subsection (2) the following new subsections—

“(2) The Board shall consist of the following—

(a) three members from the public one of whom shall be a female;

(b) one member from each of the Ministries responsible for the following—

(i) internal affairs;

(ii) justice and constitutional affairs;

(iii) local governments;

(iv) health;

(v) agriculture, animal industry and fisheries;

(vi) gender and social development;

(vii) education and sports.

(c) one member from the office of the Prime Minister;

(d) one member from the Internal Security Organisation; and

(e) one member from the External Security Organisation.

(2a) The persons to be appointed under subsection (2) shall be appointed by the Minister in consultation with the Minister responsible for the body referred to in that subsection.

(2b) At least one third of the members in subsection (2) shall be female”.

### **7. Amendment of section 7**

Section 7 of the principal enactment is amended—

(a) by renumbering section 7 as section 7(1);

(b) by substituting for paragraph (a) the following—

“(a) consider applications for registration and incorporation by organisation”;

(c) by substituting for paragraph (c) the following—

“(c) guide and monitor organisations in carrying out their services at all levels of Government;”

and

(d) by inserting immediately after paragraph (c) the following paragraph—

“(cc) develop policy guidelines for community based organisations”

(e) by adding the following new subsections—

“(2) Community based organisations shall not be required to be incorporated under this Act but they shall register with the District administration of the area where they operate.

(3) In this section, community based organisation means a non- governmental organisation operating at a subcounty level and below, whose objective is to promote and advance the well-being of its members or the community.”

### **8. Amendment of section 9**

Section 9 of the principal enactment is amended by substituting for “one month” the words “three months”.

### **9. Amendment of section 11**

Section 11 of the principal enactment is amended—

(a) by substituting for subsection (2) the following—

“(2) The Chairperson or, in his or her absence, the Vice-Chairperson, shall preside at any meeting of the Board and in the absence of both the Chairperson and the Vice Chairperson, the members present may elect a member from amongst their number to preside at the meeting”.

(b) by substituting for subsection (3) the following new subsection—

“(3) The quorum at any meeting of the Board shall be one third of all members of the Board”

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### **10. Amendment of section 13**

Section 13 of the principal enactment is amended—

(a) by inserting immediately after paragraph (b) the following new paragraphs—

“(c) prescribing the manner in which Organisations shall be wound up when they cease to operate;

(d) prescribing the duration and the form of a permit;

(e) prescribing the fees to be paid by an Organisation on application for renewal of a permit;

(f) prescribing conditions and all directions that may be inserted in the permit;

(b) by renumbering paragraph (c) as paragraph (g)

(c) by inserting a new subsection (2) to read as follows—

(2) Regulations made by the Minister under this section shall be laid before Parliament”.

**11. Schedule**

The principal enactment is amended by inserting immediately after section 13 the following new Schedule—

“SCHEDULE

Section 1.

CURRENCY POINT

A currency point is equivalent to twenty th