

THE NATIONAL PLANNING AUTHORITY ACT, 2002.

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**An Act to provide for the composition and functions of the National Planning Authority in accordance with article 125 of the Constitution and for other related matters.**

DATE OF ASSENT: 19<sup>th</sup> June, 2002.

*Date of Commencement:* 12<sup>th</sup> July, 2002.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.

**1. Citation**

This Act may be cited as the National Planning Authority Act, 2002.

**2. Interpretation**

In this Act, unless the context otherwise requires—

“Authority” means the National Planning Authority established by article 125 of the Constitution;

“Chairperson” means the Chairperson of the Authority;

“Deputy-Chairperson” means Deputy-Chairperson of the Authority;

“Executive Director” means the Executive Director appointed under section 9 of this Act;

“Member” means a Member of Authority;

“Minister” means the Minister to whom the functions of Minister under section 21 of this Act are assigned by the President.

**3. Authority to be body corporate**

The Authority shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name and may, subject to the provisions of this Act, do, enjoy or suffer anything that may be done, enjoyed or suffered by a body corporate.

**4. Oath of member**

Every member of the Authority shall, before assuming his or her duties as a member, take and subscribe the oath specified in the First Schedule to this Act.

PART II—COMPOSITION OF THE AUTHORITY.

**5. Composition of the Authority**

(1) The Authority shall consist of a Chairperson, a Deputy-Chairperson and three other members appointed by the President with the approval of Parliament.

(2) A person to be appointed a member of the Authority shall have minimum qualifications of a masters degree with proven experience in the relevant field.

(3) The Authority shall have the following bodies affiliated to it, and their heads shall be ex-officio members of the Authority—

- (a) the Uganda Bureau of Statistics;
- (b) the Economic Policy Research Centre;
- (c) National Council for Science and Technology;
- (d) Population Secretariat;
- (e) the Local Government Finance Commission;
- (f) the body responsible for human resource development planning;
- (g) Town and Country Planning Board;
- (h) the Non-Governmental Organisations Forum;
- (i) The Uganda National Chamber of Commerce;
- (j) the Uganda National Farmers Association;
- (k) National Agricultural Research Organisation;
- (l) the Treasury;
- (m) National Environmental Management Authority;
- (n) Uganda Manufacturers Association; and
- (o) the Equal Opportunities Commission.

(4) The members of the Authority shall hold office for five years and their appointment may be renewed for one more term only.

(5) A member of [he Authority may be removed from office by the President only for—

- (a) inability to perform the functions of his or her office arising out of physical or mental incapacity;
- (b) misbehaviour or misconduct;
- (c) incompetence; or
- (d) failure to attend more than three consecutive meetings of the Authority without just cause.

(6) The Minister may, by statutory instrument amend the membership of the Authority under subsection (2) of this section.

(7) The Chairperson and members of the Authority shall be on full time appointment and shall provide policy guidance and monitor and supervise the Executive Director in the performance of his or her duties.

## **6. Remuneration of members**

The members of the Authority shall be paid such sitting and other allowances as the Minister may, with the approval of Cabinet determine.

### **PART III—FUNCTIONS OF THE AUTHORITY.**

## **7. Functions of Authority**

(1) The primary function of the Authority is to produce comprehensive and integrated development plans for the country elaborated in terms of the perspective vision and the long term and medium term plans.

(2) In pursuance of its primary planning a study and publish independent assessments of key economic and social policy issues and options so as to increase public understanding and participation in the economic and social policy debate;

(f) liaise with the private sector and civil society in the evaluation of Government performance and identifying filling gaps in Government policies and programmes;

(g) review high priority development issues and needs and make recommendations;

(h) ensure that all national plans are gender and disability sensitive; and

(i) design and implement programmes to develop planning capacity in local governments.

(3) In the performance of its functions, the Authority shall—

(a) study and analyse strategic economic and structural reform policies;

(b) make proposals for innovative programmes and policies taking into consideration the resource potential and comparative advantage of Uganda and its different districts and the need for effective poverty eradication measures;

(c) monitor the performance of the decentralised system of development planning and finance and propose such institutional innovations as may be required for its improved operation;

(d) conduct in-depth evaluation of the impact and cost of selected development programmes; and

(e) perform such other functions relating to development planning as the President may direct.

(4) The Authority in performance of its duties under this Act may compel any public body or organisation to provide any information or do anything relevant to planning.

## **8. Status of Authority**

(1) The Authority shall be the national co-ordinating body of the decentralised planning system.

(2) The decentralised planning system shall be regulated by statutory instrument issued by the Minister.

(3) The Minister shall by statutory instrument provide for submission of development plans to the Authority.

(4) A district planning committee shall initiate and prepare district development plans in the manner prescribed by the Authority.

(5) A Ministry or sector shall prepare a plan, and shall submit it to the Authority whose duty shall be to harmonise all the plans from various Ministries or sectors for the purpose of formulating a national plan.

(6) A plan formulated by the authority shall be submitted to the Minister who shall cause it to be submitted to Parliament for approval and adoption.

#### PART IV—THE SECRETARIAT.

### **9. The Secretariat**

(1) The Authority shall have a Secretariat which shall be responsible for the day-to-day operations of the Authority.

(2) The Secretariat shall have such directorates as may be necessary to incorporate social, economic, special and community initiative dimensions of its planning functions.

(3) The Secretariat shall be headed by the Executive Director who shall be appointed by the Minister on the recommendation of the Authority.

(4) The Executive Director shall hold office for four years but shall be eligible to re-appointment.

(5) The terms and conditions of the Executive Director shall be determined by the Authority in consultation with the Minister.

(6) The Executive Director shall be a person with minimum qualifications of a masters degree with proven experience in management, planning and administration.

(7) The Executive Director may be removed by the Minister on the recommendation of the Authority only for—

- (a) inability to perform the functions of his or her office arising out of physical or mental incapacity; or
- (b) misbehaviour or misconduct; or
- (c) incompetence.

(8) In addition to any other functions that may be conferred upon him or her by any other law or by the Authority, the Executive Director shall—

- (a) have custody of the seal of the Authority;
- (b) be secretary to the Authority.

(9) There shall be such other officers and employees of the Authority as the Authority may determine.

(10) The number and categories of staff to be employed by the Authority under subsection (9) shall be determined by the Authority with the approval of the Minister.

(11) The employee of the Authority other than the Executive Director, shall be appointed by the Authority on such terms and conditions as the Authority may, with the approval of the Minister determine.

#### PART V—FINANCE.

##### **10. Financial year**

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

##### **11. Funds of Authority**

(1) All funds of the Authority shall be administered and controlled by the Executive Director who shall be the Accounting Officer in accordance with the Public Finance Act.

(2) All monies required to defray all expenses that may be incurred in the discharge of the functions of the Authority or in the carrying out of the purposes of this Act, including the payment of allowances, salaries and pensions payable to or in respect of persons serving with the Authority, shall be submitted to Parliament for approval without alteration and when so approved shall be directly charged on the Consolidated Fund.

(3) The funds of the Authority may, with the prior approval of the Minister include grants and donations from sources within or outside Uganda to enable the Authority to discharge its functions.

##### **12. Accounts and audit**

(1) The Authority shall maintain accounts of all its incomes and expenditure in a form approved by the Auditor General.

(2) The accounts of the Authority shall be audited by the Auditor General in accordance with article 163 of the Constitution.

#### PART VI—MISCELLANEOUS.

##### **13. Meetings of Authority**

The Second Schedule shall apply to meetings of the Authority.

##### **14. Seal of Authority**

The Authority shall have a seal which shall be in such form as the Authority may determine and shall, subject to the provisions of any law, be applied in such circumstances as the Authority may determine.

### **15. Authority to be independent**

The Authority shall not be directed by any authority or influenced by anybody while evaluating the performance of a Ministry or sector with regard to the targets set out in a plan.

### **16. Protection for members and staff of Authority**

A member of the Authority or an employee of the Authority or any other person performing any function of the Authority under the direction of the Authority shall not be personally liable to any civil proceedings for any act done in good faith in the performance of those functions.

### **17. Action for non compliance**

Where a Ministry, Department or district committee or person does not comply with the provisions of this Act, the Chairperson of the Authority shall, in writing inform the Minister, who shall in turn inform the President and the President shall take appropriate action in the matter.

### **18. Reports**

(1) The Authority shall submit to the Minister an annual report of its activities containing such information as the Minister may direct.

(2) The Authority shall, as the Minister may direct, also submit to the Minister, from time to time, reports on the performance of Ministries, sectors and local governments and their performance relevant to implementation of the planning.

(3) The Minister shall as soon as possible after receiving the annual report of the Authority cause it to be laid before Parliament.

### **19. Regulations**

(1) The Minister may on the recommendation of the Authority or on his own initiative, by statutory instrument make regulations for giving full effect to the provisions of this Act.

(2) For the avoidance of doubt, the Minister shall on recommendation of the Authority or on his or her own initiative, by statutory instrument, make regulations providing for the procedures to be followed by the relevant bodies in the initiation of the planning process up to the final approval of the national plans by the Parliament.

### **20. Statutory Instrument to be laid before Parliament**

Any statutory instrument made under this Act shall be laid before Parliament.

### **21. President to assign Minister**

The President shall assign a Minister for the implementation of this Act within thirty days after its assent.

## **SCHEDULES.**

### **FIRST SCHEDULE.**

#### **SECTION 4**

#### **OATH OF MEMBER OF AUTHORITY.**

I, ..... being appointed Chairperson/Member of the National Planning Authority swear in the name of the Almighty God/solemnly affirm that I will well and truly exercise the functions of Chairperson/Member of the Authority in accordance with the laws of the Republic of Uganda without fear or favour, affection or ill will. (So help me God).

## SECOND SCHEDULE.

### SECTION 13

#### MEETINGS OF AUTHORITY.

1. (1) Meetings of the Authority shall be convened by the Chairperson.

(2) The Authority shall meet as often as is necessary for the transaction of business and at such places and times as the Authority may determine but it shall meet by majority of the Members.

(5) Notice of a meeting of the Authority under sub-paragraph (4) shall be given in writing to each member at least five days before the day of the meeting, but an urgent meeting may be called at less than five days notice at the request of two or more members.



2. (1) The Authority may co-opt any person to assist it as an adviser at any meeting of the Authority but any person so co-opted shall have no vote in the proceedings at that meeting.

(2) A person co-opted under this paragraph may be paid such allowance as the Authority may determine with the approval of the Minister responsible for finance.

3. The quorum at any meeting of the Authority shall be three members.

4. (1) All questions proposed for decision at any meeting of the Authority shall be decided by a majority of the votes of the Members present and in case of an equality of votes, the person presiding shall have a casting vote in addition to his or her deliberative vote.

(2) A decision may be made, by the Authority without a meeting by circulation of the relevant papers among the members of the Authority and by the expression of the view of the majority of the members in writing, but any member is entitled to require that the decision be deterred and the matter on which decision is sought be considered at a meeting of the Authority.

5. (1) The Authority shall cause to be recorded and kept, minutes of all its meetings in a manner prescribed by the Authority.

(2) The minutes recorded under sub-paragraph (1) shall be submitted to and confirmed by the Authority at its meeting and minutes shall be signed by the Chairperson and the Executive Director in the presence of the other members present at that meeting.

6. Subject to the provisions of this Schedule, the Authority may regulate its own proceedings.