

CHAPTER 194

THE ACCREDITATION SERVICES

ACT Arrangement of Sections

Section

PART I—PRELIMINARY

1. Purpose of Act
2. Interpretation

PART II—UGANDA NATIONAL ACCREDITATION SERVICE

3. Establishment of Uganda National Accreditation Service
4. Functions of Uganda National Accreditation Service

PART III—BOARD OF UGANDA NATIONAL ACCREDITATION SERVICE

5. Board of Uganda National Accreditation Service
6. Disqualification from appointment to Board
7. Tenure of office of members of Board
8. Filling of vacancies on Board
9. Remuneration of members of Board
10. Functions of Board
11. Meetings of Board
12. Committees of Board

PART IV—STAFF OF UGANDA NATIONAL ACCREDITATION SERVICE

13. Secretariat of Uganda National Accreditation Service
14. Executive Director
15. Functions of Executive Director
16. Other officers and staff of secretariat
17. Assessors

PART V FINANCIAL AND OTHER MATTERS

18. Funds and sources of revenue of Uganda National Accreditation Service
19. Duty to operate on sound financial principles
20. Power to open and operate bank accounts
21. Borrowing powers
22. Estimates
23. Financial year
24. Accounts and audit
25. Investment of funds

PART VI—ACCREDITATION

26. Application for accreditation
27. Renewal of accreditation
28. Technical committees
29. Revocation of accreditation
30. Accredited person or conformity assessment body to comply with requirements of accreditation
31. Applications by persons or conformity assessment bodies resident in Uganda to foreign accreditation bodies
32. Register of accredited persons and conformity assessment bodies
33. Appeals Committee

PART VII—OFFENCES

34. Giving false information
35. Use of accreditation for uncertified purposes

PART VIII—MISCELLANEOUS

36. Protection from liability of members and officers of the Uganda National Accreditation Service
37. Duty not to disclose information
38. Regulations
39. Power to amend Schedules

SCHEDULES

<i>Schedule 1</i>	Currency Point
<i>Schedule 2</i>	Meetings of Board and Related Matters
<i>Schedule 3</i>	Proceedings before Technical Committee
<i>Schedule 4</i>	Proceedings before Appeals Committee

CHAPTER 194**THE ACCREDITATION SERVICES ACT**

Commencement: 19 November, 2021

An Act to provide for an internationally recognised and effective accreditation service in Uganda; to provide for the Uganda National Accreditation Service; to provide for accreditation of conformity assessment and calibration and for related matters.

PART I—PRELIMINARY**1. Purpose of Act**

The purpose of this Act is—

- (a) to establish the Uganda National Accreditation Service which shall be responsible for accreditation services and calibration;
- (b) to provide for an internationally recognised national accreditation service as a crucial element of a well-functioning technical infrastructure that is aligned with international best practice;
- (c) to provide a supportive legal environment for accreditation services and calibration;
- (d) to promote the competence and equivalence of accredited persons or conformity assessment body;
- (e) to ensure that the national accreditation service supports the needs of Uganda’s enterprises competing in the global economy; and
- (f) to promote accreditation as a means of facilitating international trade, enhancing economic performance and transformation and support public policy objectives in terms of health and safety matters.

2. Interpretation

In this Act, unless the context otherwise requires—

“accreditation” means third party attestation related to conformity assessment and calibration conveying formal demonstration of competence to carry out tasks against specified criteria specified in this Act;

“accreditation certificate” means a document or a set of documents that confirm that accreditation was granted to the conformity assessment body or person named in the documents and states the conditions under which the accreditation has been granted and the scope of accreditation;

“accredited body or person” means—

- (a) a body or person accredited by the Uganda National Accreditation Service in accordance with this Act; or
- (b) a body or person not resident in Uganda and obtains approval from the Uganda National Accreditation Service to operate in Uganda and is a member of the recognition arrangements of the International Laboratory Accreditation Cooperation (ILAC) or the International Accreditation Forum (IAF);

“accreditation logo” means a logo used by an accredited body or person for purposes of identification of the accredited person or conformity assessment body;

“accreditation symbol” means a symbol issued by the Uganda National Accreditation Service to an accredited body or person or conformity assessment body to be used by the accredited body or person or conformity assessment body to indicate that the body or person or conformity assessment body has been accredited in accordance with this Act;

“assessment” means the process undertaken by the Uganda National Accreditation Service to evaluate the competence of a conformity assessment body based on a particular standard;

“calibration body” means a body that performs a set of operations that establish, under specified conditions, the relationship between values of quantities indicated by a measuring instrument or measuring system, or values represented by a material measure or reference material, and corresponding values realised by standards;

“certification body” means a body that certifies other bodies for compliance to specifications or standards specified in this Act and includes specifications and standards relating to management systems, schemes or products;

“conformity assessment” means demonstration that specified requirements or characteristics relating to a product, process, service, system, person or conformity assessment body have been fulfilled:

“conformity assessment body” means an organisation or a facility that carries out conformity assessment services, including but not limited to testing, calibration, inspection, certification of management systems, certification of persons, certification of products or processes or registration;

“currency point” has the value assigned to it in Schedule 1 to this Act;

“inspection body” means a body that examines product designs, product services, processes or plants and determines their conformity to requirements specified in this Act;

“laboratory” means any specialised confined environment used for the performance of scientific work and includes a medical, a testing, a calibration and a verification laboratory;

“Minister” means the Minister responsible for trade;

“verification laboratory” means a body established by law to verify measuring equipment or instruments in order to establish that the equipment or instruments comply with all legal requirements pertaining to such equipment or instruments.

PART II—UGANDA NATIONAL ACCREDITATION SERVICE

3. Establishment of Uganda National Accreditation Service

(1) There is established a body to be known as the Uganda National Accreditation Service.

(2) The Uganda National Accreditation Service 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 all acts and things as a body corporate may lawfully do.

4. Functions of Uganda National Accreditation Service

(1) The functions of the Uganda National Accreditation Service are—

- (a) to carry out accreditation including accreditation of—
 - (i) calibration bodies;
 - (ii) testing bodies;
 - (iii) verification laboratories;

- (iv) certification bodies;
 - (v) inspection bodies;
 - (vi) laboratories;
 - (vii) environmental health bodies;
 - (viii) seed testing bodies;
 - (ix) management system certification bodies;
 - (x) personnel certification bodies; and
 - (xi) any other body that the Minister may, by statutory instrument designate;
- (b) to promote accreditation in Uganda;
 - (c) to assess conformity assessment bodies for competence and compliance with this Act;
 - (d) to compel an accredited body or person to take appropriate action related to their conformity assessments;
 - (e) to establish and maintain a register for all accredited bodies and persons;
 - (f) to design and issue accreditation certificates to accredited bodies and persons;
 - (g) to act as a national arbitrator in case of contradicting results;
 - (h) to accredit conformity assessment bodies and persons;
 - (i) to encourage and promote the accreditation of certification bodies, inspection bodies, and any other bodies designated by the Minister by regulations;
 - (j) to promote its activities among accredited persons and conformity assessment bodies in Uganda and outside Uganda;
 - (k) to promote the use of accredited persons and conformity assessment bodies to facilitate trade;
 - (l) to promote and protect regional and international arrangement logos including the logos of the International Laboratory Accreditation Cooperation and the International Accreditation Forum;
 - (m) to initiate, negotiate, conclude and maintain mutual recognition arrangements;
 - (n) to advise national, regional and international organisations on the conditions for accreditation and on any other issues related to accreditation;
 - (o) to formulate and implement national guidelines and standards to facilitate the accreditation process;

- (p) to protect the use of and promote the recognition of the Uganda National Accreditation Service's logo nationally and internationally;
- (q) to promote the recognition of accredited persons and conformity assessment bodies by users of conformity assessment systems; and
- (r) to advise the Minister on accreditation matters.

(2) The Uganda National Accreditation Service shall, in the performance of its functions—

- (a) comply with international accreditation standards and criteria;
- (b) cooperate with any body established under the East African Community Treaty and laws to promote and regulate accreditation in the East African Community;
- (c) liaise with other national regulators in respect of any matter related to accreditation;
- (d) obtain and maintain membership of national and international organisations that may assist the Uganda National Accreditation Service to achieve its objects and to actively participate in such organisations;
- (e) participate in formulating international and regional guidelines and standards to facilitate the accreditation process in Uganda; and
- (f) investigate methods of facilitating trade through accreditation.

PART III—BOARD OF UGANDA NATIONAL ACCREDITATION SERVICE

5. Board of Uganda National Accreditation Service

(1) The Uganda National Accreditation Service shall be governed by a Board.

- (2) The Board shall consist of the following members—
 - (a) the Permanent Secretary of the Ministry responsible for trade or his or her representative;
 - (b) the Permanent Secretary of the Ministry responsible for health or his or her representative;
 - (c) the Permanent Secretary of the Ministry responsible for agriculture or his or her representative;

- (d) a representative of the conformity assessment bodies in Uganda;
- (e) a representative of the academia; and
- (f) a representative of consumer organisations.

(3) The Executive Director appointed under section 14 shall be the secretary to the Board.

(4) The members of the Board shall be appointed by the Minister, in consultation with the Public Service Commission, and with the approval of Cabinet.

- (5) The Minister shall ensure—
- (a) that a member of the Board is a person of high moral character and proven integrity with knowledge and experience in accreditation, standardisation or technical regulatory matters, business management, finance, marketing; and
 - (b) there is a balance of skills and gender on the Board.

(6) The Minister shall appoint one of the members of the Board to be the chairperson of the Board.

6. Disqualification from appointment to 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 or outside Uganda;
- (b) has been convicted of an offence and sentenced to imprisonment for six months or more, without the option of a fine, by a competent court in or outside Uganda;
- (c) is an undischarged bankrupt, or has made any assignment or arrangement with his or her creditors;
- (d) is a member of Parliament, a Minister or a member of a local government council; or
- (e) is a public officer except the public officer stated under section 5(2)(a), (b), (c) and (d).

7. Tenure of office of members of Board

(1) A member of the Board, other than a member referred to under section 5 (2) (a), (b), (c) and (d), shall hold office for three years and is eligible for re-appointment for one further term.

(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 misbehaviour 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;
 - (f) who is convicted of 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) where information relating to the conduct of a member, is brought to the attention of the Minister, which could have precluded his or her appointment if it had been made available to the Minister.

(4) A member representing an institution or body may be withdrawn from the Board by that institution or body in accordance with the laws and regulations that govern the institution or body.

8. Filling of vacancies on Board

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

(2) The Minister shall, in accordance with the provisions on appointment of members of the Board, appoint another person to hold office for the unexpired duration of the term of office of the member.

(3) Where the vacancy referred to in subsection (1) is of the chairperson of the Board, the secretary of the Board shall notify the Minister of the vacancy and the Minister shall appoint another person to be chairperson for the unexpired duration of the term of office of chairperson.

9. Remuneration of members of Board

A member of the Board shall be paid such allowances as the Minister shall, in consultation with the Public Service Commission and Cabinet, determine.

10. Functions of Board

(1) The Board shall be responsible for ensuring efficiency, effectiveness, transparency and propriety in—

- (a) the utilisation of public funds;
- (b) the conduct of its business; and
- (c) the operations and activities of the Uganda National Accreditation Service.

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

- (a) oversee the operations of the Uganda National Accreditation Service;
- (b) advise the Minister on accreditation related policy and strategic issues;
- (c) review and approve business and operating plans, budgets, reports and audited financial statements of the Uganda National Accreditation Service;
- (d) determine the objectives and general performance of the Uganda National Accreditation Service as set out in the business plan, strategic plan and annual plan of the Uganda National Accreditation Service;
- (e) establish and approve rules and procedures for the appointment, promotion, termination and discipline of the staff of the Uganda National Accreditation Service;
- (f) approve terms and conditions of service of the staff of the Uganda National Accreditation Service; and
- (g) provide policy guidance to the Executive Director and staff of the Uganda National Accreditation Service.

(3) In the performance of its functions, the Board is accountable to the Minister.

(4) The Minister may, in writing, give policy directions to the Board regarding the performance of its functions.

11. Meetings of Board

(1) The Board shall meet at least once every three months for the purposes of discharging its functions.

(2) The meetings of the Board shall be conducted in accordance with Schedule 2 to this Act.

12. Committees of Board

(1) The Board may, in the performance of its functions, appoint committees of the Board—

- (a) to inquire into and advise the Board on any matter concerning the functions of the Uganda National Accreditation Service as the Board may refer to the committee; or
- (b) to exercise such powers or perform such functions of the Uganda National Accreditation Service as the Board may delegate or refer to the committee.

(2) A committee appointed under subsection (1) shall consist of a chairperson and other persons, whether members of the Board or not, as the Board may determine.

(3) Members of a committee appointed under this section may be paid such allowances as the Board may, with the written approval of the Minister, determine.

(4) Subject to any direction given by the Board, a committee appointed under this section may regulate its own procedure.

PART IV—STAFF OF UGANDA NATIONAL
ACCREDITATION SERVICE

13. Secretariat of Uganda National Accreditation Service

(1) The Uganda National Accreditation Service shall have a secretariat which shall be responsible for the day-to-day operations of the Uganda National Accreditation Service and implementing the decisions of the Board.

(2) The secretariat shall be headed by an Executive Director.

14. Executive Director

(1) The Executive Director shall be appointed by the Minister, on the recommendation of the Board, and in consultation with the Public Service Commission.

(2) A person shall not be appointed Executive Director unless that person has qualifications and experience in accreditation, standardisation, technical regulatory matters, business management or marketing.

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

(4) The Executive Director shall cease to hold office where—

- (a) he or she resigns;
- (b) he or she is declared or becomes bankrupt 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.

(5) 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) misbehaviour or misconduct; or
- (c) incompetence.

15. 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;
- (b) ensuring that the agreed purposes, targets and service standards are met;
- (c) the proper management of the funds and property of the Uganda National Accreditation Service;
- (d) the organisation, supervision and control of the staff of the Uganda National Accreditation Service;
- (e) the development of an operating plan to guide the Uganda National Accreditation Service in achieving its purposes;
- (f) coordination and cooperation with other lead agencies and organisations in the accreditation and conformity assessment sector;
- (g) the development of an economic, efficient and cost-effective internal management structure;
- (h) providing advice as required on all matters which fall within the area of the responsibility of the Board; and
- (i) performing any other function 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, accountable to the Board.

16. Other officers and staff of secretariat

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

(2) The employees appointed under this section shall hold office on such terms and conditions as the Board, in consultation with the Public Service Commission, may determine.

17. Assessors

(1) The Uganda National Accreditation Service may, with the approval of the Board, appoint assessors from amongst the staff of the Uganda National Accreditation Service and such other persons who are not staff but are suitably qualified to function as assessors for the purpose of making the assessments required under this Act.

(2) The Minister shall, by regulations, prescribe the functions, duties, powers of assessors and any other matter related to assessors.

(3) Without prejudice to the general effect of subsection (2), an assessor may for the purposes of carrying out an assessment—

- (a) enter into any premises and make any enquiry or inspection in respect of the assessment related activities;
- (b) require any person to produce any records regarding the assessment of related activities;
- (c) require any person to answer questions related to the matter under assessment or investigation; or
- (d) require a person to furnish such information or returns as may be necessary to ascertain whether that person is complying with the provisions of this Act or the terms of the certificate issued to that person.

PART V—FINANCIAL AND OTHER MATTERS**18. Funds and sources of revenue of Uganda National Accreditation Service**

The funds and sources of revenue of the Uganda National Accreditation Service shall consist of—

- (a) money appropriated by Parliament for the purposes of the Uganda National Accreditation Service;
- (b) grants, gifts or donations from the Government or other sources made with the approval of the Minister and the Minister responsible for finance;
- (c) revenue earned from the activities of the Uganda National Accreditation Service under this Act;
- (d) fees charged and civil fines and penalties recovered by the Uganda National Accreditation Service; and

- (e) any other funds received by the Uganda National Accreditation Service in the performance of its functions under this Act.

19. Duty to operate on sound financial principles

(1) In the performance of its functions under this Act, the Uganda National Accreditation Service shall have due regard to sound financial principles.

(2) The Uganda National Accreditation Service shall comply with the Public Finance Management Act.

20. Power to open and operate bank accounts

The Board shall, with the authority of the Accountant General, open and maintain such accounts as are necessary for the performance of the functions of the Uganda National Accreditation Service.

21. Borrowing powers

Subject to Article 159 of the Constitution, the Board may with the prior approval of the Minister and the Minister responsible for finance, obtain loans and other credit facilities required for meeting the obligations, and for the discharge of the functions, of the Uganda National Accreditation Service under this Act.

22. 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 Uganda National Accreditation Service for the next financial year.

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

23. Financial year

The financial year of the Uganda National Accreditation Service shall be the period of twelve months commencing on the 1st day of July and ending on the 30th day of June of the following year.

24. Accounts and audit

(1) The Uganda National Accreditation Service shall keep proper books of accounts and all records relating to the transactions and affairs of the Uganda National Accreditation Service.

(2) The Auditor General or an auditor appointed by the Auditor General shall, in each financial year, audit the accounts of the Uganda National Accreditation Service.

(3) The Auditor General or an auditor appointed by the Auditor General shall within three months after receipt of the accounts, submit to Parliament a report on the audited accounts of the Uganda National Accreditation Service.

(4) The Auditor General shall submit the audited accounts of the Uganda National Accreditation Service to Parliament in accordance with the Public Finance Management Act.

25. Investment of funds

(1) The Board shall declare to the Minister any surplus funds that the Uganda National Accreditation Service may have at the end of the financial year.

(2) Any funds of the Uganda National Accreditation Service not immediately required for any purpose under this Act may be invested—

- (a) on a fixed deposit account with a bank approved by the Board;
- (b) in treasury bills and securities of the Government;
- (c) in a project approved by the Minister; or
- (d) in any other manner determined by the Board other than in a business regulated under this Act.

PART VI—ACCREDITATION**26. Application for accreditation**

(1) A person or a conformity assessment body seeking accreditation shall apply to the Uganda National Accreditation Service, in the manner and form prescribed by the Minister by regulations.

(2) The Uganda National Accreditation Service shall evaluate every application for accreditation in accordance with procedures and criteria prescribed by the Minister by regulations.

(3) An application under subsection (1) shall be accompanied by the fee prescribed by the Minister by regulations.

(4) The Uganda National Accreditation Service shall notify the applicant who satisfies the requirements of this section within fourteen days after making the decision and issue the applicant with a certificate of accreditation.

(5) The certificate issued under subsection (4) may specify conditions applicable to the accreditation.

(6) A certificate granted under this section shall set out the duration of the accreditation.

(7) Where an applicant is refused a certificate of accreditation, the Uganda National Accreditation Service shall notify the applicant within fourteen days and give written reasons for the refusal.

(8) For the avoidance of doubt, the process of accreditation from submission on application to communication of the decision by the Uganda National Accreditation Service shall not exceed sixty days.

27. Renewal of accreditation

An accredited person or a conformity assessment body may apply for renewal of the accreditation in such manner and form as may be prescribed by the Minister by regulations.

28. Technical committees

(1) The Uganda National Accreditation Service shall establish technical committees to evaluate applications for grant, renewal, extension, suspension or withdrawal of accreditation.

(2) A technical committee shall consist of not more than three members, who shall be specialists in the field to be accredited.

(3) The appointment of members of a technical committee shall be in the manner prescribed by regulations made by the Minister.

(4) The conduct of the business of a technical committee shall be as provided for in Schedule 3 to this Act.

29. Revocation of accreditation

(1) The Uganda National Accreditation Service may revoke the accreditation of an accredited person or conformity assessment body under this Act where—

- (a) the accredited person or conformity assessment body has failed to comply with any obligation imposed under this Act;
- (b) the accredited person or conformity assessment body has contravened any provision of this Act or any other written law;
- (c) the accredited person or conformity assessment body, either in connection with the application for accreditation or at any time after the grant of accreditation, provides the Uganda National Accreditation Service with false, misleading or inaccurate information, document or declaration.

(2) Before revoking accreditation, the Uganda National Accreditation Service shall give the accredited person or conformity assessment body notice in writing of the intention to revoke the accreditation and require the accredited person or conformity assessment body to show cause, within thirty days, as to why the accreditation should not be revoked.

30. Accredited person or conformity assessment body to comply with requirements of accreditation

An accredited person or conformity assessment body shall comply with the accreditation requirements in respect of that accreditation including the specific competencies specified in the certificate of accreditation.

31. Applications by persons or conformity assessment bodies resident in Uganda to foreign accreditation bodies

A person or conformity assessment body resident in Uganda seeking accreditation by a foreign accreditation body shall, before making such an application, comply with requirements specified in regulations made by the Minister in respect of applications for accreditation of persons or conformity assessment bodies resident in Uganda by foreign accreditation bodies.

32. Register of accredited persons and conformity assessment bodies

The Uganda National Accreditation Service shall establish and maintain a register of accredited persons and conformity assessment bodies.

33. Appeals Committee

(1) There is established a committee to be known as the Appeals Committee which shall hear and determine appeals relating to decisions of the Uganda National Accreditation Service such as refusal to grant accreditation, refusal to renew accreditation or revocation of accreditation.

(2) The Appeals Committee shall be an ad hoc committee consisting of three persons appointed by the Minister to hear and determine an appeal relating to a decision of the Uganda National Accreditation Service.

(3) The members of the Appeals Committee shall be experts in the matter being considered.

(4) A member of the Appeals Committee shall not be or have been a person who participated in the making of the decision of the Uganda National Accreditation Service that is being appealed against.

(5) A person who is dissatisfied with the decision of the Appeals Committee may appeal to the High Court.

(6) The conduct of the business of the Appeals Committee shall be as provided for in Schedule 4 to this Act.

(7) The Minister shall, in consultation with the Board, determine the terms and conditions of service of the Appeals Committee.

PART VII—OFFENCES

34. Giving false information

A person or conformity assessment body who knowingly—

- (a) makes or assists in the making of a certificate, report, return, notice or any other document to be sent to any other person, as required by this Act, that contains an untrue statement of a material fact; or
- (b) omits to state a material fact in or on any of the documents referred to in paragraph (a),

commits an offence and is liable, on conviction, to a fine not exceeding six hundred currency points or to imprisonment for a term not exceeding four years, or both.

35. Use of accreditation for uncertified purposes

An accredited person or conformity assessment body who—

- (a) uses his or her accreditation for purposes other than that for which the accreditation was granted;
- (b) uses an accreditation symbol for purposes other than for purposes for which the symbol was given,

commits an offence and is liable, on conviction, to a fine not exceeding six hundred currency points or to imprisonment for a term not exceeding four years, or both.

PART VIII—MISCELLANEOUS

36. Protection from liability of members and officers of the Uganda National Accreditation Service

An officer or member of the Board of the Uganda National Accreditation Service or a person acting on the directions of the Uganda National Accreditation Service is not personally liable for any act or omission done or omitted to be done in good faith in the exercise of functions under this Act.

37. Duty not to disclose information

(1) An officer or member of the Board of the Uganda National Accreditation Service shall not disclose any information, which he or she may have obtained in the course of discharging his or her duties under this Act.

(2) A person who ceases to be an officer or member of the Board of the Uganda National Accreditation Service shall not disclose any information, which he or she may have obtained in the course of his or her employment for a period of ten years from the date he or she ceases to be an officer or member of the Board of the Uganda National Accreditation Service.

(3) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points or to imprisonment for a term not exceeding four years, or both.

38. Regulations

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

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

- (a) prescribe the form and manner of applications for accreditation;
- (b) provide for the particulars to be supplied by a person or conformity assessment body applying for accreditation;
- (c) prescribe the fees and charges payable under this Act;

- (d) prescribe the conditions or restrictions that may be imposed on accredited persons or conformity assessment bodies;
 - (e) provide for the conditions for the use of the name, accreditation logo or accreditation symbol of the Uganda National Accreditation Service;
 - (f) prescribe the scope of activities within which the Uganda National Accreditation Service may grant accreditation;
 - (g) provide for the form and manner of reviews and appeals under this Act;
 - (h) specify the responsibilities of accredited persons and conformity assessment bodies;
 - (i) provide for the conditions for the use of regional and international logos; and
 - (j) prescribe any other matter necessary for giving full effect to this Act.
- (3) Regulations made under this section may, in respect of any contravention of any of its provisions—
- (a) prescribe a penalty of a fine not exceeding two hundred 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 one hundred currency points for each day on which the offence continues; and
 - (c) prescribe a higher penalty not exceeding five hundred currency points for a second or subsequent offence.

39. Power to amend Schedules

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

(2) The Minister may, by statutory instrument, in consultation with the Board, amend Schedules 2, 3 and 4 to this Act.

SCHEDULES

Schedule 1

Sections 2, 39(1)

Currency Point

A currency point is equivalent to twenty thousand shillings.

Schedule 2

Sections 11(2), 39(2)

Meetings of Board and Related Matters

1. Meetings of 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 meeting of the Board 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 record and keep 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 where they are confirmed, shall be signed by the

chairperson and the secretary in the presence of the members present at the 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 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 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 Uganda National Accreditation Service

(1) The official seal of the Uganda National Accreditation Service 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.

Schedule 3

Sections 28(4), 39(2)

Proceedings before Technical Committee

1. A technical committee shall meet as and when the members are notified of a meeting by the Executive Director.
2. A technical committee shall meet upon seven days' notice being given by the Executive Director, including the agenda of the meeting.
3. A special meeting of a technical committee may be held on a date and at a time as the technical committee may determine in the interest of necessity. However, the Executive Director shall be informed of the meeting.
4. A meeting of a technical committee shall be held at the registered office of the Uganda National Accreditation Service, except where, by written permission, the Executive Director authorises the meeting to be held elsewhere.
5. At each meeting of the technical committee, the members present shall select from among themselves a person to be the chairperson.
6. A decision on any matter before a technical committee shall be made by consensus, but where consensus cannot be reached, the members present shall decide on the matter by a majority vote and in case of a tied vote, the chairperson shall have the casting vote.
7. Each technical committee shall maintain written minutes of its meetings which shall be kept in the custody of the Executive Director.
8. The members of the technical committee in consultation with the Executive Director may, through electronic means of communication, take necessary actions on any matter that may not, due to unavoidable circumstances, be considered physically at a meeting of the technical committee.

Schedule 4

Sections 33(6), 39(2)

Proceedings before Appeals Committee

1. The Appeals Committee may receive evidence by affidavit.
2. The Appeals Committee may specify the period within which it may hear the evidence from witnesses.
3. The Appeals Committee, while making an award under the Act, may consider any evidence which it considers relevant to the matter before it.
4. A party to an appeal before the Appeals Committee may be represented by an advocate or any other suitable person as is permitted by the Committee.
5. All summons, notices or other documents issued under the hand of the chairperson of the Appeals Committee shall be deemed to have been issued by the Committee.
6. The Executive Director shall determine the place where the Appeals Committee shall sit to carry out its duties.
7. The proceedings of the Appeals Committee shall be open to the public except where the Committee, for a good cause, otherwise directs.
8. The quorum of the Appeals Committee shall be the chairperson and two other members.
9. Where the Appeals Committee has made an award, the Committee shall notify the parties in writing.

History: Act 20/2021

Cross References

Constitution

Public Finance Management Act, Cap. 171