

CHAPTER 195**THE KAMPALA CAPITAL CITY ACT****Arrangement of Sections**

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CHAPTER 195

THE KAMPALA CAPITAL CITY ACT

Commencement: 1 March, 2011

An Act to provide, in accordance with Article 5 of the Constitution, for Kampala as the Capital City of Uganda; to provide for the administration of Kampala by the Central Government; to provide for the territorial boundary of Kampala; to establish the Kampala Capital City Authority and to establish the Council of the Authority as the governing body of the Capital City; to provide for the functions and powers of the Authority; to provide for the election and removal of the Lord Mayor and the Deputy Lord Mayor; to provide for the office of Executive Director and Deputy Executive Director of the Authority; to provide for lower urban councils under the Authority; to provide for the devolution by the Authority of functions and services; to provide for the power of the Minister to veto decisions of the Authority in certain circumstances and for related matters.

PART I—INTERPRETATION

1. Interpretation

In this Act, unless the context otherwise requires—

- “Authority” means the Kampala Capital City Authority established by section 4;
- “Capital City” means Kampala Capital City;
- “Council” means the Council established under section 6;
- “councillor” means a member of the Council, a division urban council, ward urban council or village urban council;
- “currency point” has the value assigned to it in Schedule 1 to this Act;
- “Lord Mayor” means the Lord Mayor of Kampala Capital City;
- “lower urban council” means a division urban council, a ward urban council, a village urban council and a street committee within the Capital City;
- “mayor” means the mayor of a division urban council;
- “metropolitan area” means the area of jurisdiction of the Authority together with the neighbouring districts of Mpigi, Mukono and Wakiso for purposes of coordinated physical planning;

“Minister” means the Minister responsible for the Capital City;
“Speaker” means the Speaker of the Council.

**PART II—DECLARATION OF KAMPALA AS CAPITAL CITY
AND DELINEATION OF ITS BOUNDARY**

2. Declaration of Kampala as Capital City

(1) In accordance with Article 5 of the Constitution, Kampala, located in Buganda, is declared the Capital City of Uganda.

(2) The Capital City shall, in accordance with Article 5 of the Constitution, be administered by the Central Government.

3. Boundary of Capital City

(1) The territorial boundary of the Capital City shall be as delineated in Schedule 2 to this Act.

(2) The Minister may, in consultation with the Authority and with the approval of Cabinet, establish divisions within the Capital City and alter the boundaries of those divisions.

(3) The Minister may, in consultation with the Authority, establish within the Capital City, ward urban councils and village urban councils and may alter the boundaries of those councils.

PART III—GOVERNANCE OF KAMPALA CAPITAL CITY

4. Establishment of Kampala Capital City Authority

(1) There is established an authority known as the Kampala Capital City Authority.

(2) The Authority shall be a body corporate with perpetual succession and may sue and be sued in its corporate name and do, enjoy or suffer anything that may be done, enjoyed or suffered by a body corporate.

(3) Any enactment that applies to a district shall, subject to this Act and with the necessary modifications, apply to the Authority.

5. Functions of Authority

- (1) The functions of the Authority are—
 - (a) to initiate and formulate policy;
 - (b) to set service delivery standards;
 - (c) to promote economic development in the Capital City;
 - (d) to construct and maintain roads;
 - (e) to construct and maintain drains;
 - (f) to install and maintain street lights;
 - (g) to organise and manage traffic;
 - (h) to carry out physical planning and development control;
 - (i) to assist in the maintenance of law, order and security;
 - (j) to draw the attention of the divisions to any matter that attracts the concern or interest of the Authority; and
 - (k) to perform any other function given to the Authority by the Central Government.

(2) Notwithstanding anything in this Act, the Authority shall, in addition, perform the functions and services set out in Parts A, B and C of Schedule 3 to this Act.

(3) The Ministries responsible for health and environment shall oversee the public health and environment matters respectively in the Capital City.

(4) The Minister shall supervise, guide, inspect, monitor and coordinate the governance activities of the Capital City in order to ensure compliance with this Act and any other law.

6. Council of Authority

- (1) The Council shall be the governing body of the Capital City.
- (2) The Council shall consist of the following members—
 - (a) the Lord Mayor;
 - (b) the Deputy Lord Mayor;
 - (c) one councillor directly elected by secret ballot to represent each electoral area in the Capital City on the basis of universal adult suffrage;

- (d) two councillors representing the youth, one of whom shall be female;
- (e) two councillors with disability representing persons with disabilities, one of whom shall be female;
- (f) women councillors forming one-third of the Council such that the councillors elected under paragraphs (c), (d) and (e) shall form two-thirds of the Council;
- (g) two councillors representing the workers, one of whom shall be female; and
- (h) two councillors representing the elderly, one of whom shall be female.

(3) A person is not qualified to be a councillor unless he or she is a citizen of Uganda.

7. Functions of Council

The functions of the Council are—

- (a) to determine taxation levels within the Capital City;
- (b) to enact subsidiary legislation for the proper management of the Capital City;
- (c) review and approve budget proposals made by the Executive Director;
- (d) to monitor the delivery of services within the Capital City;
- (e) to mobilise the residents of the Capital City to undertake income generating activities and self-help community projects;
- (f) to assist the city divisions in mobilising the residents to pay local taxes.

8. Legislative powers of Council

(1) The Council shall have power to make ordinances of the Council not inconsistent with the Constitution or any other law made by Parliament.

(2) The power of the Council to make ordinances shall be exercised by the passing of local bills into ordinances by the Council and signed by the Lord Mayor.

(3) A local bill passed by the Council shall, before it is signed by the Lord Mayor, be forwarded to the Attorney General through the Minister to

certify that the local bill is not inconsistent with the Constitution or any other law enacted by Parliament.

(4) The Attorney General shall, within sixty days of receipt of the local bill, submit his or her advice to the Minister.

(5) Where the Minister on the advice of the Attorney General is of the opinion that a bill for an ordinance contravenes or derogates from the Constitution or other law made by Parliament, he or she shall, within sixty days after receipt of the bill, return the bill with his or her comments to the Council for modification or other appropriate action.

(6) A bill enacted by the Council and signed by the Lord Mayor under this section shall be an ordinance of the Council and shall be published in the *Gazette* and in the local media.

(7) Every member of the Council has a right to introduce a bill for an ordinance in the Council.

9. Lord Mayor and Deputy Lord Mayor

(1) There shall be a Lord Mayor who shall be the political head of the Capital City.

(2) The Lord Mayor shall be elected by universal adult suffrage through a secret ballot at an election organised by the Electoral Commission.

(3) The Lord Mayor shall, with the approval of the Council, appoint a Deputy Lord Mayor from among the members of the Council.

(4) The Lord Mayor and the Deputy Lord Mayor shall serve on a full time basis.

10. Qualifications of Lord Mayor and Deputy Lord Mayor

A person is not qualified to be elected as Lord Mayor or Deputy Lord Mayor unless he or she is qualified to be elected a member of Parliament.

11. Functions of Lord Mayor

- (1) The functions of the Lord Mayor are—
 - (a) to initiate strategies and programmes for the development of the Capital City;
 - (b) to address the Council on the state of affairs of the Capital City once a year;
 - (c) to represent, support and promote the businesses and residents of the Capital City;
 - (d) to promote the Capital City as a tourist and investment destination;
 - (e) to host foreign and local dignitaries on behalf of the Authority and Capital City; and
 - (f) to perform ceremonial functions and civic functions.
- (2) The Lord Mayor shall, in the performance of his or her functions, be answerable to the Council and the Minister.
- (3) The Deputy Lord Mayor shall assist the Lord Mayor in the performance of his or her functions and shall otherwise deputise the Lord Mayor in his or her absence.

12. Vacation of office of Lord Mayor or Deputy Lord Mayor

- (1) The Lord Mayor and the Deputy Lord Mayor may be removed from office by the Council, by resolution supported by not less than two-thirds majority of all the members of the Council on any of the following grounds—
 - (a) abuse of office;
 - (b) incompetence;
 - (c) misconduct or misbehaviour;
 - (d) physical and mental incapacity rendering him or her incapable of performing the duties of Lord Mayor or Deputy Lord Mayor; or
 - (e) corruption.
- (2) Notwithstanding subsection (1), the seat of the Lord Mayor or the Deputy Lord Mayor shall fall vacant if—
 - (a) the holder resigns in writing addressed to the Minister;
 - (b) the holder commits a breach of the Leadership Code of Conduct and the punishment imposed includes the vacation of office;
 - (c) the holder accepts appointment to a public office;

- (d) the holder is sentenced to death or to imprisonment exceeding six months without the option of a fine;
- (e) the holder is convicted of an offence involving dishonesty or moral turpitude; or
- (f) circumstances arise which disqualify the holder from occupying the office under any other law.

(3) For the purposes of removing the Lord Mayor or the Deputy Lord Mayor under subsection (1), other than under subsection (1)(d), a petition in writing signed by not less than one-third of all the members of the Council shall be submitted to the Minister—

- (a) stating that the members intend to pass a resolution of the Council to remove the Lord Mayor or the Deputy Lord Mayor on any of the grounds set out in subsection (1); and
- (b) setting out the particulars of the charge supported by the necessary documents, where applicable, on which it is claimed that the conduct of the Lord Mayor or the Deputy Lord Mayor be investigated for the purposes of his or her removal.

(4) For the avoidance of doubt, where a petition has been submitted to the Minister under subsection (3), a person shall not withdraw his or her signature supporting the petition.

(5) The Minister shall evaluate the petition in consultation with the Attorney General and if satisfied that there are sufficient grounds for doing so, shall, within twenty-one days after receipt of the petition, constitute a tribunal consisting of a Judge of the High Court or a person qualified to be appointed a Judge of the High Court, as chairperson and two other persons all of whom shall be appointed by the Minister, in consultation with the Chief Justice, to investigate the allegations.

(6) A person shall not be eligible for appointment as a member of the tribunal unless that person—

- (a) is of high moral character and proven integrity; and
- (b) possesses considerable experience and demonstrated competence and is of high calibre in the conduct of public affairs.

(7) The Lord Mayor or the Deputy Lord Mayor is entitled to appear at the proceedings of the tribunal and to be represented by a lawyer or other expert or person of his or her choice.

(8) If the tribunal determines that there is a *prima facie* case for the removal of the Lord Mayor or the Deputy Lord Mayor under subsection (1), other than subsection (1)(d), then if the Council passes the resolution supported by the votes of not less than two-thirds of all members of the Council, the Lord Mayor or the Deputy Lord Mayor shall cease to hold office.

(9) For the purposes of the removal of the Lord Mayor or the Deputy Lord Mayor on grounds of physical or mental incapacity under subsection (1)(d), there shall be submitted to the Minister, a petition in writing signed by not less than one-third of all the members of the Council—

- (a) stating that they intend to pass a resolution of the Council for the removal of the Lord Mayor or the Deputy Lord Mayor from office on grounds of physical or mental incapacity; and
- (b) giving particulars of the alleged incapacity.

(10) The Minister shall, within seven days after receipt of a petition under subsection (9), cause a copy to be transmitted to the Lord Mayor or the Deputy Lord Mayor, Speaker, Executive Director and the Chief Justice.

(11) The Chief Justice shall, within seven days after receipt of the notice transmitted under subsection (10) and in consultation with the Medical Council, constitute a medical board comprising three qualified medical specialists to examine the Lord Mayor or the Deputy Lord Mayor in respect of the alleged incapacity and to report its findings to the Minister.

(12) Upon the constitution of the medical board under subsection (11), the Chief Justice shall, within seven days, inform the Lord Mayor or the Deputy Lord Mayor accordingly.

(13) The medical board shall examine the Lord Mayor or the Deputy Lord Mayor within fourteen days after the Chief Justice has informed the Lord Mayor or the Deputy Lord Mayor of the constitution of the medical board.

(14) The Lord Mayor or the Deputy Lord Mayor shall submit himself or herself to the medical board for examination on a day and time determined by the medical board.

(15) If the medical board determines that the Lord Mayor or the Deputy Lord Mayor is, by reason of physical or mental incapacity unable

to perform the functions of the office of Lord Mayor or Deputy Lord Mayor and the Council passes the resolution for his or her removal supported by the votes of not less than two-thirds of all the members of the Council, the Lord Mayor or the Deputy Lord Mayor shall cease to hold office.

(16) If the medical board, after the expiration of the period of fourteen days referred to in subsection (13), reports that the Lord Mayor or the Deputy Lord Mayor has failed or refused to submit himself or herself to the medical board and the Council passes the resolution for his or her removal supported by the votes of not less than two-thirds of all the members of the Council, the Lord Mayor or the Deputy Lord Mayor shall cease to hold office.

(17) The Minister shall, within fourteen days of receipt of the report of the tribunal or medical board, present the report to the Council.

(18) The motion for a resolution for the removal of the Lord Mayor or the Deputy Lord Mayor shall be moved in the Council within fourteen days after the receipt by the Minister of the report of the tribunal or the medical board, failure of which shall render the resolution time-barred.

(19) The Lord Mayor or the Deputy Lord Mayor is entitled to appear in person and be heard during the proceedings of the Council relating to the motion for a resolution under this section or to appear by an advocate or other expert of his or her choice.

(20) A person who is removed as Lord Mayor or Deputy Lord Mayor may appeal to the High Court within twenty-one days after the decision is communicated to him or her and the High Court may confirm or revoke the decision to remove him or her and make any order that the court considers just in the matter.

(21) The expenses of the tribunal and the medical board shall be met by the Authority.

13. Election of councillors

(1) The Electoral Commission shall demarcate the electoral areas for the election of councillors to be directly elected under section 6(2)(c) and (f).

(2) The Local Governments Act shall, with the necessary modifications, apply to the election of councillors under this Act.

14. Removal of councillors

The procedure for removal of a councillor in the Local Governments Act shall apply to the removal of a councillor under the Kampala Capital City Authority.

15. Speaker and Deputy Speaker of Council

(1) There shall be a Speaker and Deputy Speaker of the Council elected from among members of the Council.

(2) A person shall not qualify to be elected Speaker or Deputy Speaker if he or she is a Lord Mayor or Deputy Lord Mayor.

(3) The Speaker and Deputy Speaker shall serve on a full time basis.

16. Election of Speaker and Deputy Speaker of Council

(1) The Speaker and the Deputy Speaker shall be elected through a secret ballot.

(2) At the elections of a Speaker or Deputy Speaker, a person shall not be declared elected Speaker or Deputy Speaker unless that person gets more than fifty percent of the votes of all members of the Council cast in his or her favour.

(3) Where a person does not obtain more than fifty percent of the votes cast, the elections shall be repeated between the first two persons getting the highest votes until one of them gets more than fifty percent of the votes.

(4) Where, during the election of a Speaker or Deputy Speaker only one person is nominated, that person shall be declared elected Speaker or Deputy Speaker.

(5) A chief magistrate shall preside at an election of a Speaker or Deputy Speaker.

(6) Except for the taking of the oath of the members of the Council, no business shall be transacted in the Council before the election of the Speaker or Deputy Speaker at any time that the office is vacant.

17. Functions of Speaker and Deputy Speaker of Council

The Speaker and Deputy Speaker shall—

- (a) preside over all meetings of the Council;
- (b) be charged with the overall authority for the preservation of order in the Council and ensuing the enforcement of the rules of procedure of the Council; and
- (c) perform functions which are similar to those of the Speaker of Parliament as may be consistent with this Act.

18. Removal of Speaker or Deputy Speaker from office

(1) The Speaker or Deputy Speaker may be removed from office by the Council by a resolution supported by not less than two-thirds of the members of the Council on any of the following grounds—

- (a) abuse of office;
- (b) incompetence;
- (c) misconduct or misbehaviour;
- (d) physical or mental incapacity that would render the Speaker or Deputy Speaker incapable of performing the duties of Speaker or Deputy Speaker; or
- (e) failure to convene two consecutive meetings of the Council without reasonable cause.

(2) A chief magistrate shall preside at the removal of the Speaker or Deputy Speaker.

(3) The office of Speaker or Deputy Speaker shall fall vacant if the holder—

- (a) resigns the office in writing addressed to the Minister;
- (b) accepts appointment to a public office; or
- (c) dies.

19. Meetings of Council

Schedule 4 to this Act has effect in relation to meetings of the Council and other matters provided for in that Schedule.

20. Standing committees of Council

(1) The Council shall appoint standing committees not exceeding the number of directorates of the Authority and other committees necessary for the efficient discharge of its functions.

(2) A committee appointed under subsection (1) shall consist of a chairperson and such other members of the Authority as the Council may determine.

(3) The functions of a standing committee are—

- (a) to oversee the performance of directorates;
- (b) to make recommendations on quarterly and annual work plans of directorates and report to the Council;
- (c) to make reports to the Council on a quarterly and annual basis on the performance of the directorates;
- (d) to review bills for ordinances within their respective areas of competence;
- (e) to report to the Council on their functions; and
- (f) to receive, scrutinise and recommend to the Council proposals for the budget of the departments of the Authority.

(4) In the exercise of its functions under this section, a standing committee may co-opt any member of the Council or any qualified person to assist the standing committee in the discharge of its functions.

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

(6) Councillors shall, for the purposes of subsections (1) and (2) be elected to a standing committee and the election shall be by resolution supported by a simple majority of councillors.

(7) The Council may, in the manner set out under subsection (6) change the membership of a standing committee.

(8) A member of a standing committee shall hold office for one year and is eligible for re-election.

21. City Executive Committee

(1) There shall be a City Executive Committee for the Council which shall perform the executive functions of the Council.

(2) The City Executive Committee shall consist of—

- (a) the Lord Mayor, who shall be the chairperson;
- (b) the Deputy Lord Mayor, who shall be the vice chairperson; and
- (c) three other members appointed by the Lord Mayor from among members of the Council with the approval of the Council, at least one of whom shall be female.

(3) The Lord Mayor shall constitute and present the City Executive Committee during the second sitting of the Council.

(4) Members of the City Executive Committee shall serve on a full time basis.

22. Functions of City Executive Committee

The City Executive Committee shall—

- (a) ensure implementation of Council programmes and decisions;
- (b) monitor sector performance and report to the Council;
- (c) present the annual budget of the Authority to the Council; and
- (d) assist the Lord Mayor in the performance of his or her functions under this Act.

23. Business Committee

(1) There shall be a Business Committee of the Council consisting of the following—

- (a) the Speaker;
- (b) the Deputy Speaker;
- (c) the vice chairperson of the City Executive Committee; and

(d) the chairpersons of the standing committees appointed under section 20.

(2) The Speaker shall preside over sittings of the Business Committee, and in his or her absence the Deputy Speaker shall preside.

(3) The Business Committee shall generate business for the Council and arrange the business of each meeting and the order in which the business shall be taken.

24. Lower urban councils of Authority

(1) The Capital City shall have the following lower urban councils under the Authority—

- (a) division urban councils;
- (b) ward urban councils; and
- (c) village urban councils.

(2) There shall also exist under the Authority, street committees.

PART IV—METROPOLITAN PHYSICAL PLANNING

25. Minister to coordinate physical planning in Capital City with other Ministries

The Minister shall, in consultation with the Ministry responsible for urban development and the Ministry responsible for local governments, coordinate physical planning in the metropolitan area.

PART V—DIRECTORATES AND STAFF OF AUTHORITY

26. Executive Director

(1) There shall be an Executive Director who shall be the chief executive of the Authority.

(2) The Executive Director shall be appointed by the President on the advice of the Public Service Commission.

(3) A person shall qualify to be appointed Executive Director if he or she is of high moral character and proven integrity, and is qualified to be appointed a Permanent Secretary in a Government Ministry.

27. Functions of Executive Director

The functions of the Executive Director shall include the following—

- (a) to be the head of the public service in the Authority and to head the administration of the Authority, including divisions and wards;
- (b) to be the accounting officer of the Authority;
- (c) to be responsible for coordination and implementation of national and Council policies, laws, regulations, byelaws, programmes and projects;
- (d) to advise the City Executive Committee and the Council on Government policy;
- (e) to offer technical support to the City Executive Committee in preparation and presentation of the annual budget for approval of the Council;
- (f) to advise the Council on technical, administrative and legal matters pertaining to the management of the Council;
- (g) to implement lawful decisions taken by the Council;
- (h) to oversee the delivery of quality services to the population within the Capital City and take remedial action where service delivery standards are below the expected minimum standards;
- (i) to ensure proper physical planning and development control in the urban councils;
- (j) to supervise and coordinate the activities of the directorates of the Authority and of the lower urban council;
- (k) to be the custodian of all the assets and records of the Authority;
- (l) to supervise and evaluate staff performance;
- (m) to liaise with the Central Government and other institutions on behalf of the Authority;
- (n) to conduct the public relations of the Authority;
- (o) to promote trade order;
- (p) to mobilise the urban community for development and sustainability of infrastructure and services;
- (q) to be responsible for the enforcement of ordinances and byelaws made by the Council and its lower council units;

- (r) to be responsible to the Council, subject to the general directions of the Minister;
- (s) to be responsible to the Minister, on day-to-day operations; and
- (t) to perform any other duties assigned by the Council or the Minister.

28. Removal of Executive Director

The Executive Director may be removed by the President, acting on the advice of the Public Service Commission for—

- (a) inability to perform the functions of his or her office arising from infirmity of body or mind;
- (b) misbehaviour or misconduct;
- (c) incompetence;
- (d) corruption; or
- (e) breach of the Leadership Code of Conduct for which the punishment imposed includes vacation of office.

29. Deputy Executive Director

(1) There shall be a Deputy Executive Director of the Authority who shall be appointed by the President on the advice of the Public Service Commission.

(2) A person appointed to be Deputy Executive Director must be of high moral character and proven integrity and must be qualified to be appointed a permanent secretary in a Government Ministry.

(3) The Deputy Executive Director may be removed by the President in the circumstances specified in section 28 in respect of the Executive Director.

30. Directorates

For the effective operation of the Authority, the Authority shall have the directorates described in Part A of Schedule 5 to this Act.

31. Provisions governing staff of Authority

(1) The President may, acting in accordance with the advice of the Public Service Commission, the Health Service Commission or the Education

Service Commission, as the case may be, appoint persons to hold or act in any office in the service of the Capital City of the rank of head of department or above in positions similar or equivalent to positions in the public service, the health service or the education service, including confirmation of the appointments, disciplinary control over such persons, and their removal from office.

(2) The Public Service Commission, the Health Service Commission or the Education Service Commission, as the case may be, may appoint persons to hold or act in service of the Capital City other than those referred to in subsection (1), in positions similar or equivalent to positions in the public service, the health service or the education service, including the confirmation of their appointment, disciplinary control over such persons and their removal from office.

(3) For the avoidance of doubt, teachers shall be taken, for the purposes of this section, as belonging to the education service.

(4) The terms and conditions of persons in the service of the Authority shall be prescribed by the Ministry responsible for the public service.

(5) Any enactment applicable to members of the public service or education service or health service of the Central Government shall, with necessary modifications, apply to the relevant persons in the service of the Authority as described in subsections (1) and (2).

32. Metropolitan police

(1) There shall be a Metropolitan Police Force for the metropolitan area.

(2) The Metropolitan Police Force shall comprise persons appointed under the Police Act and trained by the Uganda Police Force.

(3) The Minister may, by statutory instrument, on the recommendation of the Police authority, make regulations for regulating the Metropolitan Police Force.

PART VI—LOWER URBAN COUNCILS

*Division urban councils***33. Composition of division urban councils**

A division urban council shall be composed of the following members—

- (a) a mayor of the division urban council;
- (b) a deputy mayor of the division urban council;
- (c) one councillor directly elected to represent an electoral area of the city division urban council;
- (d) two councillors representing the youth, one of whom shall be female;
- (e) two councillors with disabilities representing persons with disability, one of whom shall be female;
- (f) women councillors forming one-third of the council such that the councillors elected under paragraphs (c), (d) and (e) shall form two-thirds of the council.

34. Legislative powers of division urban councils

(1) A division urban council may, in relation to its powers and functions, make byelaws of the urban council not inconsistent with the Constitution, or any law enacted by Parliament, or an ordinance of the Authority.

(2) Byelaws made under this section shall, before they are signed by the mayor, be forwarded to the Attorney General through the Minister to certify that the byelaws are not inconsistent with the Constitution, or any law enacted by Parliament, or an ordinance of the Authority.

35. Mayor and deputy mayor of division urban council

(1) The mayor shall be elected by universal adult suffrage through secret ballot at an election organised by the Electoral Commission.

(2) The deputy mayor shall be appointed by the mayor from among the division councillors with the approval of the division urban council.

(3) A mayor and a deputy mayor shall serve on full time basis.

(4) The office of mayor or deputy mayor of a division urban council shall fall vacant if the holder resigns from office or accepts appointment to a public office or dies.

(5) A mayor or deputy mayor of a division urban council may be removed from office by two-thirds majority of the urban council.

(6) A returning officer appointed by the Electoral Commission shall preside at a meeting of the division urban council to remove a mayor or a deputy mayor of the urban council.

(7) Section 12(1) to (20) shall apply to the removal of the mayor or deputy mayor of a division urban council except that—

- (a) where “Chief Justice” appears it shall be substituted by “chief magistrate”; and
- (b) under section 12(5) there shall be substituted for the “Justice of the High Court”, a “magistrate not below grade I”.

(8) The expenses of the tribunal and the medical board shall be met by the relevant urban council.

36. Functions of mayor of division urban council

(1) The functions of a mayor are—

- (a) to be the political head of a division urban council;
- (b) to head the division urban council in developing strategies and programmes for the development of the division urban council;
- (c) to provide guidance to the ward urban councils, village urban councils and street committees; and
- (d) to liaise with the Authority on matters relating to the division urban council.

(2) The deputy mayor shall assist the mayor in the performance of his or her functions and shall otherwise deputise for the mayor in his or her absence.

37. Division executive committee

(1) There shall be a division executive committee for a division urban council which shall perform the executive functions of the council.

- (2) A division executive committee shall consist of—
 - (a) the mayor, who shall be the head of the division executive committee;
 - (b) the deputy mayor who shall be the vice chairperson; and
 - (c) three other members appointed by the mayor of the division urban council from among the division councillors with the approval of the division urban council, at least one of whom shall be female.
- (3) The mayor shall constitute the division executive committee during the second sitting of the council.
- (4) The members of the division executive committee shall serve on a full time basis.

38. Functions of division executive committee

A division executive committee shall—

- (a) perform the executive functions of the division urban council;
- (b) present the annual budget of the division urban council to the Council; and
- (c) assist the mayor in the performance of his or her functions under this Act.

39. Speaker and deputy speaker of division urban council

There shall be a speaker and deputy speaker of a division urban council elected from among the division councillors.

40. Election of speaker and deputy speaker of division urban council

- (1) The speaker and deputy speaker of a division urban council shall be elected through a secret ballot.
- (2) A person shall not be declared elected speaker or deputy speaker unless that person gets more than fifty percent of the votes of all members of the Council cast in his or her favour.
- (3) Where a person does not obtain more than fifty percent of the votes cast, the elections shall be repeated between the first two persons getting the highest votes until one of them gets more than fifty percent of the votes.

(4) Where, during the election of a speaker or deputy speaker only one person is nominated, that person shall be declared elected speaker or deputy speaker.

(5) A chief magistrate shall preside at an election and removal of a speaker or deputy speaker.

(6) Except for the taking of oath of the members of the council, no business shall be transacted in the council before the election of the speaker at any time that the office is vacant.

41. Functions of speaker and deputy speaker of division urban council

A speaker shall—

- (a) preside at all meetings of the division urban council;
- (b) be charged with the overall authority for the preservation of order in the council and ensuring the enforcement of the rules of procedure of the council.

42. Removal of speaker or deputy speaker of division urban council from office

(1) A speaker or deputy speaker may be removed from office by the council by a resolution supported by not less than two-thirds of the members of the council on any of the following grounds—

- (a) abuse of office;
- (b) incompetence;
- (c) misconduct or misbehaviour;
- (d) such physical or mental incapacity as would render the speaker or deputy speaker incapable of performing the duties of speaker or deputy speaker; or
- (e) failure to convene two consecutive meetings of the council without reasonable cause.

(2) The office of speaker or deputy speaker of a division urban council shall fall vacant if the holder—

- (a) resigns the office in writing addressed to the division town clerk;
- (b) accepts appointment to a public office; or
- (c) dies.

43. Management of division urban councils

- (1) A division urban council shall be managed by the division town clerk.
- (2) Qualifications of the division town clerk shall be as prescribed in the Local Governments Act.

44. Division town clerk

- (1) The division town clerk shall be the head of the public officers of the division council and shall be the accounting officer of the division urban council.
- (2) The division town clerk shall be responsible for—
 - (a) implementation of lawful decisions of the division urban council;
 - (b) coordination and implementation of policies of division urban council;
 - (c) advising the mayor and the division urban council on Government policy;
 - (d) provide technical guidance in the preparation of the annual budget for the division urban council;
 - (e) overseeing delivery of quality services to the population within the area of jurisdiction of the division urban council and taking remedial action where service delivery standards are below the expected standard;
 - (f) ensuring adherence to proper physical planning and development control and service standards in the Capital City;
 - (g) mobilising the urban community for development and sustainability of the infrastructure and services in the division;
 - (h) taking decisions in consultation with the mayor and the Executive Director when the division urban council is in recess;
 - (i) supervising and monitoring delivery of services to the population within the division, including garbage collection and disposal, beautification, trading order, maintenance of road infrastructure, provision of public health services, environment protection and other services provided by law;
 - (j) all the assets and records of the division urban council;
 - (k) enforcing ordinances made by the Council and byelaws made by the division urban council; and

- (l) report to the Executive Director on the management of the affairs of the division urban council.

45. Removal of mayor or deputy mayor of division urban council

The mayor or deputy mayor of a division council may be removed from office on any of the following grounds—

- (a) abuse of office;
- (b) incompetence;
- (c) corruption;
- (d) misconduct or misbehaviour;
- (e) physical or mental incapacity as would render the chairperson or vice chairperson incapable of performing his or her duties;
- (f) failure to convene council meetings; or
- (g) breach of the Leadership Code of Conduct for which the punishment imposed includes vacation of office.

46. Powers of Council over division urban councils

(1) The Council shall have powers to veto a decision of division urban councils, where the decision is inconsistent with or contravenes the Constitution or any other law, the metropolitan development plan or policies of Government.

(2) For the purposes of subsection (1), the town clerk shall, within seven days from the date of a decision of the division urban council, transmit the decision to the Council.

(3) A division urban council aggrieved by a decision of the Council may appeal to the Minister against the decision.

(4) Upon an appeal under this section the Minister may confirm, reverse or modify the decision of the Council and shall notify the Council and the division urban council of his or her decision.

47. Functions which shall be devolved to division urban councils

The Authority shall, in consultation with the Central Government, devolve the functions and services specified in Part B of Schedule 3 to this Act to a division urban council.

48. Departments of division urban councils

A division urban council shall have the departments specified in Part B of Schedule 5 to this Act.

49. Technical assistance to division urban councils

The Authority may assign technical officers or staff of the Authority to assist a division urban council in the performance of any function of the division urban council.

Ward urban councils

50. Composition of ward urban councils

(1) A ward urban council shall consist of all the members of the village executive committees in the ward.

- (2) A ward executive committee shall consist of—
- (a) a chairperson;
 - (b) a vice chairperson who shall also be secretary for children welfare;
 - (c) a general secretary;
 - (d) a secretary for information, education and mobilisation;
 - (e) a secretary for security and trade order;
 - (f) a secretary for finance, beautification and garbage management;
 - (g) a secretary for production and environmental protection;
 - (h) the chairperson of the youth council at the parish or village level, who shall be the secretary for youth;
 - (i) the chairperson of the women councils at the parish or village level who shall be the secretary for women and also the public health coordinator; and
 - (j) the chairperson of the organisation for persons with disabilities at the parish level who shall be secretary for persons with disabilities affairs.

(3) At least one-third of the executive committee members at the ward level shall be women.

51. Management of ward urban councils

A ward shall be managed by a ward administrator who shall be responsible to the division town clerk.

Village urban councils and street committees

52. Composition of village urban council

(1) A village urban council shall consist of persons of the age of eighteen years and above, who reside in the village and who have registered with the Electoral Commission as being willing to be members of the village urban council.

(2) There shall be an executive committee at each village urban council consisting of the following—

- (a) a chairperson;
- (b) a vice chairperson who shall also be secretary for children welfare;
- (c) a general secretary;
- (d) a secretary for information, education and mobilisation;
- (e) a secretary for security and trade order;
- (f) a secretary for finance, beautification and garbage management;
- (g) a secretary for production and environmental protection;
- (h) the chairperson of the youth council at the parish or village level, who shall be the secretary for youth;
- (i) the chairperson of the women councils at the parish or village level who shall be the secretary for women and also the public health coordinator; and
- (j) the chairperson of the organisation for persons with disabilities at the parish level who shall be secretary for persons with disabilities affairs.

(3) At least one-third of the executive committee members at the village level shall be women.

(4) Notwithstanding subsection (1), a decision taken by a village urban council is binding on all persons residing in the village.

53. Composition of street committee

(1) A street committee shall consist of a chairperson, vice chairperson, secretary, treasurer and one other member.

(2) At least two of the members of a street committee shall be women.

(3) All residents who are registered as members of a village urban council and who reside on the same street shall convene to elect a street committee.

54. Performance of functions in absence of chairperson and vice chairperson

(1) Where the chairperson and the vice chairperson of a ward, urban council, village urban council or street committee are unable to perform the functions of the chairperson, the assistant returning officer shall convene a meeting of the Council of the ward, urban council, village urban council or street committee, as the case may be, for the purpose of presiding over the elections of the person from the Council of the ward, urban council, village urban council or street committee to perform the functions of the chairperson.

(2) A person elected under subsection (1) shall take and subscribe the oath before assuming office, if any, specified for that office.

(3) A person holding office on the executive committee immediately before a person assumes the functions of the chairperson under subsection (1) shall continue to hold office until the chairperson, the vice chairperson or a new chairperson assumes office.

(4) A person assuming the functions of the chairperson under subsection (1) shall not have power to fill any vacancy on the executive committee.

55. Service on part-time basis

(1) Councillors of division urban councils shall serve on a part-time basis.

(2) Members of ward and village urban council executive committees and street committees shall serve on a part-time basis.

56. Functions which may be devolved to village urban councils and street committees

The Authority may, in consultation with the Central Government, devolve the functions and services specified in Part C of Schedule 3 to this Act to village urban councils or street committees.

Meetings of lower urban councils

57. Meetings of lower urban councils

(1) The meetings of a division urban council shall be convened and presided over by the speaker.

(2) A division urban council shall meet at least once in every three months to discharge its functions.

(3) Meetings of ward urban council, village urban councils or street committees shall be convened and presided over by the chairperson of the respective lower urban council.

(4) Schedule 4 to this Act shall, with the necessary modifications apply to meetings of lower urban councils.

PART VII—PLANNING FUNCTIONS OF KAMPALA CAPITAL CITY

58. Capital city planning

(1) The Authority shall be responsible for the planning in the Capital City.

(2) The Authority shall, in addition to the procedures it establishes for itself, work according to the procedures prescribed under the National Planning Authority Act.

(3) The Authority shall prepare a comprehensive and integrated Capital City development plan incorporating plans of lower urban councils for submission to the National Planning Authority.

(4) A division urban council within the boundaries of the Capital City shall prepare plans incorporating plans of lower urban councils in their respective areas of jurisdiction.

(5) For the avoidance of doubt, the functions of the Authority under this section are limited to socio-economic planning.

59. Capital City technical planning committee

(1) There shall be a Capital City technical planning committee chaired by the Executive Director consisting of—

- (a) heads of directorates in the Authority; and
- (b) any technical person co-opted by the Executive Director.

(2) The Capital City technical planning committee shall coordinate and integrate all the directorate plans for presentation to the Council.

60. Planning units

(1) For the purposes of carrying out the planning functions of the Capital City under this Part, the Authority shall have a planning unit.

(2) The directorate responsible for economic planning shall constitute the planning unit and shall be the secretariat to the Capital City technical planning committee.

PART VIII—FINANCIAL AND OTHER MATTERS

61. Duty to operate in accordance with Public Finance Management Act

In the performance of its functions under this Act, the Authority shall have due regard to the provisions of the Public Finance Management Act.

62. Power to levy taxes

(1) The Authority may levy, charge, collect and appropriate fees and taxes in accordance with any law enacted by Parliament under Article 152 of the Constitution.

(2) The fees and taxes levied, charged, collected and appropriated under this section shall consist of rent, rates, royalties, stamp duties, cess, trading licences, fees from registration and other fees and taxes that Parliament may by law prescribe.

(3) The Authority may collect fees and taxes on behalf of the Government as its agent; and where the Authority acts as an agent for the Government, a portion of the funds collected shall be retained by the Authority as shall be determined by the Minister in consultation with the Minister responsible for finance.

(4) Any extra obligation transferred to the Authority by the Government shall be fully financed by the Government.

(5) For the avoidance of doubt, taxes that may be levied by the Authority include local service tax and hotel tax under the Local Governments Act.

63. Financial year

The financial year of the Authority 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.

64. Grants to Authority

(1) The President shall, for each financial year, in accordance with the Constitution cause to be laid before Parliament, estimates for the money to be paid out of the Consolidated Fund as—

- (a) unconditional grant in accordance with subsection (2);
- (b) conditional grant in accordance with subsection (3); and
- (c) equalisation grant in accordance with subsection (4).

(2) Unconditional grant is the minimum grant that shall be paid to the Authority to run services in the Capital City and shall be calculated in the manner specified in Schedule 6 to this Act.

(3) Conditional grant shall consist of money given to the Authority to finance programmes agreed upon between the Government and the Authority and shall be expended only for the purposes for which it was granted and in accordance with the conditions agreed upon.

(4) Equalisation grant is the money to be paid to the Authority for giving subsidies or making special provision for the least developed divisions of the Capital City and shall be based on the degree to which a division is lagging behind the national average standard for a particular service.

(5) The Authority shall indicate how conditional and equalisation grants obtained from the Government are to be passed on to the division urban councils of the Capital City.

(6) The proposals made under subsection (1) shall be made at the same time as the estimates of revenue and expenditure under Article 155 of the Constitution and shall state the sums of money that is to be paid to the Authority.

(7) The proposals made under subsection (1) shall be included in the Appropriation Bill as provided for in Article 156 of the Constitution.

65. Consultation with other specialised agencies of government

(1) The Authority shall seek guidance and expertise from the Local Government Finance Commission in respect of resource mobilisation and sharing of Central Government grants and revenue generated within the Capital City and lower urban councils.

(2) The Authority shall, in the management of its finances and its operations, seek guidance and technical support from other specialised agencies and departments of Government including the Local Government Finance Commission.

*Accounts and audit***66. Accounts**

The Authority shall keep proper books of accounts and other records in relation to them and shall balance its accounts for each financial year and produce statements of final accounts within three months after the end of each financial year.

67. Audit

(1) The accounts of the Authority shall be audited by the Auditor General or by an auditor appointed by the Auditor General.

(2) The Auditor General may carry out surprise audits, investigations or any other audit considered necessary.

(3) The Auditor General shall give a report of the audited accounts of the Authority to Parliament with copies to—

- (a) the Minister responsible for finance;
- (b) the Minister;
- (c) the Authority or lower urban council to which the audit relates;
- (d) the Kampala Capital City Public Accounts Committee;
- (e) the Local Government Finance Commission;
- (f) the Inspector General of Government; and
- (g) the Resident City Commissioner.

68. Capital City Public Accounts Committee

(1) There shall be established for the Capital City a public accounts committee consisting of a chairperson and four other members appointed by the Authority on the recommendation of the Lord Mayor and with the approval of the Minister.

(2) At least one-third of the members of the Capital City Public Accounts Committee shall be women.

(3) A person shall not be appointed a member of the Capital City Public Accounts Committee unless that person—

- (a) is of high moral character and proven integrity; and

- (b) is a certified public accountant.
- (4) The members of the Capital City Public Accounts Committee shall elect a chairperson from among its members.
- (5) The members of the Capital City Public Accounts Committee shall hold office for the duration of the term of the Council and are eligible for re-appointment for one more term.
- (6) Every meeting of the Capital City Public Accounts Committee shall be presided over by the chairperson and in his or her absence by a member elected by the members present.
- (7) Three members of the Capital City Public Accounts Committee shall form a quorum at any meeting of the committee.
- (8) The office of the clerk to the Authority shall be the secretariat to the Capital City Public Accounts Committee.
- (9) The Capital City Public Accounts Committee shall examine the reports of the Auditor General, chief internal auditor and any reports of commissions of inquiry and may, in relation to the reports, require the attendance of any councillor or officer to explain matters arising from the reports.
- (10) The Capital City Public Accounts Committee shall submit its report to the Authority and to the Minister and the Minister shall lay the report before Parliament.
- (11) The Lord Mayor and the Executive Director shall implement the recommendations of the Capital City Public Accounts Committee and report on action taken or to be taken on the recommendations to persons prescribed in section 67(3).
- (12) The Capital City Public Accounts Committee shall have powers to recommend to police, arrest of suspects in respect of cases involving corruption or abuse of authority of public office.
- (13) The expenses of the Capital City Public Accounts Committee are charged on the Consolidated Fund.

69. Removal of member of Capital City Public Accounts Committee

(1) A member of the Capital City Public Accounts Committee, including the chairperson, may be removed from the committee by the Council by a resolution supported by two-thirds of the members of the Council but may only be removed on the following grounds—

- (a) abuse of office;
- (b) incompetence;
- (c) misconduct or misbehaviour;
- (d) failure to attend three consecutive ordinary meetings of the committee without valid reasons acceptable to the committee;
- (e) inability to perform the functions of that office arising from physical or mental incapacity; or
- (f) corruption.

(2) Notwithstanding subsection (1), the office of a member of the Capital City Public Accounts Committee shall fall vacant if—

- (a) the holder resigns in writing addressed to the Lord Mayor;
- (b) the holder commits a breach of the Leadership Code of Conduct for which the punishment imposed includes vacation of office;
- (c) the holder accepts appointment to a public office;
- (d) the holder is sentenced to death or to imprisonment exceeding six months without the option of a fine;
- (e) the holder has been convicted of an offence involving dishonesty or moral turpitude; or
- (f) circumstances arise which disqualify the holder from occupying the office under any other law.

(3) For the purposes of removing a member of the Capital City Public Accounts Committee under subsection (1) other than under subsection (1)(e), a petition in writing by not less than one-third of the members of the Council shall be submitted to the Lord Mayor—

- (a) stating that they intend to pass a resolution of the Council to remove the member of the Capital City Public Accounts Committee on any of the grounds set out in subsection (1);
- (b) setting out the particulars of the charge supported by the necessary documents, where applicable, on which it is claimed that the conduct of the member of the Capital City Public Accounts Committee be investigated for the purposes of his or her removal.

(4) For the avoidance of doubt, where a petition has been submitted to the Lord Mayor under subsection (3), a member of the Council shall not withdraw his or her signature supporting the petition.

(5) The Lord Mayor shall within forty-eight hours after receipt of the petition referred to in subsection (3), cause a copy to be transmitted to the Minister.

(6) The Minister shall evaluate the petition and if satisfied that there are sufficient grounds for doing so shall, within twenty-one days after receipt of the petition, constitute a tribunal consisting of a chief magistrate or a person qualified to be appointed a magistrate as chairperson and two other persons all of whom shall be appointed by the Minister to investigate the allegations.

(7) A person shall not be eligible for appointment as a member of the tribunal unless that person—

- (a) is of high moral character and proven integrity; and
- (b) possesses considerable experience and demonstrates competence and is of high calibre in the conduct of public affairs.

(8) The member of the Capital City Public Accounts Committee is entitled to appear at the proceedings of the tribunal and to be represented by a lawyer or other expert or person of his or her choice.

(9) If the tribunal determines that there is a *prima facie* case for the removal of the member of the Capital City Public Accounts Committee under subsection (1) other than subsection (1)(d), then if the Council passes the resolution supported by the votes of not less than two-thirds of all members of the Council, the member of the Capital City Public Accounts Committee shall cease to hold office.

(10) For the purposes of the removal of the member of the Capital City Public Accounts Committee on grounds of physical or mental incapacity under subsection (1)(e), there shall be submitted to the Minister a petition in writing signed by not less than one-third of all the members of the Council—

- (a) stating that they intend to pass a resolution of the Council for the removal of the member of the Capital City Public Accounts Committee from office on grounds of physical or mental incapacity; and

(b) giving particulars of the alleged incapacity.

(11) The Minister shall, within seven days after receipt of a petition under subsection (10) cause a copy to be transmitted to the member of the Capital City Public Accounts Committee.

(12) The Minister shall in consultation with the Medical Council, constitute a medical board comprising three qualified medical specialists to examine a member of the Capital City Public Accounts Committee in respect of the alleged incapacity and to report its findings to the Council.

(13) Upon the constitution of the medical board under subsection (12), the Minister shall, in writing within seven days, inform the relevant member of the Capital City Public Accounts Committee, of the constitution of the medical board.

(14) The medical board shall examine the member of the Capital City Public Accounts Committee within fourteen days after the Minister has informed the relevant member, of the constitution of the medical board.

(15) The member of the Capital City Public Accounts Committee shall submit himself or herself to the medical board for examination on a day and time determined by the board.

(16) Where the medical board determines that the relevant member of the Capital City Public Accounts Committee is, by reason of physical or mental incapacity, unable to perform the functions of the office of member of the Capital City Public Accounts Committee and the Council passes a resolution for his or her removal supported by the votes of not less than two-thirds of all the members of the Council, the member shall cease to hold office.

(17) Where the medical board, after the expiration of the period of fourteen days referred to in subsection (14), reports that the relevant member has failed or refused to submit to the medical board and the Council passes a resolution for his or her removal supported by the votes of not less than two-thirds of all members of the Council, the member shall cease to hold office.

(18) The Minister shall convene the Council within fourteen days after the receipt of the report of the tribunal or medical board.

(19) The motion for a resolution for the removal of the member shall be moved in the Council within fourteen days after the receipt by the Minister of the report of the tribunal or the medical board, failure of which shall render the resolution time barred.

(20) A person who is removed as a member of the Capital City Public Accounts Committee is entitled to appeal to the High Court within twenty-one days after the decision to remove him or her is communicated to him or her, and the court may confirm or revoke the decision to remove him or her or may make any order that the court considers just in the matter.

(21) The expenses of the tribunal and the medical board shall be met by the Authority or the relevant urban council.

70. Internal audit

The head of the internal audit directorate shall prepare quarterly audit reports and shall submit them to the Authority and shall give a copy to the Capital City Public Accounts Committee.

PART IX—RESIDENT CITY COMMISSIONER

71. Resident City Commissioner

(1) There shall be for the Capital City, a Resident City Commissioner who shall be appointed by the President.

(2) A person to be appointed a Resident City Commissioner shall be a citizen of Uganda and qualified to be a member of Parliament.

72. Functions of Resident City Commissioner

- (1) The Resident City Commissioner shall—
 - (a) represent the President and the Government in the Authority;
 - (b) coordinate the administration of Government services in the Authority;
 - (c) be the chairperson of the Capital City Security Committee;
 - (d) advise the Lord Mayor on matters of a national nature that may affect the Authority or its plans or programmes, and particularly the relations between the Authority and the Government;

- (e) monitor and inspect the activities of the Authority and where necessary, advise the Lord Mayor; and
- (f) carry out such other functions as may be assigned to him or her by the President or prescribed by Parliament.

(2) The Resident City Commissioner may—

- (a) sensitise the populace on Government policies and programmes and in so doing shall liaise with the Lord Mayor;
- (b) advise the Lord Mayor to instruct the chief internal auditor to carry out a special audit and submit a report to the Authority;
- (c) draw the attention of the Auditor General to the need for special investigation audits and submit a report to the Authority;
- (d) draw the attention of the Inspector General of Government to the need to investigation of any cases of mismanagement or abuse of office;
- (e) draw the attention of any relevant line Ministry to the divergence from or non-compliance with Government policy by any lower urban council within the Capital City;
- (f) in consultation with the Speaker, address the Council on any matter of national importance.

(3) The expenses of the office of the Resident City Commissioner including salaries, allowances and pensions, shall be charged on the Consolidated Fund.

73. Staff of office of Resident City Commissioner

(1) There shall be such number of deputy or Resident City Commissioner representatives in the Capital City as the President may determine.

(2) Section 71(2) shall apply to the appointment of a Deputy or Assistant Resident City Commissioner.

(3) The Deputy or Assistant Resident City Commissioner shall assist the central government in carrying out the functions of the office in a specified area of jurisdiction generally as may be determined by the President.

(4) There shall be such other officers and staff of the office of the Resident City Commissioner as the Public Service Commission may, in consultation with the Ministry responsible for the public service, determine.

74. Removal of Resident City Commissioner

The Minister may recommend to the President, the removal of a Resident City Commissioner or a Deputy or Assistant Resident City Commissioner, stating the grounds for the recommendation for the removal.

PART X—GENERAL

75. Member of Parliament or Minister not to hold office of Lord Mayor, Deputy Lord Mayor or councillor in Capital City

A member of Parliament or Minister, shall not, concurrently with that office, hold the office of Lord Mayor, Deputy Lord Mayor or councillor in the Authority.

76. Tenure of office of Lord Mayor, Deputy Lord Mayor and councillors of the Authority, mayor, deputy mayor and chairpersons and councillors of lower urban councils and members of street committees

(1) The Lord Mayor, Deputy Lord Mayor and other councillors of the Authority, mayor, deputy mayor and chairpersons and councillors of lower urban councils and members of street committees shall hold office for five years after their election as councillors and shall be eligible for reelection.

(2) Where a person is elected to fill a vacancy in one of the offices referred to in subsection (1), that person shall hold office for the remainder of the term of office of the person who vacated the office.

77. Remuneration of members of Authority or committees

The Minister shall, in consultation with the Minister responsible for finance and the Minister responsible for the public service, determine the remuneration payable to the Lord Mayor, Deputy Lord Mayor and councillors of the Authority and the mayor, deputy mayor, chairperson and councillors of a lower urban council.

PART XI—MISCELLANEOUS

78. Application of other enactments

(1) The Minister may, by statutory instrument, with the approval of Parliament, modify the provisions of any enactment in its application to the Authority or the entities existing under the Authority.

- (2) Without prejudice to subsection (1)—
- (a) the Local Governments Act, shall with the necessary modifications, apply to the Authority and to a village, ward and division urban council under the Authority; and
 - (b) the Local Governments (Rating) Act shall, with the necessary modifications apply to the Capital City.

79. Powers of Minister

(1) The Minister shall have the following powers in relation to the Authority—

- (a) to vary or rescind any decision of the Authority which is in contravention of any law or Government policy, with the approval of Cabinet;
- (b) where the Minister considers that the matter is of a grave nature, to institute a commission of inquiry to inquire into the matter;
- (c) to address the Council on matters of policy, national importance or development of the Capital City;
- (d) to receive and take appropriate action on reports submitted by the Lord Mayor, Executive Director or a commission of inquiry; and
- (e) to oversee the performance of the Authority and make an annual report to Parliament.

(2) The Minister shall have general powers to give directives on policy and general development of the Capital City and the Authority shall comply with the directives.

(3) The Minister may veto decisions taken by the Authority which appear to the Minister to be illegal and where the Authority fails to perform any of its duties, the Minister may by writing, direct the Authority to carry out those duties.

(4) The Authority shall give effect to any direction given by the Minister under subsection (3).

(5) Where, under this Act the Minister is empowered to exercise any powers or perform any duty, the Minister may delegate that power or duty to any person by name, or office, to exercise that power or perform the duty on his or her behalf, subject to any conditions, exceptions and qualifications as the Minister may prescribe.

80. Accountability for public funds

A person holding a political or public office in the Authority who directs or concurs in the use of public funds contrary to law and to existing instructions shall be accountable for any loss arising from that use and shall be required to make good the loss even if he or she has ceased to hold that office.

81. Protection against court action

No act, matter or thing done or omitted to be done by—

- (a) any member of the Council or division urban council or lower urban council;
- (b) any member of staff or other person in the service of the Authority; or
- (c) any person acting under the directions of the Authority,

shall, if that act, matter or thing was done or omitted to be done in good faith in the execution of a duty or under the direction of the Authority or any appropriate authority under this Act, render that member or person personally liable to any civil action, claim or demand.

82. Regulations

(1) The Minister may, by statutory instrument, make regulations for better carrying into effect the provisions of this Act.

(2) Notwithstanding the generality of subsection (1), the Minister may make regulations—

- (a) prescribing an area within the Capital City to be the central business district;
- (b) in consultation with the Electoral Commission, regulating the election of the Lord Mayor and the Deputy Lord Mayor;

- (c) on the recommendation of the Police Authority, regulating the Metropolitan Police Force.

(3) The Minister shall, as soon as practicable after the publication of a statutory instrument made under this section, cause the instrument to be laid before Parliament.

(4) Regulations made under this section may prescribe, in respect of a contravention of the regulations, that the offender is liable, on conviction, to a fine not exceeding two hundred currency points, or to imprisonment for a term not exceeding five years, or both.

83. 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 with the approval of Parliament, amend Schedule 2 to this Act.

(3) The Minister may, by statutory instrument, and with the approval of Cabinet, amend Schedules 3, 4, 5 and 6 to this Act.

84. Presidential, parliamentary and local government elections

For the avoidance of doubt, this Act shall not be taken to affect any enactment relating to presidential, parliamentary and local government elections and the demarcation of constituencies by the Electoral Commission.

SCHEDULES

Schedule 1

Sections 1, 83(1)

Currency Point

A currency point is equivalent to twenty thousand shillings.

Schedule 2

Sections 3(1), 83(2)

Boundaries of Kampala Capital City

Commencing at the most southerly cairn of the freehold estate known as Crown Grant No. 13878; thence along the western and northern boundaries of that grant for a distance of 600 feet and 771 feet respectively; thence following the northern boundaries of the freehold estate Crown Grant No. 13880 for a distance of 397 feet, 838 feet, 1,582 feet and 610 feet respectively to the most western cairn of the mailo estate (Final Certificate No. 9791); thence along the northern boundary of this estate for a distance of 1,361 feet; then in a northerly direction along the western boundary of Tula mailo estate number F.C. 9825 to the junction with the boundary of Mpererwe mailo estate number FC 9837; thence along the eastern and northern boundaries of Mpererwe mailo estate to the junction with the boundary of Kumamboga mailo estate number F.C. 15164; thence along the northern boundary of Kumamboga mailo estate to the junction with the boundary of Kyanja mailo estate number F.C. 19642; thence along the northern and eastern boundaries of Kyanja mailo estate to the junction with the boundary of Kulambiro mailo estate number F.C. 19652; thence along the northern and eastern boundaries of Kulambiro mailo estate to the junction with the boundary of Kiwatule mailo estate number F.C. 19651; thence along the northern boundary of Kiwatule mailo estate to the junction with the boundary of Kiwatule mailo estate number F.C. 7219; thence along the northern and eastern boundaries of Kiwatule mailo estate to a markstone number 1/1506; thence as follows—

From	To	Distance (feet)	Bearing
1/1506	1/1508	910	153°29'
1/1508	1/1521	318'	153°17'
1/1521	1/1520	423	167°56'
1/1520	1/1540	164	167°53'
1/1540	1/1541	953	167°53'
1/1541	1/1542	888	167°31'
1/1542	1/1543	827	167°30'
1/1543	1/1544	1,197	167°51'
1/1544	1/1545	739	167°51'
1/1545	4/9210	1,057	163°16'
4/9210	4/9211	138	240°47'
4/9211	4/9212	265	237°07'

4/9212	4/9213	254	233°10'
4/9213	4/9214	451	229°01'
4/9214	4/9215	228	224°37'
4/9215	1/1580	396	221°40'
1/1580	1/1581	215	150°59'
1/1581	1/1582	399	150°37'
1/1582	1/1583	70	150°37'
1/1583	1/1584	819	150°43'
1/1584	1/1585	655	150°51'
1/1585	1/1586	118	150°08'
1/1586	1/1587	329	151°26'
1/1587	1/1588	594	150°48'
1/1588	8/1958	220	195°38'
8/1958	1/1589	180	195°38'
1/1589	1/1590	490	196°04'
1/1590	1/1591	663	195°55'
1/1591	1/1592	885	117°42'
1/1592	4/8955	1,825	113°44'
4/8955	4/8954	952	68°11'
4/8954	4/8953	1,056	47°35'
4/8953	4/8952	931	63°09'
4/8952	4/9995	932	48°38'
4/9995	4/9988	1,176	117°03'
4/9988	4/9989	1,513	133°52'
4/9989	4/9986	1,065	103°52'

thence on the same bearing of 103°52' for approximately 1,250 feet to a point in the swamp; thence in generally southerly and westerly directions at a constant distance of 600 feet from the shore of Lake Victoria and including Kiruba Island to the confluence of the River Mayanja and Kaliddubi swamp; thence along the thalweg of the River Mayanja, upstream, to a markstone numbered 4/2126; thence as follows—

From	To	Distance (feet)	Bearing
4/2126	4/2115	2,506	245°10'
4/2115	2/5268	725	255°20'
2/5268	2/5266	1,242	246°52'
2/5266	3/2858	826	257°58'
3/2858	3/2846	433	259°56'

thence on a bearing of $259^{\circ}13'$ for a distance of 1,472 feet to a markstone numbered 3/2849 situated at the northeastern corner of Bunamwaya mailo estate number F.C. 18568; thence in a westerly direction along the northern boundary of F.C. 18568 to the junction with the northeastern corner of Bunamwaya mailo estate number F.C. 18570; thence in a northwesterly direction along the boundary of F.C. 18570 to the junction with the southeastern corner of Mutundwe mailo estate number F.C. 15153; thence in a northwesterly direction along the eastern boundary of F.C. 15153 and southwesterly along the northern boundary of F.C. 15153 to a markstone recorded as Nalukolongo M.S.; thence in a southwesterly direction in a straight line to the junction formed by the south side of the old Masaka Road and the thalweg of the River Mayanja; thence in a northwesterly direction along the thalweg of the River Mayanja to its confluence with the River Lubigi; thence in a northeasterly direction along the thalweg of the River Lubigi to its confluence with the River Kiwunnya; thence in a northerly direction along the western side of the Kawala-Kazo track; thence northerly along the western side of the Kawala-Kazo track to its junction with Kazo-Wamala-Jinja track; thence in a generally northerly direction along the same Kazo-Wamala-Jinja track to its junction with the track which leads to the Muslim School situated in the freehold estate known as Crown Grant No. 13878; thence along the northern side of this track to the most southerly cairn of the freehold estate known as Crown Grant No. 13878, the point of commencement.

Schedule 3

Sections 5(2), 47, 56, 83(3)

Functions and Services of the Authority**Part A****Functions and Services for which the Authority is Responsible**

1. Establish, acquire, erect, maintain, promote, assist or control, with the participation of the citizens—
 - (a) fire brigade services;
 - (b) ambulance services;
 - (c) clinics, dispensaries, health and inoculation centres;
 - (d) cemeteries, crematoria and mortuaries and ancillary services, and provide for the burial of bodies of destitute persons and of unclaimed bodies;
 - (e) omnibus stations and related office accommodation, cafes, restaurants, refreshment rooms and other buildings;
 - (f) offices, stores, workshops, depots and other buildings for the purposes of the Authority;
 - (g) public halls, libraries, art galleries and museums;
 - (h) slaughter houses, cold storage facilities and premises for inspection or processing of milk, meat or hides and skins;
 - (i) markets and piers, jetties and landing places;
 - (j) botanical and zoological gardens;
 - (k) public baths and swimming pools;
 - (l) canteens, social centres, clubs and hospitals, including such facilities for employees and staff;
 - (m) public lavatories and urinals;
 - (n) pounds for stray animals;
 - (o) camping grounds;
 - (p) lairages;
 - (q) public weighing machines;
 - (r) public monuments;
 - (s) sanitary services for the removal and disposal of night soil, rubbish, carcasses of dead animals and all kinds of refuse and effluent;
 - (t) water supplies outside the jurisdiction of the National Water and Sewerage Corporation; and
 - (u) education, trade and technical schools.

2. Establish, maintain or control public parks, gardens and recreation grounds on any land vested in the Authority and in connection with or for the purposes of that public park, garden or recreation ground to reserve any portion of the public park, garden or recreation ground for any particular game or recreation or for any other specific purposes and exclude the public from those portions and provide for their renting and hiring to the public, clubs or other organisations.

3. Prohibit, restrict, regulate or license—
 - (a) the sale or hawking of wares or the erection of stalls on any street, or the use of any part of the street or public place for the purpose of carrying on any trade, business or profession;
 - (b) the depositing on any street, public place or unoccupied land of any refuse, rubbish, derelict vehicles or any other material or thing, and to provide for their removal and disposal;
 - (c) street decorations and the erection of shelters, temporary buildings, platforms, seats and other structures at any entertainment, procession, exhibition, ceremony or display, whether in a public place or not;
 - (d) the placing of banners, wires, ropes or any other impediments over or across any street or public places;
 - (e) the collection of money or goods in any public place for any charitable or other purpose;
 - (f) the public exhibition of any monstrosity, freak of nature or abnormal person or animal;
 - (g) singing, dancing, drumming, the playing of musical instruments, the production of music or the making of any noise likely to disturb any person, or any performance for profit in any public place;
 - (h) the storage or stacking of firewood or other fuel;
 - (i) the quarrying of stone, lime, clay, murrum or other material;
 - (j) the keeping of dogs, animals and poultry, and provide for the seizure and destruction of ownerless, unlicensed, diseased or dangerous dogs, and the seizure and disposal of stray animals and poultry;
 - (k) billiard saloons, dance halls and other places of public resort;
 - (l) lodging houses;
 - (m) the burning of rubbish and grassland;
 - (n) prostitution and brothels;
 - (o) cinema and video halls.

4. Lay out and adorn any street, square or open space vested in the Authority by the erection of statues, fountains or other structures or in any other manner.
5. Decorate streets and public buildings, erect shelters, temporary buildings, platforms, seats and other structures on public places.
6. Clear, level and maintain public and unoccupied land taken on lease from a land board and to plant, trim, protect and remove flowers, trees and shrubs in or from public places.
7. Identify streets and other public places by assigning names to them and to cause those names to be exhibited on posts or pillars or to be painted or otherwise exhibited on any building or other erection fronting.
8. Number or otherwise identify any buildings fronting on any street or other public place, and cause that identification to be exhibited on the buildings or require the owner of the building, at his or her own expense, to cause that identification to be exhibited on a building.
9. Require the owner or occupier of any premises to remove or lower any fence or to remove, lower or trim any tree, hedge or shrub overhanging any street or interfering with the passage of traffic or pedestrians, or any wires or other works or to require any owner or occupier to perform the removal, lowering or trimming which may be necessary for the maintenance of public safety or amenity or build and maintain the pavement bordering his or her property to the specifications of the Authority.
10. Require the fencing or enclosing of plots and restrict the use of barbed wire, broken glass or any similar substance on fences and walls.
11. Preserve public decency, and prevent offences against public order in streets and public places, and prevent damage to or defacement of property of the public or of the Authority.
12. Prevent and extinguish fires, remove buildings in order to prevent the spread of any fire and compensate the owner of any building removed.

13. Establish, maintain, hire, support or control bands and orchestras and generally provide for musical entertainment at public places and functions.
14. Undertake private works and services and charge and recover costs on those private works and services and contract out public services to the private sector.
15. At the request of the owner of the land situate within the area of jurisdiction, construct, in such manner as the Authority may think fit, by its servants or by contract, a foot way or pavement and to recover the whole or any part of the cost of the construction, including the cost of supervision, plant, machinery and tools from the owner in the manner the Authority may think fit.
16. Sell all bi-products resulting from the carrying on, by or on behalf of the Authority, of any works or services.
17. Promote publicity for the Authority.
18. Promote schemes of housing, health, education and road safety sensitisation.
19. Make provision for the return of destitute persons to their homes.
20. Arrange for the insurance of all assets of the Authority against financial risks of any kind to which the Authority may be subjected.
21. Lay out land and provide and maintain necessary public services.
22. Subject to the Constitution, sell or lease any plots of land or any buildings on the land.
23. Aid and support, whether by the grant of money or otherwise, the establishment and maintenance of schools, hospitals, libraries, art galleries, museums, musical or scientific institutions, homes for the aged, destitute, persons with disabilities, or for the orphans.
24. Provide bursaries to assist in the education of the children of persons

- philanthropic, welfare and youth organisations; and to other local authorities or public bodies.
25. Provide—
 - (a) gowns, chains and badges of office for councillors and officers of the Authority;
 - (b) badges, medallions or scrolls for presentation to persons who have given meritorious service to the Authority; and
 - (c) floral tributes in memory of councillors, officers of the Authority and persons of note.
 26. Obtain and protect armorial bearings.
 27. Regulate, control, manage, administer, promote or license any of the things or services which the Authority is required or empowered to do and establish, maintain, carry on, control, manage or administer, and prescribe forms in connection therewith; and fix fees or charges to be made in respect thereof.
 28. With the consent of a neighbouring local government, render advice and assist to control development and to administer town and country planning schemes in any area within an agreed distance from the boundaries of its jurisdiction.
 29. Provide, control and manage the following services—
 - (a) sporting and recreational facilities and programmes of informal education for both adults and young people, including the provision and running of community centres;
 - (b) the development of social work among adults;
 - (c) remedial social welfare programmes aimed at the alleviation of social distress;
 - (d) the welfare of children;
 - (e) public vehicle parking.
 30. Initiate and contract twinning arrangements with international local governments or local authorities in consultation with the Minister.
 31. Any other function or service incidental to the foregoing.
 32. Any other function not reserved for the Government.

33. Payment of salaries for all establishment staff, and this function shall not be devolved to a lower urban council.
34. Organise and manage traffic.
35. Promote economic development.

Part B

Section 47

**Functions and Services to be Devolved by the Authority to Division
Urban Councils**

1. Division council expenses
2. Poverty eradication
3. Administration of licences
4. Health education and visiting
5. Vector and vermin control and management of solid waste
6. Secondary drains
7. Curative services (clinics)
8. Immunisation
9. Food and drug inspection
10. AIDS education
11. Administration of markets
12. Control of development-enforcement of building rules
13. Primary and nursery education
14. Monitoring the utilisation of grants to schools
15. Grass cutting and maintenance of parks
16. Road sweeping
17. Repair of murrum and earth roads
18. Environment care and protection
19. Neighbourhood structure plans
20. Local land management
21. Resolving local land issues
22. Assist the Metropolitan Police Force in law enforcement
23. Welfare and community services
24. Agriculture and veterinary extension services
25. Youth, persons with disabilities, women and sports
26. Cooperative societies and groups

29. Any other service imposed by Parliament or agreed upon between the division

Part C

Section 56

Functions and services to be devolved by the Authority to village urban councils and street committees

Functions and services to be devolved by the Authority to village urban councils and street committees—

- (a) monitoring the delivery of services within its area of jurisdiction;
 - (b) assisting in the maintenance of law, order and security and trade order;
 - (c) drawing the attention of the city division to any matter that rouses their concern or interest;
 - (d) mobilising the residents to undertake self-help community projects;
 - (e) assisting the city division in mobilising the residents to pay local taxes;
 - (f) registering the residents in their area of jurisdiction; and
 - (g) assist in the maintenance of cleanliness, beautification, protection of streetlights and garbage skips.
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Schedule 4

Sections 19, 57(4), 83(3)

Meetings of Council

1. Meetings of Council

(1) The Speaker shall convene every meeting of the Council at a time and place as the Council may determine, and the Council shall meet for the discharge of business at least once in every three months.

(2) The Speaker may, at any time, convene a special meeting of the Council and shall also call a meeting within fourteen days, if requested to do so in writing by one-third of the members of the Council.

(3) Notice of a meeting of the Council shall be given in writing to each member at least fourteen working days before the day of the meeting.

(4) The Speaker shall preside at every meeting of the Council.

2. Quorum

(1) The quorum for a meeting of the Council shall be one-half of all members of the Council.

(2) All decisions at a meeting of the Council shall be by a 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 Executive Director shall cause to be recorded and kept, minutes of all meetings of the Council in a form approved by the Council.

(2) The minutes recorded under this paragraph shall be submitted to the Council for confirmation at its next meeting following that to which the minutes relate and when so confirmed, shall be signed by the Speaker and at least one councillor in the presence of the members present at the latter

4. Common seal of Authority

The common seal of the Authority shall be in a form determined by the Council.

5. Power to co-opt

(1) The Council may invite any person who, in the opinion of the Council, has expert knowledge concerning the functions of the Authority, to attend and take part in the meetings of the Council.

(2) A person attending a meeting of the Council under this section may take part in any discussion at the meeting on which his or her advice is required but shall not have any right to vote at that meeting.

6. Validity of proceedings not affected by vacancy

The validity of any proceedings of the Council or a committee of the Council 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.

7. Disclosure of interest of members

(1) A member of the Council who is in any way directly or indirectly interested in a contract made or proposed to be made by the Council, or in any other matter which falls to be considered by the Council, shall disclose the nature of his or her interest at a meeting of the Council.

(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

- (a) be present during any deliberation of the Council with respect to that matter; or
- (b) take part in any decision of the Council with respect to that matter.

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(4) 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.

8. Service of documents

A notice or other document may be served on the Authority by delivering it to the office of the Executive Director, or by sending it by prepaid registered post addressed to the Executive Director.

9. Council may regulate its procedure

Subject to this Act, the Council may regulate its own procedure or any other matter relating to its meetings.

10. Duties of councillor

- (1) A councillor shall—
 - (a) maintain contact with the electoral area, and consult the people on issues to be discussed in the Council where necessary;
 - (b) present views, opinions and proposals to the Council;
 - (c) attend sessions of the Council and meetings of committees or subcommittees of which he or she is a member;
 - (d) appoint at least a day in a given period for meeting the people in his or her electoral area;
 - (e) report to the electorate the general decisions of the Council and the actions it has taken to solve problems raised by the residents in the electoral area;
 - (f) bring to bear on any discussion in the Council the benefit of his or her skill, profession, experience or specialised knowledge;
 - (g) take part in communal and development activities in his or her electoral area and the Capital City.

- (2) A councillor shall, in the discharge of his or her duties, have due regard to the national and interests, the interests of the people in the metropolitan area and the electoral area.

11. Freedom of speech in proceedings

There shall be freedom of speech, debate and proceedings in the Council and that freedom shall not be impeached or questioned in any court, tribunal or place out of the Council.

12. Unqualified persons sitting or voting in Council

Any person who sits or votes in the Council after his or her seat has become vacant or after he or she has become disqualified from sitting or voting in the Council, knowing or having reasonable grounds for knowing that he or she is disqualified, or that the seat has become vacant, as the case may be, commits an offence and is liable, on conviction, to a fine not exceeding twelve currency points or to imprisonment for a term not exceeding six months, or both.

Schedule 5

Sections 30, 83(3)

Directorates of Authority and Departments of Division Urban Councils

Part A

1. Directorates of Authority

- (1) The Authority shall have the following directorates—
 - (a) Administration and Human Resources Management;
 - (b) Treasury Services;
 - (c) Engineering and Technical Services;
 - (d) Public Health and Environment;
 - (e) Education and Social Services;
 - (f) Legal Affairs;
 - (g) Revenue Collection;
 - (h) Gender, Community Services and Production;
 - (i) Internal Audit; and
 - (j) Physical Planning.

(2) Each directorate shall be linked to and shall be overseen by a standing committee of the Council.

(3) The Authority shall determine the functions of each directorate of the Authority.

2. Directorate of revenue collection

(1) The directorate of revenue collection shall be trained and shall seek technical guidance from the Uganda Revenue Authority.

(2) The local revenue collected shall be put in a special revenue account and may be appropriated by the Council in accordance with the Authority's budget procedures.

Part B

3. Departments under division urban councils

The division urban council shall have the following—

- (a) Administrative and human resource management;
- (b) Finance;
- (c) Public health and environment;
- (d) Education and social services;
- (e) Gender, community services and production; and
- (f) Internal audit.

Schedule 6

Sections 64(2), 83(3)

Unconditional Grant

Unconditional grant is the minimum amount to be paid to the Authority to run the decentralised services. For a given financial year, this amount is equal to the amount paid to the Authority in the preceding financial year for the same items adjusted for general price changes plus or minus the budgeted cost of running added or subtracted services; calculated in accordance with the following formula—

$$\begin{aligned}
 Y_1 &= Y_0 + b Y_0 + X_1 \\
 &= (1+b) Y_0 + X_1
 \end{aligned}$$

Where—

- Y_1 is the minimum unconditional grant for the current financial year;
 - Y_0 is the minimum unconditional grant in the preceding financial year;
 - b is the percentage change, if any, in the general price levels in the preceding financial year; and
 - X_1 is the net change in the budgeted cost of running added and subtracted services in the current year.
- For the purposes of this formula, the current financial year shall be taken to commence with financial year 2007/08.
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History: Act 1/2011; S.I. 8/2011; Act 1/2020; Act 15/2021

Cross References

Constitution

Local Governments Act, Cap. 138

Local Governments (Rating) Act, Cap. 140

National Planning Authority Act, Cap. 202

Police Act, Cap. 324

Public Finance Management Act, Cap. 171
