

CHAPTER 113

THE NONGOVERNMENTAL ORGANISATIONS REGISTRATION ACT.

Arrangement of Sections.

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CHAPTER 113

NONGOVERNMENTAL ORGANISATIONS REGISTRATION ACT.

Commencement: 29 September, 1989.

An Act to provide for the registration of nongovernmental organisations, to establish a board for that purpose and for other matters connected therewith.

1. Interpretation.

In this Act, unless the context otherwise requires—

- (a) “board” means the National Board of Nongovernmental Organisations;
- (b) “chairperson” means the chairperson of the board;
- (c) “Minister” means the Minister responsible for internal affairs;
- (d) “organisation” means a nongovernmental organisation established to provide voluntary services, including religious, educational, literary, scientific, social or charitable services, to the community or any part of it.

2. Registration with the board.

(1) No organisation shall operate in Uganda unless it has been duly registered with the board established under section 4.

(2) Upon registration, the board shall issue a certificate of registration to the organisation, subject to such conditions or directions generally as it may think fit to insert in the certificate, and particularly relating to—

- (a) the operation of the organisation;
- (b) where the organisation may carry out its activities; and
- (c) staffing of the organisation.

(3) No organisation shall be incorporated or register any document under the Companies Act or the Trustees Incorporation Act before that organisation is registered with the board.

(4) An organisation that contravenes this section commits an offence and is liable on conviction to a fine of not less than ten thousand shillings and

not exceeding two hundred thousand shillings or in default an officer concerned in the management of the organisation is liable to a term of imprisonment not exceeding twelve months.

3. Application for registration with the board.

(1) An organisation shall apply for registration under this Act to the secretary to the board.

(2) An application made under subsection (1) shall be—

- (a) accompanied by the prescribed fee;
- (b) in such form and supported by such evidence of statements made in the application as the Minister may prescribe; and
- (c) accompanied by a copy of the organisation's constitution.

(3) The Minister may, in an emergency situation, exempt an organisation from any of the provisions of this Act.

4. Establishment and composition of the board.

(1) There shall be a board to be known as the National Board for Nongovernmental Organisations.

(2) The board shall consist of two members from the public and one member from each of the following Ministries or departments—

- (a) the Ministry responsible for internal affairs;
- (b) the Ministry responsible for justice and constitutional affairs;
- (c) the Ministry responsible for lands and surveys;
- (d) the Ministry responsible for finance, planning and economic development;
- (e) the Ministry responsible for foreign affairs;
- (f) the Ministry responsible for local government;
- (g) the Office of the Minister of State for Women in Development in the President's Office;
- (h) the Office of the Prime Minister;
- (i) the Internal Security Organisation; and
- (j) the External Security Organisation,

all of whom shall be appointed by the Minister in consultation with the Minister responsible for the respective Ministry or department.

(3) The Minister shall appoint the chairperson and vice chairperson

of the board from the members appointed under subsection (2).

(4) A member of the board shall hold office for a period of three years and shall be eligible for reappointment.

(5) A member of the board may resign his or her office by writing under his or her hand addressed to the Minister or may be removed from office by the Minister for failure or inability to discharge the functions of his or her office.

(6) Where a member of the board dies, resigns or for any reason ceases to be employed in the Ministry or department from which he or she was appointed, the Minister may appoint another person from the same Ministry or department to take the place of that member, and the person so appointed shall hold office until the expiration of the term of the member in whose place he or she was appointed.

5. Common seal of the board.

(1) The board shall have a common seal which shall be kept in the custody of the secretary.

(2) The affixing of the common seal of the board shall be authenticated by the signatures of the chairperson and two other members of the board.

(3) Every document purporting to be an instrument issued by the board and to be sealed with the seal of the board, which is authenticated in the manner provided by this section, shall be received and deemed to be such an instrument without further proof unless the contrary is shown.

6. Secretariat.

(1) The board shall have a secretariat in the Ministry responsible for internal affairs which shall be headed by a secretary whose office shall be a public office within that Ministry.

(2) The secretary, who shall not be a member of the board, shall be appointed by the Minister.

(3) The secretary shall—

- (a) take minutes of the meetings of the board and any of its committees;
- (b) keep the records of all the transactions of the board; and
- (c) perform any other function as may be assigned to him or her by the board.

7. Functions of the board.

The functions of the board shall be to—

- (a) consider applications for registration by organisations;
- (b) keep a register of registered organisations;
- (c) guide and monitor organisations in carrying out their services;
- (d) make recommendations to the relevant authorities in regard to employment of noncitizens by an organisation, or whether an organisation may be exempted from taxes and duties or be accorded any other privileges or immunities;
- (e) advise the Minister on the general policy relating to the operations of organisations.

8. Powers of the board.

The board shall have power to—

- (a) approve or reject applications for registration;
- (b) grant or revoke certificates of registration; or
- (c) do all such things as are incidental or conducive to the proper carrying out of its functions.

9. Appeal.

A person aggrieved by the decision of the board made under section 8 may within one month of the date he or she is notified of the decision appeal to the Minister.

10. Grounds for revocation of certificate of registration.

The board may revoke a certificate of registration of an organisation if—

- (a) the organisation does not operate in accordance with its constitution;
- (b) the organisation contravenes any of the conditions or directions inserted in the certificate; or
- (c) in the opinion of the board, it is in the public interest to do so.

11. Meetings of the board.

(1) The board shall meet for the discharge of its functions at least once in every month at such place and time as the chairperson may appoint.

(2) The chairperson shall preside over any meeting of the board, and in his or her absence the vice chairperson shall preside.

(3) The quorum at any meeting of the board shall be five.

(4) Questions proposed at a meeting of the board shall be determined by a simple majority of the members present and voting; and in the case of an equality of votes, the person presiding at the meeting shall have a casting vote.

(5) The proceedings of the board shall not be invalidated by failure to appoint or any defect in the appointment of any member of the board.

(6) Subject to subsections 1 to 5, the board may regulate its own procedure.

12. Minister's powers.

The Minister may, subject to this Act, give to the board written directions of a general or specific nature relating to its functions to which it shall be bound to comply.

13. Regulations.

The Minister may, after consultation with the board, make regulations—

- (a) prescribing the form of application;
- (b) prescribing the fees to be paid by an organisation on registering with the board;
- (c) generally for better carrying out the provisions of this Act.

History: Statute 5/1989.

Cross References

Companies Act, Cap. 110.

Trustees Incorporation Act, Cap. 165.
