

ACTS SUPPLEMENT

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Act 3

*Persons with Disabilities Act*

2020

THE PERSONS WITH DISABILITIES ACT, 2020.

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**THE PERSONS WITH DISABILITIES ACT, 2020**

**An Act to provide for the respect and promotion of the fundamental and other human rights and freedoms of persons with disabilities; to re establish the National Council for Disability as the National Council for Persons with Disabilities; to transfer the property of the Uganda Foundation for the Blind to the National Council for Persons with Disabilities; to provide for the local government councils for persons with disabilities; to repeal the Persons with Disabilities Act, the National Council for Disability Act and the Uganda Foundation for the Blind Act, and to provide for related matters.**

DATE OF ASSENT: 19th September, 2019.

*Date of Commencement:* Date of publication.

BE IT ENACTED by Parliament as follows—

**PART I—PRELIMINARY.****1. Interpretation**

(1) In this Act unless the context otherwise requires—

“assistive devices” include; wheelchairs, calipers, crutches, whitecanes, orthopedic appliances, qualified readers; taped texts, audios, visual and pictorial recordings; braille and tactile equipments or materials, large print and other devices that support persons with disabilities to participate effectively in all aspects of life;

“building to which the public is allowed access” means a building specified in Schedule 2 to this Act;

“communication” includes languages, display of text, braille, tactile communication, sign language, signs, large print, accessible multimedia whether in written, audio or plain language, human-reader in augmentative or alternative modes, formats of communication, including accessible information and communication technology;

“Council” means the National Council for Persons with Disabilities specified in section 16;

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

“disability” means a substantial functional limitation of a person’s daily life activities caused by physical, mental or sensory impairment and environment barriers, resulting in limited participation in society on equal basis with others and includes an impairment specified in Schedule 3 to this Act;

“health unit” means a hospital, clinic, nursing home, maternity and dental surgery centre established by Government or registered under the Medical and Dental Practitioners Act, Cap. 272;

“institution of learning” means a school, college, university or other institution where education or learning is provided;

“Minister” means the Minister responsible for disability affairs.

(2) This Act is with regard to mental disability, subject to the Mental Health Act, 2019.

## **2. Determination of a person with a disability**

Whenever a question arises whether a person has a disability or not or where court so requires, a medical doctor with the relevant expertise or an expert appointed by the Council, shall carry out an examination to confirm the disability.

### **PART II—RIGHTS OF PERSONS WITH DISABILITIES AND NON DISCRIMINATION.**

## **3. Respect and promotion of rights and freedoms of persons with disabilities**

(1) A person with a disability shall enjoy the fundamental and other human rights and freedoms enshrined in the Constitution.

(2) The Government and all persons in Uganda shall respect, uphold and promote the fundamental and other human rights and freedoms of persons with disabilities enshrined in the Constitution and the United Nations Convention on the Rights of Persons with Disabilities and its optional protocols.

(3) Subject to this Act, the Government and all persons in Uganda shall enforce and implement the laws of Uganda without discrimination on the basis of disability.

## **4. The right to enjoy family life**

(1) A person with a disability has a right to a home, to found a family, adopt, be a guardian or trustee of a child in accordance with the relevant laws and is entitled to—

- (a) have sexual and other intimate relationships;
- (b) equal rights at and in marriage, during marriage and at its dissolution;

- (c) raise his or her child and shall not be separated from his or her child except in accordance with the law and best interests of the child.

(2) A child with a disability shall not be separated from his or her family except in accordance with the law and best interests of the child.

(3) A child with a disability shall—

- (a) enjoy all the rights enshrined in the Children Act, Cap. 59 on an equal basis as a child without a disability; and
- (b) have the right to know and be cared for by his or her parents or guardian.

(4) A parent or guardian of a child with a disability shall have the duty to raise the child and ensure the child's proper upbringing and development.

(5) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding twenty four currency points or a term of imprisonment not exceeding twelve months, or both.

#### **5. Prohibition of inhuman and degrading treatment for persons with disabilities**

(1) A person with a disability shall not be subjected to any form of torture or cruel or degrading treatment.

(2) A person with a disability shall not without his or her free and informed consent be subjected to—

- (a) medical or scientific research;
- (b) harmful traditional or cultural practices; or
- (c) forced sterilisation.

(3) A person who subjects a person with a disability to a condition specified in this section commits an offence and is liable, on conviction, to a fine not exceeding twenty currency points or imprisonment not exceeding one year, or both.



**6. Non discrimination in the provision of education services**

(1) An institution of learning shall not discriminate against a learner with a disability, on the basis of the disability.

(2) Subsection (1) does not apply where an institution of learning is established for learners of a specific disability, and the learner does not have that disability.

(3) An institution of learning discriminates against a learner with a disability where—

- (a) on the basis of the disability, the institution of learning refuses to accept an application for admission, made by the learner with a disability who is otherwise qualified for admission;
- (b) the conditions for admission to the institution of learning exclude the admission of learners with disabilities;
- (c) the institution of learning denies or limits access of a learner with a disability, to the available facilities and services;
- (d) the institution of learning expels a learner with a disability, on the basis of the disability; or
- (e) the institution of learning subjects the learner with a disability to any unfair treatment, on the basis of the disability.

(4) An institution of learning that enrolls a learner with a disability shall—

- (a) provide an inclusive education system for the learner; and
- (b) make the necessary structural adjustments to the buildings and premises of the institution of learning, to enable access to the building or premises by a learner with a disability, within three months from the date of admission of the learner.

(5) In addition to the requirements under subsection (4), an institution of learning which is owned or aided by Government that enrolls a learner with a disability, shall provide sign language services, learning instructional materials and assistive devices, suitable for the learner and required for examinations by the learner.

(6) A parent or guardian of a child with a disability has the responsibility of enrolling the child in an institution of learning or ensuring that the child is enrolled in an institution of learning.

(7) Where the child referred to in subsection (6) is to be enrolled in an institution of learning with an inclusive education system, the institution of learning shall, where applicable, be of the same or comparable standard as that in which the other children under the care of the parent or guardian are enrolled.

(8) An institution of learning that enrolls a learner with a disability shall provide sports facilities and equipment specific to the needs of the learner with a disability and put in place measures to facilitate the participation of learners with disabilities in sports and other co-curricular activities.

(9) A person who willfully prevents a child with a disability from attaining education commits an offence, and is liable, on conviction, to a fine not exceeding twenty currency points or imprisonment for a term not exceeding six months or both.

(10) In this section “inclusive education system” means a system where a learner with a disability is taught together with the other learners, in the same environment, and where, if required under subsection (5), extra support is given to the learner with a disability.

## **7. Non discrimination in the provision of health services**

(1) A health unit shall not discriminate against a person with a disability, on the basis of the disability.

- (2) A health unit shall—
- (a) comply with the requirements of section 10 (1) and (2);
  - (b) provide wheelchairs and accessible examination tables for persons with disabilities; and
  - (c) provide labour beds for expectant women who are persons with disabilities.
- (3) A health unit discriminates against a person with a disability where—
- (a) on the basis of the disability, the person is denied admission or treatment at the health unit;
  - (b) the health unit does not comply with the requirements of section 10 (1) and (2) and is not accessible by persons with disabilities; or
  - (c) the health unit does not provide accessible labour beds, examination tables or wheel chairs for persons with disabilities.
- (4) For the purposes of subsections (2) and (3), “accessible labour bed” and “accessible examination table” means a labour bed or an examination table that is appropriate for the disability of the person using the bed or table.
- (5) A parent or guardian of a child with a disability, shall ensure that the child receives required immunisation and medical treatment.
- (6) A child with a disability shall be immunised and receive medical treatment at health unit of the same or comparable standard as those to which the other children under the care of the parent or guardian are immunised and receive treatment.
- (7) The Government shall provide persons with albinism with skin protective creams and persons with disabilities with assistive devices at no cost or subsidised prices.

**8. Habilitation and rehabilitation for persons with disabilities**

(1) The Minister responsible for health and the Minister responsible for education shall, in consultation with the Council and the Minister, provide habilitation and rehabilitation services and programmes for the persons with disabilities.

(2) The Government shall offer counselling services and inform persons with disabilities and their parents or guardians, caregivers and the members of communities where persons with disabilities are resident, on the habilitation and rehabilitation services that are available for persons with disabilities.

**9. Non discrimination in employment**

(1) An employer shall not discriminate against a person with a disability, on the basis of the disability of that person.

(2) An employer shall—

- (a) in any advertisement for a job, where appropriate, encourage persons with disabilities to apply for the job;
- (b) provide an applicant with a disability who applies for a job, reasonable accommodation necessary to undertake the job interview; and
- (c) provide an employee with a disability reasonable accommodation in the performance of the job or task.

(3) An employer discriminates against a person with a disability where—

- (a) on the basis of the disability, the employer refuses to accept an application made by the person with a disability, who is otherwise qualified for the job;
- (b) the conditions for applying for the job or the selection criteria exclude applications by persons with disabilities;

- (c) the assessment of the performance of an employee with a disability is conducted in a manner that does not correctly gauge the performance of that employee;
- (d) the remuneration or benefits given to an employee with a disability is less than that given to the other employees who perform similar tasks;
- (e) on the basis of the disability, an employee with a disability is not considered for promotion, on job training, scholarships or any other benefits that are accorded to the other employees;
- (f) on the basis of the disability, an employee with a disability is transferred from a job or task which he or she is capable of performing to another job or task which he or she is unable to perform due to his or her disability;
- (g) the employer does not provide reasonable accommodation required by the employee with a disability to perform his or her job or tasks;
- (h) the employer conducts a medical examination on an employee with a disability, where the examination is not performed on the other employees; or
- (i) the services of employment of an employee with a disability, are terminated on the basis of the disability.

(4) In this section “reasonable accommodation” means necessary and appropriate modification and adjustments where needed to ensure that an employee who is a person with a disability can enjoy or exercise all human rights and fundamental freedoms on an equal basis with others and includes tools, equipment, working environment and where necessary, a modified work schedule.

(5) An employer with employees with disabilities shall be allowed deductions of up to ten percent on the chargeable income, as may be provided for by the Income Tax Act.

(6) The Minister shall, in consultation with the Council and employers' organisations, determine the quota of persons with disabilities workforce for employers, and by statutory instrument publish the agreed quota at least once in every two years.

(7) An employer who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding one hundred currency points or imprisonment not exceeding one year or both.

#### **10. Accessibility to buildings**

(1) An owner or a person in charge of a building to which the public is allowed access shall, subject to the requirements of the laws on building standards and other relevant laws, provide appropriate access for persons with disabilities to the building.

(2) In subsection (1) "provide appropriate accessibility for persons with disabilities, to the building" means—

- (a) putting in place accessible and easy to find entrances which are connected to accessible pathways and parking areas;
- (b) providing safe and accessible toilets, urinals and bathrooms;
- (c) providing safe and well dimensioned staircases with appropriate railing, accessible elevators; and
- (d) where necessary, providing ramps.

(3) An owner or a person in charge of a building to which the public is allowed access shall provide parking space for vehicles driven by persons with disabilities or by drivers of persons with disabilities.

(4) The parking space referred to in subsection (3) shall be marked with a conspicuous sign or the acronym "PWD".

(5) A driver who is not a person with a disability or who is not a driver of a person with a disability shall not park a vehicle in the parking space referred to in subsection (3).

(6) A person who contravenes subsection (3) commits an offence and is liable, on conviction, to a fine not exceeding twenty five currency points or a term of imprisonment not exceeding five months or both.

### **11. Non discrimination in the provision of transport services**

(1) An owner or a person in charge of any means of transport that is used by the public and for which a fare is charged, shall not deliberately or unreasonably refuse to transport a person with a disability.

(2) An owner or a person in charge of any means of transport that is used by the public and for which a fare is charged, shall not require a passenger with a disability who uses assistive devices, to pay an extra charge for the carriage of the assistive devices.

(3) Subject to the Traffic and Road Safety Act, Cap. 361 a person with a disability shall not be unreasonably denied a driving permit or his or her driving privilege by reason only of his or her disability.

(4) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding fifteen currency points or a term of imprisonment not exceeding three months or both.

### **12. Non discrimination in the provision of services on a commercial basis**

(1) A person who provides services to the public on a commercial basis shall make the services available and accessible to persons with disabilities.

(2) A person who provides services to the public on a commercial basis shall not—

- (a) deny the services to a person with a disability on the basis of the disability; or
- (b) deliberately make it impossible or unreasonably difficult for a person with a disability to use the services.

(3) Subsections (1) and (2) shall not apply where it is necessary to protect the health or safety of the person with a disability or any other person.

(4) An owner or a person in charge of a television station shall, provide or cause to be provided sign language insets in all newscasts.

(5) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding fifteen currency points or a term of imprisonment not exceeding three months or both.

(6) The Minister responsible for communication shall, in consultation with the Council, make regulations defining the standards for the access to information by persons with disabilities in accordance with this section.

(7) In this section “services” means the services in Schedule 4 of this Act.

### **13. Identification of suspects and accused persons by visually impaired complainants and witnesses**

A complainant or a witness who is a person with a disability of total blindness or low vision, may identify a suspect or an accused person by the voice of the suspect or accused person or by touching or by any other manner by which the complainant or witness is able to make the identification intelligible.



**14. Affirmative action**

(1) For the purpose of upholding the fundamental rights and freedoms of persons with disabilities, the Government shall promote a policy of affirmative action for persons with disabilities including employment of persons with disabilities in the public service.

(2) The Minister shall, every two years report to Parliament on measures undertaken for the purposes of subsection (1).

**15. Access to justice, information and training**

(1) The Government shall promote—

- (a) the development, training and use of sign language, tactile and sign language interpreters, in all public institutions and at all government functions;
- (b) the use of information assistive devices and technology;
- (c) the provision in braille of public information such as Government documents and publications.

(2) The Government shall train judicial and law enforcement officers in matters concerning persons with disabilities.

PART III—ESTABLISHMENT, FUNCTIONS AND COMPOSITION OF THE  
NATIONAL COUNCIL FOR PERSONS WITH DISABILITIES.

**16. The National Council for Persons with Disabilities**

(1) The National Council for Disability established under the National Council for Disability Act, 2003 and in existence at the commencement of this Act, shall continue in existence under this Act as the National Council for Persons with Disabilities.

(2) The Council shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.

**17. Functions of Council**

(1) The Council shall—

- (a) monitor the implementation of this Act by Government, government agencies, non-governmental agencies, bodies corporate and private persons;
- (b) carry out or commission surveys, inquiries or investigations on matters relating to violation of rights of persons with disabilities under this Act or non-compliance with this Act by Government, bodies corporate or private persons and advocate for collective measures by the concerned party;
- (c) advocate for the development, implementation and sustenance of programmes and projects by Government, government agencies, non-governmental agencies, for the improvement of the welfare of persons with disabilities;
- (d) develop projects and schemes for self employment or sheltered employment for persons with disabilities;
- (e) establish programmes for the support, counselling and other assistance to persons with disabilities and for the parents, guardians and caregivers of persons with disabilities;
- (f) monitor the welfare and rehabilitation services offered by Government, government agencies, non-governmental agencies, including vocational guidance and counselling;
- (g) regulate the human support services for persons with disabilities including sign language interpreters, readers, guides and life assistants;
- (h) liaise with Government on the needs, problems and other issues of persons with disabilities, for planning purposes;
- (i) mobilise persons with disabilities to participate in elections, sports and other co-curricular activities for persons with disabilities at all levels;

- (j) alleviate blindness by raising awareness on the prevention, early detection and treatment of eye diseases, to promote the welfare of the persons with visual disability;
  - (k) advocate for the education, training and employment of persons with visual disability;
  - (l) maintain a register of Governmental and non governmental organisations that provide services for the rehabilitation and welfare of persons with disabilities and the membership of those organisations;
  - (m) provide technical and other forms of assistance to Government or any other person, on issues of persons with disabilities; and
  - (n) perform any other function as may be necessary for the purposes of this Act.
- (2) For the purposes of carrying out its functions under subsection (1), the Council shall have powers to—
- (a) make an order for corrective measure for violation of a right of a person with a disability or for non compliance with the provisions of this Act, to any governmental agency, non-governmental agency, body corporate or private person; and
  - (b) call witnesses and demand the production of documents that the Council may require, including documents of registration of the organisations specified in subsection (1) (l).

**18. Management of property registered in names of Uganda Foundation for the Blind**

(1) The property specified in Schedule 5, registered in the names of the Uganda Foundation for the Blind, shall at the commencement of this Act be administered and managed by the Council on behalf of all persons with disabilities in Uganda.

(2) The property and any income derived from it shall be applied by the Council for the benefit of persons with disabilities in Uganda.

(?) The property shall be transferred to the Council, to be held in trust for persons with disabilities in Uganda.

### **19. Seal of Council**

(1) The seal of the Council shall be kept under the custody of the Executive Secretary and shall be authenticated by the signature of the Chairperson of the Council and the Executive Secretary.

(2) A document purporting to be an instrument issued with the seal of the Council and authenticated in the manner provided under subsection (1) shall be deemed to be a document of the Council and shall be admissible in evidence without further proof, except where the contrary is proved.

### **20. Composition of Council**

(1) The Council shall be composed of the following members appointed by the Minister—

- (a) a representative of each of the following Ministries who shall be ex-officio members—
  - (i) the Ministry responsible for local governments;
  - (ii) the Ministry responsible for finance;
  - (iii) the Ministry responsible for health;
  - (iv) the Ministry responsible for education and sports;
  - (v) the Ministry responsible for labour, gender and social development;
  - (vi) the Ministry responsible for public service;
  - (vii) the Ministry responsible for justice;
  - (viii) the Ministry responsible for works, housing and communication;

- (b) two persons with disabilities, male and female, from each region nominated by national organisations of persons with disabilities;
- (c) two persons, male and female, with visual disability;
- (d) one parent of a child with a disability appointed by the Minister in consultation with the national organisations of persons with disabilities;
- (e) a professional with experience in the field of disabilities, appointed by the Minister in consultation with national organisations of persons with disabilities;
- (f) one representative of the youth with disabilities appointed by the Minister in consultation with the national organisations of persons with disabilities;
- (g) one representative of the Federation of Uganda Employers appointed by the Minister in consultation with the Federation;
- (h) one representative of Non-Governmental Organisations working with persons with disabilities, appointed by the Minister in consultation with the national organisations of persons with disabilities; and
- (i) one Member of Parliament representing persons with disabilities elected by the Members of Parliament representing persons with disabilities.

(2) For the purpose of subsection (1) (b), the regions are the eastern region, the western region, the northern region and central region.

(3) The Council may co-opt not more than two persons, at a time, who are knowledgeable in disability matters and committed to the disability movement as and when it deems, necessary.

(4) At least one third of the members of the Council shall be women.

### **21. Tenure of office of members of Council**

A member of the Council shall hold office for a period of five years and is eligible for re-appointment for only one further term.

### **22. Chairperson of Council**

(1) The Chairperson and the Vice-Chairperson of the Council shall be elected by the members of the Council from among the members who are persons with disabilities, taking into consideration gender balance.

(2) The Chairperson shall hold office for five years and is eligible for reappointment for only one further term.

(3) The Chairperson—

- (a) may resign his or her office as Chairperson by notice, in writing addressed to the Minister;
- (b) may be removed by the Minister from office if requested to do so by a resolution of the Council supported by not less than two thirds of the members of the Council.

(4) Any member of the Council may be removed by the Minister for misbehaviour or proven inability to perform the functions of his or her office by reason of infirmity of mind or body or for any other sufficient cause.

(5) A person shall not be removed from office for infirmity of mind or body under subsection (4) unless the Council in consultation with the Medical Board certifies that the person is unable to perform the functions of his or her office.

### **23. Remuneration of members of Council**

A member of the Council, and any person co-opted to any meeting of the Council, may be paid such remuneration or allowances as the Minister may determine in consultation with the Minister responsible for finance.

**24. Meetings of Council**

Schedule 6 to this Act shall have effect with regard to the meetings of Council.

**25. Committees of Council**

(1) The Council may establish such committees as may be necessary for the efficient performance of its functions under this Act.

(2) The Council may prescribe the procedure for the meetings of its committees.

(3) The Council may delegate any of its function to the committees as it may consider fit and subject to conditions as it may determine.

**PART IV—THE SECRETARIAT.****26. Secretariat and Executive Secretary**

(1) The Council shall have a Secretariat headed by an Executive Secretary who shall be appointed by the Minister on the advice of the Council.

(2) Subject to the provisions of this Act, the Executive Secretary shall hold office on a full-time basis for three years subject to renewal and on such terms and conditions as shall be specified in his or her instrument of appointment.

(3) The Executive Secretary may resign office in writing addressed to the Minister through the Council, upon giving a one month's notice.

(4) The Minister may, on the advice of the Council and after giving him or her one month's notice in writing, remove the Executive Secretary from office for misbehaviour or inability to perform the functions of his or her office.

(5) Notwithstanding subsection (4), the Executive Secretary shall not be removed from office under, this section for inability to perform the functions of his or her office as result of infirmity of body or mind unless the Council, in consultation with the Medical Board, certifies that he or she is unable to perform the functions of his or her office.

## **27. Functions of Executive Secretary**

(1) The Executive Secretary shall be the chief executive and accounting officer of the Council.

(2) Subject to the general control of the Council, the Executive Secretary shall—

- (a) be the secretary at any meeting of the Council and shall keep a record of the minutes of the meetings; and
- (b) perform such other functions as may be assigned to him or her by the Council.

(3) In the absence of the Executive Secretary, the Council may designate the next senior qualified officer of the Secretariat to act as Executive Secretary and in the event of continued absence without justifiable cause; the position shall be, filled within two months from the date the Executive Secretary was last in office.

## **28. Other staff of Council**

(1) The Council shall have such other employees and officers in the Secretariat as the Council may with the approval of the Minister, determine.

(2) The Council shall pay the Executive Secretary and the other staff of the Council such remuneration and allowances as may be determined by the Council in consultation with the Minister responsible for finance and the Minister responsible for public service.



(3) The terms and conditions of service of the Executive Secretary, officers and employees of the Council shall be determined by the Council with the approval of the Minister, in consultation with the Minister responsible for public service.

**29. Experts and consultants**

(1) The Council may, acting on the advice of the Executive Secretary, engage the services of experts and consultants when necessary.

(2) The experts and consultants engaged under this section may be paid fees and allowances and granted such facilities as may be determined by the Council.

**PART V—LOCAL GOVERNMENT COUNCILS FOR PERSONS  
WITH DISABILITIES.**

**30. District councils for persons with disabilities**

(1) The Chairperson of a district local government council shall appoint members of the District Council for persons with disabilities to serve for a period of five years.

(2) A district council for persons with disabilities shall consist of—

- (a) the District Community Development Officer as an ex-officio member;
- (b) the Chief Finance Officer as an ex-officio member;
- (c) the District Engineer;
- (d) the District Education Officer as an ex-officio member;
- (e) the Director of Health Services as an ex-officio member;
- (f) the two district councilors representing persons with disabilities who shall be ex-officio members;
- (g) two other persons with disabilities appointed in consultation with the organisation of persons with disabilities in the district or city and one of whom shall be a woman;

- (h) one representative of parents of children with disabilities appointed in consultation with the organisations of persons with disabilities in the district or city;
- (i) one representative of non-governmental organisations working with persons with disabilities in the district or city;
- (j) the Chairperson of the District Committee responsible for disability affairs or social services at the local council as an ex-officio member;
- (k) one representative of youth with disabilities, on the district or city youth council;
- (l) one person of proven integrity with knowledge in disability who is involved in the promotion and advancement of the disability matters appointed in consultation with organisations of persons with disabilities in the district or city.

(3) The chairperson and the vice chairperson shall be elected by the members of the district council for persons with disabilities from among members who are persons with disabilities, taking into consideration gender balance.

### **31. Functions of district council for persons with disabilities**

A district council for persons with disabilities shall—

- (a) coordinate and monitor the implementation of policies and programmes for persons with disabilities in the district or city;
- (b) promote and advocate for the integration of services for persons with disabilities in the district or city plans of action;
- (c) advocate for the implementation of national policies on disability in the district or city;
- (d) submit reports on the situation of persons with disabilities in the district or city local government council and to the Council twice a year;

- (e) inquire into any matter that violates the rights of persons with disabilities and non-compliance with laws, regulations, policies and programs relating to disability and recommend appropriate action to the relevant body at the district or city level, if appropriate or to the Council; and
- (f) perform any other function that may enhance the well being of persons with disabilities in the district or city.

**32. Secretariat and staff of district council for persons with disabilities**

(1) A district council for persons with disabilities shall have a secretariat which shall plan, coordinate and generally assist the district council in carrying out the functions and day-to-day operations of the district council for persons with disabilities.

(2) The secretariat shall be headed by an executive secretary who shall be appointed by the Chief Administrative Officer of the district, on the recommendation of the District Service Commission.

(3) The secretariat shall have officers and employees as may be determined by the district council and approved by the district council chairperson, who shall be appointed by the Chief Administrative Officer of the district on the recommendation of the District Service Commission.

**33. Subcounty council for persons with disabilities**

(1) The chairperson of a municipal, city division, municipal division, town or subcounty local council shall appoint members to the municipal, city division, municipal division, town or subcounty council for persons with disabilities as the case may be, who shall serve a period of five years.

(2) A municipal, city division, municipal division, town or subcounty council for persons with disabilities shall consist of—

- (a) the Community Development Officer responsible for persons with disability, who shall be the secretary;
- (b) two councillors representing persons with disabilities at that level, who shall be ex-officio members;
- (c) one youth with a disability;
- (d) one person of proven integrity and commitment to the disability matters;
- (e) one parent of a child with a disability;
- (f) the District Inspector of schools who shall be an ex-officio member;
- (g) the officer in charge of health services at that level who shall be an ex-officio member;
- (h) a representative of non-governmental organisations, if any, appointed in consultation with organisations of persons with disabilities at that level; and
- (i) two persons with disabilities appointed in consultation with organisations of persons with disabilities at that level, one of whom shall be a woman.

(3) The municipal, city division, municipal division, town or subcounty council shall elect their chairperson and vice-chairperson from among members who are persons with disabilities; taking into consideration gender balance.

**34. Functions of subcounty councils for persons with disabilities**

The functions of a municipal, city division, municipal division, town or subcounty council for persons with disabilities are—

- (a) to coordinate and monitor the implementation of the policies and programmes for persons with disabilities in the subcounty;
- (b) to promote and advocate for the integration of services for persons with disabilities in the subcounty plan of action;
- (c) to advocate for the implementation of district and national policies on disability;
- (d) to submit reports on the situation of persons with disabilities in the subcounty to the district council for persons with disabilities, twice a year;
- (e) to perform any other function that will enhance the wellbeing of persons with disabilities in the subcounty;
- (f) to inquire into any matter that violates the rights of persons with disabilities and non-compliance with laws, regulations, policies or programs relating to disability and recommend appropriate action to the district council or city council for persons with disabilities for relevant action; and
- (g) to submit reports to the district council for persons with disabilities, every six months.

**35. Remuneration of members of district and subcounty councils for persons with disabilities**

(1) The members of the lower councils for persons with disabilities and members or persons co-opted to any meeting of the councils may be paid such remuneration or allowances at such rates as the district council and subcounty council may determine in accordance with Local Governments Financial Regulations.

(2) A lower council for persons with disabilities may invite relevant technical personnel to any of its meetings for technical advice and the personnel may be paid such remuneration or allowances at such rates as the relevant local government councils may determine in accordance with Local Governments Financial Regulations.

**36. Meetings of district and subcounty councils for persons with disabilities**

(1) The lower councils for persons with disabilities shall meet at least once in four months for the discharge of their functions.

(2) Each lower council for persons with disabilities shall determine the procedure for its meetings.

**PART VI — FINANCIAL PROVISIONS.**

**37. Funds of Council**

(1) The funds of the Council shall consist of—

- (a) monies appropriated by Parliament;
- (b) loans from any person or organisation within or outside Uganda approved by the Minister responsible for finance; and
- (c) grants, gifts and donations received from any source within or outside Uganda, with the approval of the Minister responsible for finance.

(2) All income and monies of the Council shall be deposited to the credit of the Council in a bank approved by the Accountant General and shall not be withdrawn except with the approval of, and in the manner determined by the Council.

**38. Estimates of income and expenditure**

(1) The Council shall within three months before the end of each financial year, cause to be prepared and submitted, to the Minister for submission to the Minister responsible for finance for approval, estimates of the income and expenditure of the Council for the proceeding financial year.

(2) No expenditure shall be made out of the funds of the Council unless the expenditure is approved by the Council.

### **39. Financial year of the Council**

The financial year of the Council is the period of twelve months beginning on the 1<sup>st</sup> day of July in each year and ending on the 30th June of the following year.

### **40. Accounts**

(1) The Council shall keep proper books of accounts and records of the income and expenditure of the Council.

(2) Subject to any direction by the Minister responsible for finance, the Council shall cause to be prepared a report on the performance of the Council during the financial year comprising—

- (a) the financial statements of the Council; and
- (b) any other information in respect of the financial affairs of the Council, as the Minister responsible for finance, may require.

### **41. Audit**

(1) The Auditor-General or an auditor appointed by the Auditor-General shall in respect of each financial year audit the accounts of the council.

(2) The Council shall ensure that within four months after the expiry of each financial year, a financial statement described in section 40(2) is submitted to the Auditor-General for auditing.

(3) The Auditor-General or any auditor appointed by the Auditor General shall have access to all books of accounts, vouchers and other financial records of the Council and shall be entitled to have any information and explanation required by him or her in relation to those documents as he or she may deem fit.

(4) The Auditor-General shall, within two months after receipt of the statement of accounts under subsection (2), audit the accounts and deliver to the Council a copy of the audited accounts together with his or her report on them, stating any matter which in his or her opinion should be brought to the attention of the Minister.

(5) The Auditor-General shall also deliver to the Minister a copy of the audited accounts together with his or her report on them.

#### **42. Compliance with Public Finance Management Act, 2015**

The Council shall comply with the Public Finance Management Act, 2015.

### **PART VII—ELECTIONS FOR PERSONS WITH DISABILITIES.**

#### **43. Election of representatives**

(1) The election of the representatives of persons with disabilities at all levels of Government shall be conducted using the electoral structure prescribed in Schedule 7 to this Act.

(2) The Electoral Commission shall facilitate the formation of electoral colleges at the different levels of Government and shall appoint returning officers and presiding officers to conduct the elections of the representatives of persons with disabilities.

(3) Any person with a disability who meets the national standard for elections has a right to contest for any elective office to represent persons with disabilities.

(4) Elections at the national, district and city level shall be by secret ballot.

(5) Elections at village, parish or ward, subcounty, division and town council level shall be by the electorate lining up behind the candidates nominated for the office, or their representatives, portraits or symbols.



**44. Candidates for elections**

A person with a disability may be nominated by the Electoral Commission for elections under this Part, where that person is sponsored by a political organization or a political party or where the person stands for elections as an independent candidate.

**PART VIII—MISCELLANEOUS.****45. Protection of members of Council from civil action**

A member of the Council or an employee of the Council acting on its behalf shall not be personally liable for any act done by him or her in good faith for the purpose of carrying into effect the provisions of this Act.

**46. Reports of Council**

(1) The Council shall, within three months after the end of each financial year, submit to the Minister a report on the activities of the Council in respect of that financial year and the report shall include its achievements during that financial year and its future plans.

(2) The Minister shall submit the report to Parliament for discussion.

**47. Regulations**

The Minister may, in consultation with the Council, by statutory instrument, make regulations for the better carrying into effect the provisions of this Act.

**48. Amendment of Schedules**

(1) The Minister may, on the recommendation of the Council, by statutory instrument, amend Schedules 2, 3, 4, 6 and 7 to this Act.

(2) The Minister may, with the approval of Cabinet, by statutory instrument, amend Schedules 1 and 5 to this Act.

**49. Amendment of the Trial on Indictment Act and the Magistrates Courts Act**

(1) Section 17 of the Trial on Indictment Act is amended by numbering the existing provision as (1) and inserting immediately after the numbered subsection (1) the following—

“(2) For the purposes of subsection (1), a person with a disability shall not on the basis of the disability, be taken to be an insufficient surety.”

(2) Section 26 of the Magistrates Courts Act is amended by numbering the existing provision as (1) and inserting immediately after the numbered subsection (1) the following –

“(2) For the purposes of subsection (1), a person with a disability shall not on the basis of the disability, be taken to be an unfit person.”

**50. Repeal of Persons with Disabilities Act, National Council for Disability Act and the Uganda Foundation for the Blind Act**  
The Persons with Disabilities Act, 2006, the National Council for Disability Act, No. 12 of 2003 and the Uganda Foundation for the Blind Act, Cap. 58 are repealed.

**51. Transitional provisions**

(1) The assets, rights and liabilities to which the National Council for Disability and the Uganda Foundation for the Blind were entitled, or subject to, before the commencement of this Act, shall vest in the Council.

(2) The services of the employees of the National Council for Disability and the Uganda Foundation for the Blind, immediately before the commencement of this Act, shall be transferred to the Council, on similar or better terms than the terms enjoyed by the employees before the transfer.

(3) Any court proceedings, court actions, judgements or court orders which were enforceable by or against the National Council for Disability or the Uganda Foundation for the Blind, immediately before the commencement of this Act, and are connected with the assets vested in the Council or the functions of the Council, shall be enforceable by or against the Council, as they would have been enforced by or against the National Council for Persons with Disabilities or the Uganda Foundation for the Blind, as the case may be, immediately before the commencement of this Act.

#### SCHEDULES.

**SCHEDULE 1**

*Section 1*

**Currency Point**

A currency point is equivalent to twenty thousand shillings.

**SCHEDULE 2**

*Section 1*

**BUILDINGS TO WHICH PUBLIC IS ALLOWED ACCESS**

1. Government offices.
2. Health units.
3. Mosques, churches and other places of worship.
4. Recreation and sports facilities.
5. Court houses.
6. Police stations.
7. Schools and institutions of higher learning.
8. Airport buildings.
9. Shopping malls.
10. Buildings where the services in Schedule 4 are provided.

SCHEDULE 3

*Section 1*

CATEGORIES OF DISABILITIES

1. Physical disability caused by cerebral palsy, amputation of a limb, paralysis or deformity.
2. Hearing disability including deafness and hard of hearing disability.
3. Visual disability including blindness and low vision disability.
4. Deaf and blind disability.
5. Mental disability including psychiatric disability and learning disability.
6. Little people.
7. Albinism.
8. Multiple disability.

**SCHEDULE 4**

*Section 12*

**SERVICES PROVIDED TO THE PUBLIC ON A  
COMMERCIAL BASIS**

1. Information and communication services
2. Boarding and lodging services.
3. Banking and related services including insurance services.
4. Sports, entertainment, recreation and leisure services.
5. Professional services and trade except the education services and health services in sections 6 and 7 of this Act.

**SCHEDULE 5***Section 18***PARTICULARS OF PROPERTY TRANSFERRED FROM UGANDA  
FOUNDATION FOR THE BLIND**

1. Land and developments at Kireka, Wakiso District, LRV 417, Folio 2, Plot 14, measuring five acres.
2. Land and developments at Luubu site for the blind, Mayuge District, measuring 45 acres.
3. Land and developments at Salaama, Mukono District, measuring 20 acres.
4. Land and developments at Kikungiri, Rukungiri District, measuring 30 acres.
5. Land and developments at Onyakidi, Lira District, measuring 30 acres.



## SCHEDULE 6

## MEETINGS OF THE COUNCIL

*Section 24***1. Meetings of the Council**

- (1) The Chairperson shall convene every meeting of the Council.
- (2) The Council shall meet for the transaction of its business at times and places that may be decided upon by the Council but shall meet at least once every three months.
- (3) The Chairperson or, in the absence of the Chairperson, the Vice-Chairperson and in the absence of both a member elected by the Council to act as Chairperson may, at any time, call a special meeting of the Council or call a special meeting upon a written request by majority of the members of the Council.
- (4) The Chairperson shall preside at all meetings of the Council and in his or her absence the Vice Chairperson shall preside and in the absence of both, the members present may elect a member from among themselves to preside at that meeting.
- (5) The Council may co-opt any person who is not a member to attend any of its meetings as an advisor or consultant and that person may speak at the meeting on any matter in relation to which his or her advice is sought but shall not have the right to vote on any matter coming for decision before the meeting.

**2. Quorum**

The quorum at a meeting of the Council shall be six members.

**3. Decisions of the Council**

Questions proposed at meetings of the Council shall be by consensus and where consensus is not possible by a simple majority and in the event of an equality of votes, the person presiding shall have a casting vote in addition to his or her deliberative vote.

**4. Disclosure**

(1) A member of the Council who has pecuniary interest in a matter being considered by the Council shall, as soon as possible after, relevant facts have come to his or her knowledge, disclose the nature of his or her interest to the Council.

(2) A disclosure of interest under subparagraph (1) shall be recorded in the minutes of the meeting of the Council and the member making the disclosure shall not, unless the Council otherwise determines in respect of that matter—

- (a) be present during any deliberation on the matter by the Council;  
or
- (b) take part in the voting on the decision by the Council on the matter.

(3) For the purpose of the making of a decision by the Council under subparagraph (1), the member who has made the disclosure shall not—

- (a) be present during the deliberations of the Council for the making of the decision; or
- (b) influence any other member or take part in the making of the decision by the Council.

#### **5. Minutes of proceedings**

(1) The Council shall cause the minutes of the proceedings of each meeting to be recorded and kept and the minutes of each meeting shall be approved by the Council at the next meeting and shall be signed by the Chairperson of the meeting.

(2) The Chairperson of the Council shall submit to the Minister a copy of the minutes of each meeting of the Council as soon as the minutes have been approved.

#### **6. Council to regulate proceedings**

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

## SCHEDULE 7

## ELECTORAL STRUCTURE FOR PERSONS WITH DISABILITIES

*Section 43*

1. The five (5) delegates at each level shall ensure representation in terms of categories of disabilities and gender, where applicable.
2. All willing persons with disabilities in each village assemble to elect five (5) executive committee members.
3. The chairperson of the persons with disabilities executive committee shall become secretary for disability affairs at village level.
4. The five (5) persons with disabilities executive committee members from each village shall assemble at parish or ward and elect five (5) executive committee members.
5. The chairperson of the persons with disabilities executive committee shall become secretary for disability affairs at parish level.
6. The district or city and subcounty, town or city division executive committee members shall elect two (2) councillors (male and female) to the district council.
7. All parish or ward persons with disabilities executive committee members shall assemble at the subcounty or division to elect five (5) persons with disabilities executive committee members at that level and elect two (2) councillors (male and female) to the subcounty or division council.
8. All subcounty or town or city division persons with disabilities executive committee members shall assemble at the district to elect five (5) district persons with disabilities executive committee members.
9. The five (5) persons with disability executive committee members from each district shall form the national electoral college to elect the representatives of persons with disabilities to Parliament.