National Council for Children Act 1996

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CHAPTER 60

THE NATIONAL COUNCIL FOR CHILDREN ACT.

Commencement: 31 May, 1996.

An Act to establish a National Council for Children, to provide a structure and mechanism which will ensure proper coordination, monitoring and evaluation of all policies and programmes relating to the survival, protection and development of the child and for other connected matters.

PART I—INTERPRETATION.

1. Interpretation.

In this Act, unless the context otherwise requires—

“chairperson” means the chairperson of the council appointed under section 7;

“child” means a person below the age of eighteen years;

“council” means the National Council for Children established by section 2;

“deputy secretary general” means the deputy secretary general appointed under section 15;

“member” means a member of the council;

“Minister” means the Minister responsible for child welfare matters;

“programme of action” means the Uganda National Programme of Action for Children;

(h) “secretariat” means the secretariat referred to in section 11; (i) “secretary general” means the secretary general appointed under section 13.

PART II—ESTABLISHMENT, OBJECTS, FUNCTIONS AND POWERS OF THE

COUNCIL.

2. Establishment of the council.

(1) There is established the National Council for Children.

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

(3) The council may, for and in connection with its objects and functions under this Act, purchase, hold, manage and dispose of any property, whether movable or immovable, and enter into any contract and other transactions as may be expedient and may do and suffer any other act or thing as in law may be done or suffered by a body corporate.

3. Objects of the council.

The objects of the council are—

to act as a body through which the needs and problems of children can be communicated to the Government and other decision-making institutions and agencies in Uganda;

to coordinate and provide direction to all persons involved in child-based activities in Uganda in order to—
(i) minimise duplication of effort and wastage of resources;

and (ii) maximise multisectoral and integrated approaches to meeting the needs of children and solving their problems;

to promote the adoption and utilisation of the programme of action by the Government, nongovernmental organisations and external support agencies through participation in their planning and resource allocation exercises;

to support the development of district plans of action and the creation of district monitoring systems;

to monitor the achievement of the goals set in the programme of action and the activities planned and undertaken by the Government, nongovernmental organisations and other agencies to achieve those goals;

to maintain a database on the situation of children and activities relating to children in Uganda;

to support the continuing analysis of the changing needs of children and promote discussion of emerging priorities.

4.
Functions of the council.

(1) For the attainment of its objects under section 3, the council shall have the following functions—

(a) to advise and promote policy and programmes regarding the survival, development and protection of children in Uganda;

to ensure proper planning and coordination of all child-based programmes within the broad guidelines of the programme of action;

to regularly review and identify obstacles to the implementation of the programme of action and to advise on feasible solutions to overcome them;

to monitor and evaluate programmes and activities of the programme of action;

to mobilise and evaluate programmes and activities of the programme of action;

to advise on programmes and budgets for the implementation of the programme of action;

to act as a clearinghouse for information and data on the situation of children and activities designed to benefit children in Uganda;

(h) to disseminate research and development findings on the needs and problems of children through seminars, workshops, publications and other means of communication;

(i) to work in close cooperation with and to coordinate the activities of all persons, institutions, sectors and organisations, involved in child-based activities;

(j) to do all other things incidental or conducive to the efficient carrying out of the provisions of this Act as the Minister may direct and, by statutory instrument, prescribe.

(2) The council shall, to the greatest possible extent consistent with the performance of its functions, consult and cooperate with Ministries, departments, branches and agencies of the Government having duties related to, or having aims or objectives related to, those of the council.

5.

Additional powers of the council.

The council may, for the purpose of carrying out its functions under this Act—

solicit for and acquire money and other resources from the Government, donors and well-wishers for use in the performance of its functions;

sponsor, promote and encourage activities undertaken by institutions, organisations and individuals for the promotion and development of programmes and projects designed to improve the situation of children;

establish specialised committees and ad hoc committees and co-

opt such number of members as may be required to carry out technical or specialised functions for the council;

carry out or commission surveys and investigations on issues relating to children;

sponsor or support conferences, seminars, exhibitions, workshops or other meetings relating to children;

establish and maintain relationships with national, regional and international organisations and agencies concerned with the situation of children.

PART III—COMPOSITION AND TENURE OF OFFICE OF MEMBERS OF THE

COUNCIL.

6. Composition of the council.

(1) The council shall consist of twenty-one members appointed by the Minister for a period of three years as follows—

(a) a senior officer not below the rank of undersecretary from each of the following Ministries—
(i) the Ministry responsible for finance and economic

planning; (ii) the Ministry responsible for health; (iii) the Ministry responsible for education and sports; (iv) the Ministry responsible for natural resources; (v) the Ministry responsible for women in development,

culture and youth; (vi) the Ministry responsible for local government; (vii) the Ministry responsible for justice; (viii) the Ministry responsible for internal affairs; (ix) the Ministry responsible for labour and social affairs; (x) the Ministry responsible for information and broadcasting;

four representatives of indigenous nongovernmental organisations which are involved in children's matters and which are registered under the Nongovernmental Organisations Act, each representing a geographical region;

one representative from the Joint Christian Council;

one representative from the Muslim Supreme Council; and

five persons of proven integrity and knowledgeable in children's welfare, three of whom shall be women.

(2) The Minister may revoke the appointment of a member on the recommendation of the council or for conduct incompatible with the objects of the council.

7. Chairperson of the council.

The Minister shall designate as chairperson of the council one of the members appointed by him or her under section 6.

The chairperson shall hold office for three years and shall be eligible for reappointment.

The chairperson may resign his or her office as chairperson by notice in writing addressed to the Minister.

The Minister may, in writing, remove the chairperson from office as chairperson if requested to do so by a resolution of the council supported by not less than two-thirds of the members of the council.

The Minister may remove the chairperson from office for—

misbehaviour; or

inability to perform the functions of his or her office by reason of infirmity of body or mind or for any other sufficient cause.

8. Remuneration of members.

The council shall pay to members and to persons co-opted to any meeting of the council such sitting, subsistence, travel and other allowances and at such rates as the Minister may determine.

PART IV—COMMITTEES OF THE COUNCIL.

9. Specialised committees.

(1) The council shall set up the following specialised committees for the efficient performance of its functions under this Act—

a specialised committee on capacity building;

a specialised committee on policy, research, planning and data management;

a specialised committee on communication and advocacy; and

a specialised committee on finance.

The council may also set up such other specialised committees as it may consider necessary for the efficient performance of its functions under this Act.

Every specialised committee set up under this section shall consist of five members of the council including a chairperson.

The council may prescribe the procedure of a specialised committee.

10. Functions of the specialised committees.

The functions of each specialised committee are to recommend and report to and advise the council on all policy matters relating to the committee's specific sector of child survival, development and protection.

The council may also delegate any of its functions to a specialised committee, subject to any limitations imposed by the council.

PART V—MANAGEMENT AND STAFF OF THE COUNCIL.

11. Secretariat.

The council shall have a secretariat to assist it in carrying out its objects and functions under this Act.

12. Functions of the secretariat.

(1) The functions of the secretariat shall be—

to review and advise on policies and strategies regarding children;

to establish and advise on development priorities and targets and the selection of projects in the social service sector and other areas concerning children;

to review and prepare annual plans of action and budgets for the implementation of the programme of action and other child-based programmes;

to undertake analytical social and economic studies relating to the needs and problems of children;

to liaise with Ministries, institutions, nongovernmental organisations and donor agencies concerned with children with

a view to coordinating their activities and providing them with technical guidance and direction; (f) to carry out such other functions within the objects and functions of the council as may be necessary or expedient for the proper implementation of the provisions of this Act as the council or the Minister may direct.

(2) The carrying out of the functions of the secretariat shall be subject to the directions of the council on matters of policy and shall be deemed to be done on behalf of the council.

13. Secretary general.

The council shall have an officer to be designated the secretary general.

The secretary general shall be appointed by the Minister in consultation with the council and shall hold office upon such terms and conditions as may be specified in the instrument of appointment.

The secretary general shall be a person who has substantial experience in and knowledge of matters relating to children.

The Minister, in consultation with the council, may remove the secretary general from office for—

inability to perform the functions of his or her office by reason of infirmity of body or mind or any other sufficient cause; or

misbehaviour.

(5) Where the secretary general is temporarily incapacitated by
illness or other cause from the performance of his or her functions or where
the office of the secretary general is vacant—

the deputy secretary general shall act as secretary general for the duration of the incapacity or until the vacancy is filled;

where it is not possible for the deputy secretary general to act as secretary general, the Minister may, on the recommendation of the council, appoint an officer of the council qualified in terms of subsection (3) to perform the functions of the secretary general for the duration of the secretary general's incapacity or until the vacancy in the office of the secretary general is filled.

14. Functions of the secretary general.

The secretary general shall be the chief executive officer of the council and head of the secretariat.

The secretary general shall act as the secretary of the council.

The secretary general shall, subject to the control of the council, be responsible for—

the day-to-day administration of the affairs of the council and of the secretariat;

the funds and properties of the council;

the organisation, discipline and control of the employees of the council and of persons engaged by the council.

(4) The secretary general shall, unless the council in any particular case otherwise directs on grounds stated by it in writing, be entitled to attend all meetings of the council but shall not have the right to vote on any matter to be decided by the council at any meetings.

15. Deputy secretary general.

The council shall also have an officer to be designated the deputy secretary general.

The deputy secretary general shall be appointed by the Minister in consultation with the council and shall hold office upon such terms and conditions as may be specified in the instrument of appointment.

The deputy secretary general shall be a person who has substantial experience in and knowledge of matters relating to children.

The Minister, in consultation with the council, may remove the deputy secretary general from office for—

inability to perform the functions of his or her office by reason of infirmity of body or mind or for any other sufficient cause; or

misbehaviour.

(5) the deputy secretary general shall assist the secretary general in carrying out his or her functions under this Act and shall carry out such specific functions as the secretary general or the council may direct.

16. Other employees of the council.

The council may appoint such other employees as may be necessary for the proper and efficient discharge of the functions of the council and the secretariat under this Act.

The employees of the council appointed under this section shall hold office upon such terms and conditions as the council may determine.

Without prejudice to the general effect of subsection (2), the council may, under that subsection, provide for the payment to its employees of salaries, allowances, pension or other terminal benefits and may require them to make contribution to any pension, provident fund or superannuation scheme.

The council may, subject to conditions and restrictions imposed by it, delegate to the chairperson or the secretary general any of its powers to appoint or remove any employee under this section.

Public officers may be seconded to the service of the council on such terms and conditions as may be agreed between the council and the employers of those public officers.

17. Experts and consultants.

The council may, acting on the advice of the secretary general, engage the services of experts and consultants in respect of any of the functions of the council in connection with which they are considered to have special competence.

Experts and consultants engaged under this section may be paid such fees and allowances and may be afforded such facilities as the council may determine.

PART VI—FINANCE.

18. Funds of the council.

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

grants from the Government;

loans from the Government or from any person or organisation within or outside Uganda;

grants, gifts and donations that may be received by the council from any source within or outside Uganda; and

any sums that may become payable to the council in the discharge of its functions under this Act.

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

19. Borrowing powers.

The council may, with the prior approval of the Minister, obtain loans and other credit facilities required for meeting its obligations and for carrying out its functions under this Act.

The council may, with the prior approval of the Minister, borrow by way of overdraft or otherwise, such sums as may be required for meeting the current obligations of the council or for discharging its functions.

A loan or credit facility obtained by the council under this section shall be guaranteed by Parliament, and when so guaranteed, the principal sum and interest of that loan shall be a charge on the Consolidated Fund.

20. Estimates.

The council shall, not later than three months before the end of each financial year, cause to be prepared and submitted to the Minister for his or her approval, estimates of the income and expenditure of the council for the next following financial year.

No expenditure shall be made out of the funds of the council unless the expenditure has been approved by the Minister under subsection (1).

21. Financial year of the council.

The financial year of the council shall be in respect of any accounting period
the period of twelve months ending on the 30th June.

22. Accounts.

The council shall keep proper books of account of all its income and expenditure and proper records in relation to them.

Subject to any directions given by the Minister, the council shall cause to be prepared in respect of each financial year, and not later than three months after the close of the financial year, a statement which shall include a report on the performance of the council during that financial year, and the statement shall comprise—

a balance sheet and a statement of income and expenditure of the council in respect of that financial year; and

any other information in respect of the financial affairs of the council as the Minister may, in writing, require.

23. Audit.

The accounts of the council shall, in respect of each financial year, be audited by the Auditor General or by an auditor appointed by the Auditor General.

The council shall ensure that within four months after the close of each financial year the statement of account described in section 22 is submitted for auditing.

The Auditor General and any auditor appointed by him or her shall have access to all books of account, vouchers and other financial records of the council and be entitled to have any information and explanation required by him or her in relation to them as he or she may think fit.

The auditor shall, within two months after receipt of the statement of account 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.

The auditor shall deliver to the Minister a copy of the audited accounts together with his or her report on them.

24. Investment of surplus funds of the council.

Any funds of the council not immediately required for any purpose under this Act shall be invested in such manner as the council may, with the approval of the Minister, determine.

PART VII—MISCELLANEOUS.

25. Protection of members and staff from personal liability for negligence.

A member of the council shall not be personally liable for an act done by him or her in good faith and without negligence for the purpose of carrying into effect the provisions of this Act.

An employee or other authorised person acting on behalf of the council shall not be personally liable for any act done by him or her in good faith and without negligence for the purpose of carrying into effect the provisions of this Act.

26. Annual report.

The council shall, within three months after the end of each financial year, submit to the Minister a report of the activities of the council in respect of that financial year, and the report shall include a record of the performance of the council during that financial year and its future plans.

27. Minister's report to Parliament.

The Minister shall submit to Parliament as soon as possible after receiving them—

the audited accounts of the council submitted to him or her by the auditor under section 23; and

the annual report of the council submitted to him or her under section 26.

28. Regulations.

The Minister may, by statutory instrument, make regulations generally for better carrying out the provisions of this Act.

29. Application and amendment of the Schedule.

The provisions of the Schedule to this Act shall apply in relation to the seal of the council, meetings of the council and to any other matters set out in that Schedule.

The Minister may, by statutory instrument, amend the Schedule.

Schedule.

s. 29.

Seal, documents, tenure of members and meetings of the council;

service of documents.

1. Common seal of the council and executors of contracts, etc.

The common seal of the council shall be such a device as the council may determine and shall be kept in the custody of the secretary general.

The common seal of the council shall not be fixed on any document except in accordance with a resolution of the council and shall be authenticated by the signatures of the chairperson, the secretary general and another member of the council.

In the absence of the chairperson, two other members shall be designated by the council to authenticate the common seal in place of the chairperson; and in the absence of the secretary general, the person for the time being performing the functions of the secretary general shall authenticate in place of the secretary general.

The signatures of the chairperson, the secretary general or the other members of the council under this paragraph shall be independent of the signing by any other person as witness.

A contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under seal may be entered into or executed without seal on behalf of the council by the secretary general or any other person authorised in that behalf by the council.

(6) Every document purporting to be—

an instrument issued by the council and sealed with the common seal of the council, authenticated in the manner prescribed in this paragraph; or

a contract or instrument entered into or executed under subparagraph (5) of this paragraph, shall be received in evidence without further proof as such an instrument duly issued or a contract or instrument duly entered into or executed, as the case may be, unless the contrary is proved.

2. Tenure of office.

A member of the council shall hold office as a member for three years.

A person shall cease to be a member—

in the case of a person representing a Ministry, institution or department, upon his or her ceasing to hold office in the Ministry, institution or department in respect of which he or she was appointed to be a member;

if he or she is removed by the Minister on the recommendation of the chairperson on the ground that he or she— (i) has absented himself or herself from three consecutive

meetings of the council without permission; (ii) has been out of Uganda for a continuous period of twelve

months or more; (iii) is unable to perform the functions of his or her office by

reason of infirmity of body or mind; or (iv) is otherwise unable or unfit to perform the functions of his

or her office.

(3) Where a person is removed by the Minister under subparagraph (2) of this paragraph, the Minister may appoint another person to be a member in his or her place.

3. Meetings of the council.

(1) The council shall ordinarily meet for the discharge of business at least twice in a year at such times and places as the chairperson may determine.

The chairperson shall also summon a special meeting of the council upon a request made in writing by not less than ten members of the council.

The secretary general shall, where the chairperson is absent, summon a meeting of the council if not less than one-third of the members of the council request him or her to do so.

Eleven members of the council shall form a quorum at any meeting of the council.

The chairperson shall preside at all meetings of the council, and in his or her absence a member elected by the members present from among their number shall preside.

A question proposed at any meeting of the council shall be determined by a simple majority of the members present and voting; and where there is an equality of votes, the person presiding at the meeting shall have a second or casting vote.

The council may co-opt any person who is not a member to attend any of its meetings as an adviser, 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.

Except as otherwise expressly stated in this Act, the council may regulate its own procedure.

4. Validity of proceedings not affected by vacancy.

The validity of any proceedings of the council shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

5. Minutes of the council meetings.

(1) The secretary general shall keep or cause to be kept the minutes of every meeting of 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 chairperson and the secretary general in the presence of the other members.

6. Service of documents.

Without prejudice to any other law relating to the service of documents, a document required to be served on the council may be served by leaving it at the office of the secretary general.

History: Statute 16/1996; S.I. 17/1997.

Cross Reference

Nongovernmental Organisations Registration Act, Cap. 113.