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A Simplified Guide on the NGO Regulatory Framework in Uganda

THE NGO ACT, 2016,
THE NGO REGULATIONS, 2017
THE NGO FEES REGULATIONS, 2017



A SIMPLIFIED GUIDE ON THE NGO REGULATORY FRAMEWORK IN UGANDA

The NGO Act, 2016, the NGO Regulations, 2017 and
the NGO Fees Regulations, 2017



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ABOUT THIS GUIDE



ACKNOWLEDGEMENTS

This simplified guide was developed by the Uganda National NGO Forum (UNNGOF) for use by its members and partners. The publication is aimed at contributing to the improved understanding of the NGO Regulatory Framework amongst stakeholders.

The guide is a product of the USAID/Uganda's Civil Society Strengthening Activity (CSSA). USAID/Uganda's CSSA is made possible by the support of the American people through the United States Agency for International Development (USAID). It is implemented by the East West Management Institute (EWMI) in partnership with the International Center for Not-for-Profit Law (ICNL), Uganda's Development Network of Indigenous Voluntary Associations (DENIVA), and Common Ground Consulting (CGC). CSSA will support the capacity strengthening of Ugandan civil society organizations (CSOs) to influence and contribute to improved development outcomes in 1) health, with particular attention paid to achieving the country's HIV/AIDS reduction goals; 2) education, youth, and child development; 3) agriculture and food security; and 4) democracy, rights, and governance. To achieve its aim, CSSA will implement activities under three principal components:



- **Component 1:** Strengthen the advocacy capacity of CSOs to influence national and local development;
- **Component 2:** Improve the organizational capacity of advocacy and service delivery-oriented CSOs to sustainably fulfill their stated missions; and
- **Component 3:** Promote a more supporting enabling environment that sustains a vibrant civil society.

This product falls under Component 3.

The contents of this guide are the responsibility of EWMI, UNNGOF, and ICNL and do not necessarily reflect the views of USAID or the United States Government. This Handbook was produced for informational purposes only and does not constitute legal advice or substitute for legal counsel. Laws may change, and interpretations of local law may vary. The authors are not liable for any differences or inaccuracies.

The **Uganda National NGO Forum** (UNNGOF) is an independent and inclusive national platform for Ugandan CSOs in their diversity.

UNNGOF has a membership of 700 CSOs comprising district NGOs, district and national NGO networks, faith-based organizations and international NGOs. UNNGOF has a robust CSO sub-national infrastructure (Regional Advocacy Networks) through which it works to deliver its Policy, Governance, Campaigns, Civic Engagement and



Civil Society Strengthening work.

UNNGOF hosts various civil society fora through which it coordinates collective civil society engagements. Over the past two decades, UNNGOF has emerged as a respectable platform that provides thought and institutional leadership on matters that transcend sector or thematic focus. It has the convening power for multitudes of CSOs to collectively engage on civil society health issues, national government programs, and international processes.

The **International Center for Not-for-Profit Law (ICNL)** is a global organization that works with partners from civil society, government, and the international community to improve the legal environment for civil society, philanthropy, and public participation. ICNL's Africa regional team works in 39 countries on the continent, including countries in the Francophone and Lusophone subregions. ICNL collaborates with civil society leaders, activists, government officials, lawyers, media workers, and academics to strengthen local partner organizations and regional networks, provide technical assistance, and contribute to the knowledge base through research and teaching. ICNL has helped develop progressive regional norms as well as national laws and policies that expand civic space throughout the region.

LIST OF ABBREVIATIONS



| | |
|-------------|---|
| BoD | Board of Directors |
| CAO | Chief Administrative Officer |
| CBO | Community Based Organization |
| CSO | Civil Society Organization |
| DCDO | District Community Development Officer |
| DEO | District Education Officer |
| DHO | District Health Officer |
| DISO | District Internal Security Officer |
| DLG | District Local Government |
| DNMC | District Non-Governmental Organizations Monitoring Committee |
| EAC | East African Community |
| GISO | Gombolola Internal Security Officer |
| GoU | Government of Uganda |
| INGO | International Non-Governmental Organization |
| MoIA | Ministry of Internal Affairs |
| NGO | Non-Governmental Organization |
| SNMC | Sub County Non-Governmental Organizations Monitoring Committee |

UGANDA'S NGO REGULATORY FRAMEWORK



INTRODUCTION

Most governments in Africa are now moving to regulate Civil Society Organizations (CSOs) in several ways. The most common kind has been through laws and policies that are introduced to provide for regulation of NGOs and other categories of civil society. The most advanced reason for this increase in regulation has been the desire to promote good governance, monitoring of NGO activities, ensuring accountability and coordination between the NGO sector and governments.

In Uganda, several laws have been passed to regulate the operation and affairs of CSOs such as the NGO Act, 2016, which is the primary law that regulates NGOs, CBOs and its subsidiary regulations, i.e., the NGO Regulations, 2017 and the Fees Regulations, 2017. The Companies Act, 2012, the Trustee Incorporation Act, 1939, etc. are the other laws that regulate the operations of NGOs.

The laws impose obligations that CSOs must comply with to operate legally, and therefore, it is imperative for CSOs to fully understand these laws. The factsheet provides an awareness creation tool that simplifies the key provisions of the NGO Act and Regulations to help CSOs and other actors to understand and comply with their obligations under this law.



DEFINITION OF KEY TERMS IN THE NGO ACT, 2016

Affiliated organization

An organization formally or closely connected to or controlled by a nationally or internationally incorporated organization or group. An organization affiliated to another organization registered under the NGOs Act shall not operate in Uganda unless it has itself been registered under the Act.

Bureau

The National Bureau for Non-Governmental Organizations established in Section 5 of the NGOs Act

Organization

A legally constituted NGO being a private voluntary grouping of individuals or associations established to provide voluntary services to the community, but not- for profit or commercial purposes.

Dissolution

Cessation of operations of an organization voluntarily or by court order.

Emergency Situation

A sudden and unexpected situation of a serious nature that poses immediate risk to health, life, property, or the environment

Currency point

One currency point is equivalent to twenty thousand Uganda shillings.

Inspector

A person(s) designated by the Bureau in the national gazette



and is authorized at any reasonable time to inspect premises of an organization and investigate any matter for purposes of ensuring compliance with the NGO Act. (S.41(4))

Permit

A document issued by the National Bureau for NGOs granting permission to an organization to operate in Uganda.

WHAT ARE THE TYPES OF ORGANIZATIONS?

Indigenous Organization

An organization wholly controlled by Ugandan citizens.

Continental Organization

An organization that is originally incorporated in any African Country not part of the East African Community (EAC) that is controlled partially or wholly by citizens of one or more African countries and is operating in Uganda under the authority of a permit issued by the Bureau.

Regional Organization

An organization incorporated in one or more countries of the EAC partially or wholly controlled by citizens of EAC partner states and is operating in Uganda under the authority of a permit issued by the Bureau.

Foreign Organization

An organization that does not have original incorporation in any country and is partially or wholly controlled by citizens of other countries that is not a partner State of the EAC and is operating in Uganda under the authority of a permit issued by the Bureau.



International Organization

An organization operating in Uganda originally incorporated in a country other than a partner State of the EAC partially or wholly controlled by citizens of one or more countries other than citizens of the EAC partner states and is operating in Uganda under the authority of a permit issued by the Bureau.

Community Based Organization

An organization operating at the sub county level and below (i.e., Parish and Village) with an objective of promoting and advancing the wellbeing of community members.

WHAT ARE THE OBJECTIVES OF THE NGO ACT, 2016?

- i. To establish an administrative and regulatory framework within which organizations can conduct their affairs.
- ii. To promote and require organizations to maintain high standards of governance, transparency, and accountability.
- iii. To promote a spirit of cooperation, mutual partnership, and shared responsibility between organizations, government agencies, and other stakeholders.
- iv. To provide for development of strong and effective organizations for the public benefit.
- v. To promote and strengthen the capacity of organizations that is sustainable and able to deliver service professionally.



- vi. To promote development of self-regulation among organizations.
- vii. To provide an enabling environment for organizations.
- viii. To strengthen the capacity of the NGO Bureau.
- ix. To promote and develop a non-partisan, voluntary and charitable culture that is relevant to the needs and aspirations of the people of Uganda.

(s.4. NGOs Act)

OPERATIONAL STRUCTURES IN PLACE FOR THE EFFECTIVE IMPLEMENTATION OF THE NGO ACT, 2016

- i. **National Level** – National Bureau for NGOs comprising of (Board of Directors (including two representatives of the NGO sector) and its committees, and Management)
- ii. **Regional Level** – Branch offices of the National Bureau for NGOs
- iii. **District Level** – District Non-Governmental Organization Monitoring Committees (DNMCs)
- iv. **Sub county level** – Sub County Non-Governmental Organization Monitoring Committees (SNMCs)

(Parts – II, III, IV, V, VI, s.5 to 21 NGOs Act)



WHAT ARE THE FUNCTIONS OF THE NATIONAL BUREAU FOR NGOS?

- i. To formulate and issue policy guidelines for DNMCs and SNMCs for monitoring NGOs' operations.
- ii. To establish branch offices of the Bureau.
- iii. To make recommendations on employment of non-citizens, or whether an organization maybe tax exempt or accorded any immunities or privileges.
- iv. To coordinate the establishment of a National NGO consultative and dialogue platform.
- v. To establish and maintain a register of Non-Government organizations in the country.
- vi. To consider applications for issuance and renewal of permits.

(s.6 NGOs Act)

WHAT POWERS DOES THE NGO BUREAU HAVE?

The National Bureau for NGOs has the following powers:

- i. Co-opting technical officers to deal with specific issues.
- ii. Summon and discipline or sanction organizations as authorized under the Act. No sanction shall be given without giving the affected organization the opportunity to be heard.
- iii. Charge fees for any services it provides.

(s.7 NGOs Act)



COMPOSITION OF THE BOARD OF DIRECTORS OF THE NATIONAL BUREAU FOR NGOS.

- The Board of Directors (BoD) is the governing body for the National Bureau for NGOs.
- The BoD comprises of seven members and these include; two NGO representatives and five members from relevant fields with over 10 years' experience in the NGO Sector. The Executive Director of the National Bureau for NGOs is the 8th member but ex-officio. (S.16(3))
- One third of the BoD members must be female.
- A BoD member holds office for three years and is eligible for re-appointment once.
- The BoD meets at least once every quarter and executes its functions through its Committees and Sub Committees.

(Part III - s.9, 10, 11, 12 & 13 NGOs Act)

COMPOSITION OF THE DISTRICT NGO MONITORING COMMITTEE (DNMC).

DNMCs are established in each district in Uganda. DNMCs are comprised of:

- Chief Administrative Officer (CAO)
- District Community Development Officer (DCDO)
- District Health Officer (DHO), District Internal Security Officer (DISO)



- A representative of NGOs in the district
- District Education Officer (DEO)
- Secretary for Gender and Community Affairs

Each committee is authorized to co-opt technical officers to deal with specific issues.

(s.20(2), (3) NGOs Act)

WHAT ARE FUNCTIONS OF THE DNMCS?

The functions of the DNMCS include:

- i. Consider applications for registration by CBOs
- ii. Keep and update the register of CBOs
- iii. Monitor and supervise SNMCS
- iv. Recommend organizations to the Bureau for registration
- v. Advise district councils on matters of registration and monitoring organizations
- vi. Monitor and provide information to the Bureau on activities and performance of organizations at the district
- vii. Guide and monitor CBOs' service provision
- viii. Implement policy guidelines for CBOs

(s.20(4) NGOs Act)



COMPOSITION OF THE SUB COUNTY NGO MONITORING COMMITTEES (SNMCS).

SNMCS are established in every sub-county in Uganda. SNMCS are comprised of:

- Senior Assistant Secretary, also Chairperson of the Committee
- Sub county CDO who shall be the Secretary to the Committee
- Sub county Health Inspector
- Gombolola Internal Security Officer (GISO) and
- A representative of CSOs in the sub county

(s.21(2) NGOs Act)

WHAT ARE FUNCTIONS OF THE SNMCS?

Functions of the SNMCS include:

- i. Recommend CBOs to the DNMC for registration
- ii. Advise the DNMC on matters of organizations and CBOs in the sub county
- iii. Provide CBOs in the sub county with guidelines to enable them to effectively participate in the implementation, monitoring, and evaluation of programs
- iv. Monitor and provide information on activities of the organization in the sub county to the DNMC



- v. Report to the DNMC on matters of the organizations in the sub county, and,
- vi. Perform any other function that the Bureau shall deem necessary for purposes of giving effect to the NGOs Act

(s.21(3) NGOs Act)

REGISTRATION AND INCORPORATION OF NGOs.

Any person or group of persons must first incorporate as an organization before it is eligible to register as an NGO.

((s.29) NGO Act)

WHAT IS THE DIFFERENCE BETWEEN REGISTRATION AND INCORPORATION OF AN NGO?

Incorporation

Incorporation is a process through which an NGO comes into being. It is a process through which a group of persons wishing to start an NGO, apply to the Registration Services Bureau, which will issue a certificate of incorporation at the end of the process. Once incorporation is complete the NGO becomes a legal entity/person, it can sue, be sued, own property, employ people etc.

Registration

Registration on the other hand is a process of ensuring the NGO is known by a government entity. It is an additional but separate process for all incorporated NGOs. Incorporated NGOs are required to apply to the National Bureau for



NGOs for registration, to obtain a registration certificate and an NGO permit. The NGO Bureau creates a register in which all NGOs operating in Uganda are registered. Every NGO must be entered in this register. It is a requirement for all NGOs operating in Uganda to register with the NGO Bureau once incorporated.

((s.29) NGO Act)

The following are the requirements for registration:

- i. Evidence of statements made in the application
- ii. Certified copy of Certificate of Incorporation
- iii. A copy of the organization's Constitution
- iv. Proof of payment of prescribed fees
- v. Source of funding of activities
- vi. Copies of valid identification documents for at least two founder members
- vii. Minutes and resolution of members authorizing organization to register
- viii. Staffing of the organization
- ix. Recommendation from DNMC where the headquarters are located, and the responsible Ministry or Ministries or a government department or agency

NOTE: *This is applicable to indigenous and foreign organizations only. INGOs are already incorporated legal entities/persons and therefore cannot be incorporated again since this would amount to double incorporation. INGOs are only required to apply for registration and an NGO permit from the NGO Bureau.*

(s.29 & 31 NGOs Act)



REGISTRATION OF ORGANIZATIONS INCORPORATED OUTSIDE UGANDA.

Organizations incorporated outside Uganda are required to register with the National Bureau for NGOs. The following are conditions for registration of organizations incorporated outside Uganda.

- Copy of certificate of incorporation
- Certified copies of organization's constitution or charter or other governing documents
- Certified copy of resolution authorizing registration in Uganda
- Certificate of good conduct of the signatories to the resolution or at least two Board members of the organization.
- Curriculum vitae of at least two board members of the organization
- Recommendation from their government or missions accredited to Uganda
- A recommendation from the Ministry of Foreign Affairs in Uganda
- Chart showing organizational structure
- Copy of a valid identification document for at least two board members
- Work plan and budget or strategic plan



- Statement of staffing of the organization
- A recommendation from the DNMC where its headquarters will be located and the responsible Ministry or Ministries or Government department or agency.
- Payment of prescribed fees

CAN THE BUREAU REFUSE TO REGISTER AN ORGANIZATION?

Yes, the NGO Bureau may refuse to register an organization on the following grounds:

- If the organization's objectives as stated in its Constitution contravene the Laws of Uganda
- Failure to comply with registration requirements
- Providing false or misleading information
- In case of refusal to register an organization, the NGO Bureau will notify the NGO within 30 days of its decision. The notice must be in writing.

APPLICATIONS FOR OPERATIONAL PERMITS.

All organizations intending to operate in Uganda are required to apply to the Bureau for a permit, which is to be issued within 45 days of the application. Application for an NGO permit must specify the following:

- operations of the organization,
- areas where activities will happen,



- staffing,
- geographical area of coverage,
- location of headquarters,
- Evidence of payment of prescribed fees
- The permit to operate is for a period not exceeding five years at a time
- An organization shall apply for renewal of a permit within six months before the expiry of its permit.

(s.31 NGOs Act & r.7 NGOs Regulations)

REQUIREMENTS FOR ORGANIZATIONS INCORPORATED OUTSIDE UGANDA TO GET A PERMIT.

Organizations incorporated outside Uganda intending to operate in Uganda shall apply to the Bureau to be registered and will be issued a permit. The permit should be issued within 45 days of the application.

Application for an NGO permit must specify the following:

- Details of operations of the organization,
- Areas where activities will happen,
- Staffing,
- Geographical area of coverage,
- Location of headquarters,



- Evidence of payment of prescribed fees

The permit to operate is for a period not exceeding five years at a time.

(s.34 NGOs Act)

EXEMPTION FROM REGISTRATION AND PERMIT

- During emergency situations an organization that is not yet registered or an organization whose permit expired but was not renewed, can apply for a provisional permit through the Minister of Internal Affairs if there is an immediate risk to health, life, property, or the environment.
- A provisional permit is issued for a period not more than six months
- On acquiring a provisional permit, the NGO is required to fulfil all the other requirements for registration and issuance of a permit.
- An NGO shall not be exempted from payment of prescribed fees

(s.35 NGOs Act & r.14 NGOs Regulations)

WHAT ARE THE REQUIREMENTS FOR RENEWAL OF PERMIT?

An organization shall apply for renewal of a permit within six months before the expiry of its permit. The application for renewal shall have:



- A copy of audited accounts,
- annual report,
- minutes of the annual general assembly or the governing body,
- a work plan, or strategic plan,
- budget,
- operations of the organization,
- staffing,
- geographical area of coverage,
- location of headquarters,
- date of expiry of previous permit and,
- evidence of payment of prescribed fees

(s. 32 NGOs Act & r.12 NGOs Regulations)

WHAT ARE THE POTENTIAL GROUNDS FOR REVOKING A PERMIT?

The Bureau has power to revoke the organization's permit. The following are the two grounds for revoking an organization's permit:

- Failure to operate in accordance with the organization's Constitution
- Contravention of any of the conditions or direction in the permit



The Bureau shall provide **30 days' written notice** to an NGO requesting the permit holder to show cause for why the permit should not be revoked.

The Bureau shall inform the organization in writing of the reason why the permit has been revoked. Such NGO can reapply for a permit.

(s.33 NGOs Act & r.13 NGOs Regulations)

WHAT ARE THE CONDITIONS FOR HOLDING A PERMIT?

- The permit shall not be used for a purpose or objective other than that for which it is issued and must relate to a sector specified in the permit.
- The permit is not transferrable to another NGO or person.
- The permit shall be specific to the geographical area of operation.
- The NGO shall notify the Bureau within 24 days of changing its area of operation, headquarters, or activities.

(r.8 NGOs Regulations)

CIRCUMSTANCES FOR REVIEWING THE PERMIT.

- If an NGO wishes to change any condition specified in the permit
- The NGO must present proof of payment of prescribed fees (see fees schedule in the last section)



- The Bureau shall review the application and shall within 45 days approve or refuse to approve the change.
- The Bureau's reasons for refusal to approve review of the permit shall be communicated to the NGO in writing within the 45 days from the time of application to review the permit.

(r.9 NGOs Regulations)

REGISTRATION OF COMMUNITY BASED ORGANIZATIONS (CBOs)

Registration for CBOs is provided for under the NGO Act and Regulations. CBOs are registered by DNMCs before operating in a district. The application for registration of a CBO shall be in the Form K of the NGO Regulations and accompanied by:

- Copy of the CBO's Constitution.
- A recommendation from SNMC.
- Work plan and budget or strategic plan for the CBO, and
- Proof of payment of the prescribed fees (see fees schedule in the last section)

(s.21(3), 29 & 31 NGOs Act, & r.15 NGOs Regulations)



ARE THERE ANY GROUNDS FOR REFUSAL TO REGISTER A CBO?

- Where the CBO's objectives are in contravention of the laws of Uganda.
- If the application does not comply with the requirements of the NGO Act.
- Where false or misleading information has been provided.
- If the proposed name of the CBO is similar to that of an existing organization or entity operating within the district.
- If the proposed name of the CBO is confusing or undesirable.
- Reasons for refusing to register a CBO shall be provided within 30 days.

(r.16 NGOs Regulations)

WHAT ARE THE SPECIAL OBLIGATIONS TO NGOS?

The Act provides for specific special obligations to organizations. These include:

- Not to carry out activities in any part of the country unless they have obtained approval of the DNMC and Local Government and have signed a memorandum of understanding (MoU) with the Local Government.



- Not to extend operations to new area unless it has received a recommendation from the Bureau through the DNMC of that area.
- Cooperate with Local Council, relevant DNMC and SNMC in the area of operation.
- Not engage in any act which is prejudicial to security and laws of Uganda.
- Restrict operations to the area in Uganda and purposes for which it is permitted to operate.
- Not to engage in any prejudicial act to the interest of Uganda and dignity of the people of Uganda.
- Be non-partisan – an NGO must not fund or campaign for an individual or a political party vying for an elective office.
- Possess an MoU with its donors, sponsors, affiliates, local and foreign partners specifying terms and conditions of ownership, employment and resources mobilized.

(s.44 NGOs Act)

ARE MOUs MANDATORY? UNDER WHAT CIRCUMSTANCES?

NGOs are required to sign MoUs with all the district local governments in which they operate. However, this is applicable if they are going to open or have an office in a particular district. Where an NGO will not open an office but has an activity in the district then it does not require an



MoU since it is implementing a one-off activity. NGOs that have a series of activities in a district and have partnered with a local organization do not need to sign an MoU in that district since the local partner will have been deemed to already meet the requirement of signing a MoU with the district.

(s.44(a) NGO Act)

CAN AN NGO ENGAGE IN PROFIT MAKING VENTURES?

Yes, they can, as long as the profits are not shared among its members but are used to facilitate its work since NGOs are not-for-profit making entities. The NGOs Act **section 46** permits NGOs to conduct economic activities for the purpose of supporting self-sustainability of an NGO. The Act allows the NGO to engage in economic activities that can generate income to facilitate its operations.

APPEALS MECHANISM.

The NGOs Act introduces an appeals mechanism for any person or NGO or CBO aggrieved with the decision SNMC, the person can appeal to the DNMC and then to the National Bureau for NGOs.

THE ADJUDICATION COMMITTEE.

Where one is aggrieved with the decisions of the bureau then the appeal can be made to the established Adjudication Committee that handles appeals from the Bureau.



The Adjudication Committee is comprised of:

- Chairperson (an advocate of the High Court of not less than ten years' experience)
- Representative of NGOs
- Representative of the Bureau; and
- Two senior citizens

If an NGO is still aggrieved with the decision of the Adjudication Committee, it can appeal to the High Court of Uganda.

(s.52 & 53 NGOs Act, & r.37, 38, 39 & 40 NGOs Regulations)

REPLACING A DOCUMENT ISSUED BY THE BUREAU.

- Where an original certificate, permit or document issued by the Bureau is lost, destroyed, or obliterated as to become illegal the Bureau may issue a substitute.
- An application for replacement is lodged with the Bureau accompanied with the payment of prescribed fees.
- A substitute certificate, permit or document shall have the same effect as the original.

(r.10 NGOs Regulations)



WHAT IS SELF-REGULATION?

It is the mechanism agreed to by NGOs who want to adhere to a certain set standards in the management of their affairs. The standards can be in terms of transparency and accountability in management of the affairs of NGOs to improve self-governance.

(s.36 NGO Act)

SELF-REGULATORY BODY

Self-regulatory body is a body set up by registered organizations that have come together and agreed that the body exercises some degree of regulatory authority over them upon consenting or resolving that they will abide by a set code of conduct, rules, and procedures.

(s.36 NGO Act)

WHAT IS A SELF-REGULATING MECHANISM?

Self-regulatory mechanism means self-regulatory tools, rules, and standards that organizations adopt to govern them under an agreed system.

FORMATION OF A SELF-REGULATING BODY?

- Any two or more NGOs can come together to form a self-regulating body.

(s.37 NGO Act r. 23 NGO Regulations)



REQUIREMENTS FOR THE FORMATION OF A SELF-REGULATING BODY?

The organizations intending to form a self-sustaining body should do the following:

- Apply for registration of the self-regulatory body in Form O.
- Make a resolution (made by each organization by its management body) to join the self-regulating body;
- Develop and agree to a code of conduct.
- Have minutes of meetings in which the issue forming a self-regulating body is discussed.
- A copy of the organizational structure and rules of the self-regulatory body.
- A list of subscribing organizations and their physical address.
- Proof of payment of the prescribed fees as per the fees schedule in the last section.

After formation, a self-regulatory body will be issued with a certificate in Form P.

(s.37 NGO Act r.23,24 NGO Regulations)



REFUSAL TO REGISTER A SELF-REGULATORY BODY.

- The Bureau can refuse to register a self-regulatory body if it considers that the objectives of the body are in contravention of the laws of Uganda.
- Where the proposed name is similar to an existing organization or another self-regulatory body or an existing government entity or a company.
- Where the name is likely to cause confusion to the public; and
- Where there is false or misleading information.

The Bureau can also ask the organizations applying to change their name or clarify on the issues of concern.

Where the Bureau refuses to register a self-regulatory body, it shall inform the organizations applying the reasons for refusal ***within 30 days of taking the decision.*** The notification shall be in Form Q.

(r.25 NGO Regulations)

REMEDIES WHERE THE BUREAU REFUSES TO REGISTER A SELF-REGULATORY BODY.

- Organizations can apply to the adjudication committee or to high court in cases where the Bureau has refused to register them.

(s. 53 NGO Act)



DISSOLUTION OF A SELF-REGULATING BODY.

A self-regulatory body may be dissolved in accordance with its constitution or governing document. The body must thereafter notify the Bureau of its decision in writing within 7 days from the date of dissolution.

(r.28 NGO Regulations)

WHAT ARE THE REQUIREMENTS FOR SELF-REGULATING MECHANISMS?

The law requires that when organizations under a self-regulating body form self-regulating mechanisms, the organizations shall inform the Bureau of the mechanisms formed.

The mechanisms may include tools, standards, rules etc. that the organizations have chosen to be bound.

The organizations are also required to inform the Bureau in cases where they make changes to the mechanisms.

(s. 38 NGO Act r.27 NGO Regulations)



FILING OF RETURNS FOR ORGANIZATIONS.

Annual returns shall be submitted to the Bureau at least once every year accompanied by:

- proof of payment of the prescribed fees. (see fees schedule in the last section)
- a copy of audited books of accounts (by an authorized person).
- a copy of an annual report.
- Copy of the minutes of the general assembly or governing body.

An organization shall at least every year declare and submit to the Bureau:

- its source of funds,
- funds received,
- estimates of income and expenditure.

This is applicable to organizations other than CBOs.

(s.39(a) NGOs Act& r.30 NGOs Regulations)

SUBMISSION TO THE DNMCS.

An organization operating in a district shall at least once every year declare and submit to the District Technical Planning Committee their annual budgets and work plan.

An NGO will submit to a DNMC of a district where its headquarters are located:

- source of funds,
- funds received,
- Work plans
- Budget and estimates of income and expenditure.

(s.39(1), (2), (3) NGOs Act& r.30 NGOs Regulations)



SUBMISSION TO SNMCS.

CBOs shall submit to the SNMCs annual returns at least once a year. The annual returns of CBOs to SNMCs shall be accompanied by:

- a financial report,
- audited books of accounts,
- budget,
- work plan,
- information on funds received and sources of funds,
- copy of annual report and
- minutes of the general assembly or governing body.

This is only applicable to CBOs.

NOTE: The SNMCs shall forward all annual returns filed to the DNMCS.

It should be noted that the returns in this factsheet are for NGOs registered with the Bureau and there are other forms of annual returns that NGOs are required to submit to other government agencies such as Uganda Revenue Authority (URA), URSB, Financial Intelligence authority etc.

(s.39 (3) (b), (c), (4) NGOs Act & r.32NGOs Regulations)



OFFENCES AND PENALTIES.

An NGO whose permit expires and does not apply for renewal of permit in a timely manner pays a fine of ten currency points (equivalent to UGX 200,000); in the case of a Community Based Organization (CBO), and one hundred currency points (equivalent to UGX2,000,000) for any other organization, for every month of operation in default.

(s.32(6) NGOs Act)

OFFENCES

The following are the general offences are enumerated in the Act:

- i. Failure or refusal to provide to the Bureau documents required under the Act (including certificate, permit, constitution, charter or, any other relevant document or additional requirement that may be requested by the bureau).
- ii. Knowingly providing false or incomplete information for purposes of obtaining a permit or other requirement.
- iii. Operating contrary to the conditions in the permit.
- iv. Engaging in prohibited acts.

((s.40) NGO Act)

\PENALTIES

An NGO which commits any of the above offences, on conviction by a competent court is liable to a fine not exceeding seventy-two currency points - **UGX 1,440,000** or; imprisonment for not more than three years or both.

For a continuing offence after conviction – further fine not exceeding fifteen currency points – **UGX 300,000** each day during which the offence continues

(s.40 NGOs Act)

(For schedule of fees, please see next page)





THE NGO (FEES) REGULATIONS, 2017

Below is a summary of the fees for each category.

| NATURE OF FEES FEES & CATEGORIES | | |
|--|---|------------|
| | TYPE OF ORGANIZATION | FEES (UGX) |
| Fees payable for registration of an organization | Indigenous organization | 100,000 |
| | Foreign organization | 520,000 |
| | Continental organization | 260,000 |
| | Regional organization | 100,000 |
| | International organization | 800,000 |
| | CBO | 40,000 |
| | Self-Regulation organization | 60,000 |
| Annual fees are payable for issuance and renewal of a permit per year | CBO, indigenous or regional organizations | 60,000 |
| | Continental, foreign, or international organizations | 400,000 |
| Other fees are payable under the NGOs (Fees) Regulations, 2017 | Review conditions of a permit | 60,000 |
| | Substitute certificate of registration or permit or any document to register | 60,000 |
| | Certified copy of certificate or permit or any document per copy | 25,000 |
| | Filing annual returns for organizations other than CBOs | 50,000 |
| | Filing annual returns for CBOs | 40,000 |
| | Inspection Report | 50,000 |
| | Search of register and search report (Schedule, Regulation 2, NGOs (Fees) Regulations, 2017 | 20,000 |









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