

**ACTS SUPPLEMENT**

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**Act 5**

*The National Environment Act*

**2019**

**THE NATIONAL ENVIRONMENT ACT, 2019**

*Section*

**ARRANGEMENT OF SECTIONS**

**PART I—PRELIMINARY.**

1. Commencement.
2. Interpretation.
3. Right to a decent environment.
4. Rights of nature.
5. Principles of environment management.

**PART II—INSTITUTIONAL ARRANGEMENTS.**

*Policy Committee on Environment.*

6. Policy Committee on Environment.

*The Minister.*

7. Functions of the Minister.

*National Environment Management Authority.*

8. Continuation of National Environment Management Authority.
9. Mandate and functions of the Authority.
10. Power of the Authority over lead agencies.
11. Functions of a lead agency.

*Board of the Authority.*

12. Board.
13. Disqualification from appointment to the Board.
14. Tenure of office of Board members.

*Section*

- 15. Functions of the Board.
- 16. Termination of appointment to the Board.
- 17. Filling of vacancies on the Board.
- 18. Remuneration of Board members.
- 19. Meetings of the Board.
- 20. Delegation of functions of the Board.

*Technical Committees.*

- 21. Appointment of technical committees.

*Staff of the Authority.*

- 22. Executive Director.
- 23. Functions of Executive Director.
- 24. Other staff of the Authority.
- 25. Environment Protection Force.

*Urban and District Structures for Environmental Management.*

- 26. Environmental management by urban and district councils.
- 27. District environment and natural resources committee.
- 28. Functions of district environment and natural resources committees.
- 29. Natural resources conditional grant.
- 30. Environment officer.

**PART III—FUNDS OF THE AUTHORITY AND  
THE NATIONAL ENVIRONMENT FUND**

- 31. Funds of the Authority.
- 32. Continuation of the National Environment Fund.

*Section*

33. Administration of the National Environment Fund.
34. Power to open and operate bank accounts.
35. Powers to borrow.
36. Estimates.
37. Financial year of the Authority.
38. Accounts.
39. Audit.
40. Annual report.
41. Duty to operate on sound financial principles.
42. Powers of the Minister responsible for finance in relation to taxation.
43. Compliance with the Public Finance Management Act, 2015.

PART IV — ENVIRONMENTAL PLANNING.

44. Environmental planning at the national level.
45. Environmental planning by lead agencies.
46. State of environment report.
47. Strategic environmental assessment.
48. Land use planning.
49. Environment management systems.

PART V — MANAGEMENT OF THE GREEN ENVIRONMENT

50. Scope of this Part.

*Special Conservation Areas*

51. Declaration of special conservation areas.

*Environmental Management of Lakes, Rivers and Natural Beaches.*

52. Restrictions on the use of lakes and rivers.
53. Protection of riverbanks, lakeshores and natural beaches.

*Management and Utilisation of Wetlands*

54. Management of wetlands.
55. Restrictions on the use of wetlands.

*Management of Hilly and Mountainous Areas*

56. Identification of hilly and mountainous areas.
57. Restoration, reforestation and afforestation of hilly and mountainous areas.
58. Sustainable use of hilly and mountainous areas.

*Management and Conservation of Biological Diversity*

59. Conservation of biological diversity.
60. Conservation of biological resources in situ.
61. Conservation of biological resources ex situ.
62. Access to the genetic resources of Uganda.
63. Management of genetically modified organisms.
64. Management of forests.
65. Conservation of energy.
66. Management of rangelands.
67. Payment for ecosystem services.
68. Protection of cultural and natural heritage.
69. Management of climate change impacts on ecosystems.

PART VI—SOUND MANAGEMENT OF CHEMICALS  
AND PRODUCT CONTROL

70. Prohibition or restriction on import, export, manufacture, formulation, distribution and use of hazardous chemicals.
71. Management of hazardous chemicals and products containing hazardous chemicals.
72. Registration of hazardous chemicals.
73. Licence to deal in hazardous chemicals or products containing hazardous chemicals.
74. Management of products containing mercury.
75. Management of ozone depleting substances and products.
76. Management of plastics and plastic products.
77. Use of circulative resources.

PART VII—CONTROL OF POLLUTION AND  
ENVIRONMENTAL EMERGENCY PREPAREDNESS

78. Prohibition of pollution.
79. Measures to take in event of pollution.

80. Polluter's liability.
81. Pollution control licences.
82. Application for a pollution control licence.
83. Consideration of the application by committee.
84. Conditions in pollution control licence.
85. Fees for pollution control licence.
86. Renewal of pollution control licence.
87. Cancellation of pollution control licence.
88. Register of pollution control licences.

*Acute Pollution and Emergency Preparedness  
and Response System.*

89. Duty to have emergency response system against acute pollution.
90. Notification of acute pollution.
91. Response to acute pollution.
92. National and lead agency emergency preparedness and response systems, contingency plans and other plans.
93. National Oil Spill Contingency Preparedness and Response.
94. Duty to provide assistance in case of acute pollution.
95. Preparedness for environmental emergencies and disasters.

PART VIII—MANAGEMENT OF WASTE

96. Duty to manage waste.
97. Prohibition of littering.
98. Extended producer responsibility and product stewardship.
99. General prohibition on import and export of waste.
100. Licence to export waste.
101. Transboundary movement of waste.
102. Classification and management of hazardous waste.

PART IX—ESTABLISHMENT OF ENVIRONMENTAL STANDARDS

103. Air quality standards.
104. Standards for the control of noxious smells.
105. Standards for effluent discharge.
106. Standards for the control of the effects of vibration and pollution caused by noise.

107. Soil quality standards.
108. Standards for minimisation of radiation.
109. Other standards and procedures.

PART X—ENVIRONMENTAL AND SOCIAL ASSESSMENT

110. Purpose of environmental and social impact assessment.
111. Responsibility of developer.
112. Projects for which project briefs are required.
113. Categorisation of projects for purposes of environmental and social impact assessment.
114. Environmental risk assessment.
115. Mitigation hierarchy, biodiversity or other offset and compensation mechanisms.
116. Decommissioning of projects.

PART XI—ENVIRONMENTAL EASEMENTS

117. Environmental easements.
118. Application for an environmental easement.
119. Grant of environmental easements.
120. Registration of an environmental easement.
121. Enforcement of environmental easements.

PART XII—ENVIRONMENTAL COMPLIANCE  
AND ENFORCEMENT

122. Environmental and compliance monitoring.
123. Laboratory analysis.
124. Designation of analytical laboratories and reference laboratories.
125. Certificate of laboratory analysis.
126. Environmental audit.
127. Designation of environmental inspectors.
128. Powers and duties of environmental inspectors.
129. Power to issue environmental notices and orders.
130. Environmental restoration orders.
131. Service of and compliance with environmental restoration order.
132. Review of environmental restoration order.
133. Action by Authority or authorised officer on environmental restoration orders.

134. Issue of environmental restoration orders by court.
135. Environmental improvement notices and environmental compliance notices.
136. Power to arrest.
137. Search warrants.
138. Power to seize.
139. Seals of the Authority.
140. Review and appeals from decisions of Authority.

*Financial Security.*

141. Financial security.

PART XIII—JUDICIAL PROCEEDINGS

142. Immunity of officials.
143. Forfeiture, cancellation of permits, community service and other orders.
144. Power of court to order compensation.
145. Further powers of court.

PART XIV—ENVIRONMENTAL INFORMATION  
AND LITERACY

146. Right of access to environmental information.
147. Management of environmental information.
148. Integration of environmental education into educational curricula and programmes.
149. National environment day.

PART XV—INTERNATIONAL OBLIGATIONS

150. Assessment of environmental implications of a treaty.
151. Cooperation on environmental management.

PART XVI—OFFENCES, PENALTIES, FEES,  
FINES AND OTHER CHARGES

152. Conflict of interest.
153. Offences committed by body corporate.

154. Bribing an officer.
155. Obstruction of environmental inspector or authorised officer.
156. Impersonation of environmental inspector or authorised officer.
157. Offences relating environmental and social impact assessments and environmental risk assessments.
158. Failure to establish environmental management system.
159. Seizures.
160. Removing or defacing Authority's seals.
161. Unlawful dealings in hazardous chemicals.
162. Illegal management of waste.
163. Pollution.
164. Failure to comply with orders, notices and environmental easements.
165. Failure to comply with environmental standards.
166. Failure to keep records, reports and other documentation.
167. Alerting offender.
168. Conspiracy to commit an offence.
169. Continuing or subsequent offences.
170. General penalty.

*Administrative Fees, Fines, Penalties and Charges.*

171. Fees, fines, penalties and charges.
172. Administrative fines.
173. Coercive fine.
174. Express penalty.
175. Cancellation of approvals granted under this Act.

PART XVII—GENERAL PROVISIONS

176. Record keeping.
177. Submission of annual report to Authority.
178. Service of documents.
179. Regulations.
180. Supremacy of this Act.
181. Amendment of Schedules.
182. Repeal and savings.

**THE NATIONAL ENVIRONMENT ACT, 2019.**

**An Act to repeal, replace and reform the law relating to environmental management in Uganda; to provide for the management of the environment for sustainable development; to continue the National Environment Management Authority as a coordinating, monitoring, regulatory and supervisory body for all activities relating to environment; to provide for emerging environmental issues including climate change, the management of hazardous chemicals and biodiversity offsets; to provide for strategic environmental assessment; to address environmental concerns arising out of petroleum activities and midstream operations, to provide for the management of plastics and plastic products; to establish the Environmental Protection Force; to provide for enhanced penalties for offences under the Act; to provide for procedural and administrative matters; and for related matters.**

DATE OF ASSENT: 24th February, 2019.

*Date of Commencement:* See section 1

BE IT ENACTED by Parliament as follows:

**PART I—PRELIMINARY.****1. Commencement.**

This Act shall come into force on a date to be appointed by the Minister by statutory instrument, and different dates may be appointed for the commencement of different provisions.

**2. Interpretation.**

In this Act, unless the context otherwise requires—

“acute pollution” means significant pollution that occurs suddenly and demands immediate response to protect human health and the environment;

“air quality” means the state of the air, including concentration of pollutants in the atmosphere at the point of measurement;

“ambient air” means the outdoor air to which human beings, plants, animals or material are exposed, typically measured near ground level, away from direct sources of pollution but does not include the atmosphere within a structure or within any underground space;

“Authority” means the National Environment Management Authority continued under section 8 of this Act;

“authorised officer” means an officer of the Authority or any other person authorised to act on behalf of the Authority under this Act;

“best available techniques” means the most effective and advanced stage in the development of activities and the methods of operation which indicate the practical suitability of particular techniques for providing the basis for preventing or reducing the negative impact of a project on human health or the environment;

“biodiversity offsets” means measurable conservation outcomes resulting from actions designed to compensate for significant residual adverse biodiversity impacts arising from project development and persisting after appropriate prevention and mitigation measures have been implemented;

“biological diversity” means the variability among living organisms from all sources, including terrestrial ecosystems,

aquatic ecosystems and the ecological complexes of which they are part such as diversity within species, between species and of ecosystems;

“climate change” means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods;

“critical habitats” means areas with high biodiversity value essential for conservation, including habitats of significant importance to critically endangered or endangered species, habitats of significant importance to endemic or restricted-range species, habitats supporting globally significant concentrations of migratory species or congregation of species, particularly of vulnerable species, highly threatened or unique ecosystems and areas associated with key evolutionary processes;

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

“decommissioning” means the process of safely ceasing operations resulting in complete or part removal or substantial change in use of a facility or permanently disposing or abandoning a facility or operation in a manner that is not deleterious to human health or the environment;

“developer” means a person who proposes to undertake a new project or to rehabilitate, repair, extend, maintain or operate an existing project with potential effects on the environment;

“economic instruments” means policy options that affect costs and benefits of alternative actions by internalising external costs at source, with the effect of influencing behavior in a manner that is favorable to the environment;

“ecosystem services” are the direct and indirect economic, social and environmental benefits obtained from the correct functioning of ecosystems, including watershed regulation, maintenance of biodiversity and carbon sequestration, for human well-being;

“effluent” means liquid, including agricultural, domestic and industrial wastewater, discharged either treated or untreated, directly or indirectly into the environment;

“environment” means —

- (a) the physical factors of the surroundings of human beings, including land, water, air, atmosphere, climate, sound, odour and taste;
- (b) the biological factors of animals and plants; and
- (c) the social factors of aesthetics, health, safety and wellbeing of people,

and includes human interaction with both the natural and the built environment;

“environment management” includes the protection, conservation and sustainable use of the various elements or components of the environment;

“environment officer” includes an officer appointed or employed by a ministry, department, agency of government or local government to perform the functions specified in section 30;

“environmental audit” means a systematic, documented, periodic evaluation used to determine how well specified projects or an organisation’s management system, facilities and equipment are performing in conserving the environment and its resources and conform to the requirements of this Act and any other applicable law;

- “environmental emergencies” means sudden on-set disasters or incidents resulting from natural, technological or human-induced factors or a combination of these factors that cause or are likely to cause significant environmental damage or loss of human life and property;
- “environmental and social assessment” means a procedure that ensures that the environmental and social impacts, risks or other concerns of a given project are taken into account in approving a project for implementation;
- “environmental and social impact assessment” means an analytical process that systematically examines the likely environmental and social impacts of a proposed project, evaluates alternatives and designs appropriate mitigation, management and monitoring measures, taking into account interrelated socio-economic, cultural and human health impacts, both beneficial and adverse;
- “environmental inspector” means a person designated as an environmental inspector under section 127;
- “environmental practitioner” means an environmental auditor or an environmental impact assessor and any person certified and registered by the Authority to conduct environmental and social assessments, studies or environmental audits;
- “environmental risk assessment” means a systematic process for identifying and estimating the likelihood or probability of an adverse or hazardous outcome or event and its consequence on human health or the environment;
- “environmental standards” means standards produced or adopted by the Authority in consultation with the Uganda National Bureau of Standards for use in Uganda;
- “Executive Director” means the Executive Director of the Authority appointed under section 22;

- “ex situ” means conservation outside the natural habitat of the biological organism;
- “flaring” means the combustion of hydrocarbons without the application of the resulting heat or gases for any useful purpose;
- “fragile ecosystem” means important ecosystems, with unique features and resources and include deserts, semi–arid lands, mountains, wetlands, small islands and coastal areas;
- “genetically modified organism” means an organism or a product consisting of or including such organisms where any of the genes or other genetic material in the organism—
- (a) have been modified by means of modern biotechnology; or
  - (b) are inherited or otherwise derived, through any number of replications, from genes or other genetic material which were so modified;
- “genetic resources” means genetic material of actual or potential value;
- “in situ” means conservation within the natural ecosystem and habitat of the biological organism;
- “lead agency” means a ministry, department, agency, local government or public officer in which or in whom the functions of control or management of any segment of the environment are vested;
- “Minister” means the Minister responsible for the environment;
- “natural beach” means a naturally occurring landform alongside a water body which consists of loose particles, typically made from rock, such as sand, gravel, shingle, pebbles, or cobblestones: the particles can also be biological in origin, such as mollusc shells or coralline algae;

- “operator” means a person executing an activity regulated under this Act or any other entity executing on behalf of one or several persons, the day to day management of the activity;
- “persistent organic pollutants” means chemical substances that persist in the environment, bio-accumulate through the food web, possess toxic properties and pose a risk of causing adverse effects to human health and the environment and that are transported across international boundaries far from their sources;
- “plastics” means a synthetic material made from a wide range of organic polymers such as polyethylene that can be moulded into shape while soft and then set into a rigid or slightly elastic form;
- “pollution” means anything which causes or is likely to cause or aggravate damage or nuisance to human health or the environment including the introduction of solids, liquids or gases into air, water or ground; noise or vibrations; light and other radiation; and effects on temperature;
- “project” means the execution of construction or renovation work or other developments, installations, schemes, activities or other interventions in the natural surroundings and landscape which may have an impact on human health and the environment;
- “project brief” means a summary statement of the likely environmental impacts of a proposed project referred to in section 112;
- “polypropylene” means a thermoplastic polymer used in a wide variety of packaging applications including woven and non-woven bags;
- polythene” means a synthetic plastic material made up of numerous simple chemicals called ethene or ethylene used in a wide variety of packaging applications;

“strategic environmental assessment” means the systematic and comprehensive process of evaluating the likely environmental, health and social consequences of a policy, plan or programme and its alternatives to ensure that these consequences are integrated and appropriately addressed at the earliest stage of decision making with the same importance as economic and other strategic considerations;

“sustainable development” means development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs;

“sustainable use” means use of environment resources in a way and at a rate that does not lead to long term decline of those resources, thereby maintaining their potential to meet the needs and aspirations of present and future generations;

“transboundary movement of waste” means any movement of hazardous or other waste from another country to or through Uganda or from Uganda to another country;

“venting” means the release of unburned gases directly into the atmosphere;

“urban council” includes city, municipal, division and town council;

“waste” means any substance or object which is dumped, abandoned, discarded or disposed of or intended or required by law to be disposed of;

“wetlands” means areas permanently or seasonally flooded by water, where plants and animals have become adapted and gazetted as such.

### **3. Right to a decent environment.**

(1) Every person in Uganda has a right to a clean and healthy environment in accordance with the Constitution and the principles of sustainable development.

(2) Every person has a duty to create, maintain and enhance the environment, including the duty to prevent pollution.

(3) A person may, where the right referred to in subsection (1) is threatened as a result of an act or omission by any person which has or is likely to cause harm to human health or the environment or in enforcement of the duty referred to in subsection (2), file a civil suit against the person whose act or omission has or is likely to cause harm to human health or the environment.

(4) A person proceeding under subsection (3) may file a civil suit notwithstanding that the person cannot prove that the act or omission of another person has caused or is likely to cause personal harm or injury.

(5) The civil suit referred to in subsection (3) may be to require court—

- (a) to prevent, stop or discontinue any act or omission deleterious to human health or the environment;
- (b) to require that an activity likely to have significant adverse impacts on human health or the environment be subjected to an environmental and social impact or risk assessment;
- (c) to require that any ongoing activity that is likely to impact human health or the environment be subjected to an environmental audit in accordance with this Act;
- (d) to require that any ongoing activity be subjected to environmental monitoring in accordance with this Act;
- (e) to compel any ministry, department, agency or local government to take measures to prevent or to discontinue any act or omission deleterious to human health or the environment;
- (f) to require any person to take any other measures to ensure that human health or the environment do not suffer any significant harm or damage;

- (g) to compel the persons responsible for the environmental degradation to restore the degraded environment as far as practicable to its immediate condition prior to the damage;
- (h) to provide compensation for any victim of pollution and the cost of beneficial uses lost as a result of an act of pollution; or
- (i) to provide compensation for other losses that are connected with or incidental to subparagraph (a) to (h).

#### **4. Rights of nature.**

(1) Nature has the right to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution.

(2) A person has a right to bring an action before a competent court for any infringement of rights of nature under this Act.

(3) Government shall apply precaution and restriction measures in all activities that can lead to the extinction of species, the destruction of the ecosystems or the permanent alteration of the natural cycles.

(4) The Minister shall, by regulations, prescribe the conservation areas for which the rights in subsection (1) apply.

#### **5. Principles of environment management.**

(1) The Authority shall ensure that the principles of environment management set out in subsection (2) are observed, taking into account the finite nature of non-renewable resources and the productivity of the available renewable resources.

(2) The principles of environment management referred to in subsection (1) include—

- (a) encouraging the participation by the people of Uganda, in the development of policies, plans and programmes for the management of the environment;

- (b) providing for equitable, gender responsive and sustainable use of the environment and natural resources, including cultural and natural heritage, for the benefit of both present and future generations;
- (c) maintaining stable functioning relations between the living and non-living parts of the environment through conserving biological diversity and by use of prudent environment management measures;
- (d) ensuring optimum sustainable yield in the use of renewable natural resources;
- (e) ensuring that activities relating to extractive processes of renewable and non-renewable natural resources are carried out in a sustainable manner;
- (f) restoring lost or damaged ecosystems where possible and reversing the degradation of the environment and natural resources;
- (g) ensuring that where there are threats of irreversible harm or damage to human health or the environment, lack of scientific certainty is not used as a reason for postponing cost-effective measures to prevent the harm or damage;
- (h) ensuring that adequate environmental protection standards are established and that effective monitoring of change in environmental quality is undertaken, including by publishing relevant data on environmental quality and resource use;
- (i) requiring prior environmental and social impact assessments of proposed projects which may significantly affect the environment or use of natural resources;
- (j) requiring the application of the mitigation hierarchy in environmental and social impact assessments including: to avoid and minimize impacts, achieve restoration targets and for residual impacts, deliver biodiversity offsets;

- (k) ensuring that environmental awareness and literacy form an integral part of education and governance at all levels;
- (l) requiring the cost of pollution to be borne by the polluter;
- (m) ensuring that environmental costs connected with the actual or potential deterioration of natural assets are factored into economic activities;
- (n) promoting the use of economic instruments and compensatory measures in environmental management;
- (o) promoting green growth in environmental planning and implementation of sustainable development goals in all sectors;
- (p) promoting circular economy by maximising production efficiency to conserve the use of the environment and natural resources and to control the generation of waste to the greatest extent possible—
  - (i) by preventing or reducing the generation of waste from production processes or products and consumption patterns;
  - (ii) by promoting proper cyclical use of products in the production processes as circulative resources;
  - (iii) by ensuring proper disposal of circulative resources not put into cyclical use; and
  - (iv) promoting a multi and inter-sectoral approach to environment management.
- (q) promoting cooperation between Uganda and other states in the field of the environment and to support and promote the implementation of applicable international environmental obligations and principles;
- (r) ensuring that processes of environmental management and human development have due regard to international human rights standards;

- (s) ensuring that in the implementation of public and private projects, approaches that increase both the environment and people's resilience to impacts of climate change are prioritized; and
- (t) ensuring that in case of an environmental emergency such as a disaster of any magnitude, the lead agencies promptly notify other relevant agencies and departments so as to guarantee the availability of support.

PART II—INSTITUTIONAL ARRANGEMENTS.

*Policy Committee on Environment.*

**6. Policy Committee on Environment.**

(1) There shall be a Policy Committee on Environment responsible for strategic policy guidance on environment in Uganda.

(2) The Policy Committee on Environment shall consist of—

- (a) the Prime Minister, who shall be the chairperson;
- (b) the Minister responsible for water and environment;
- (c) the Minister responsible for agriculture, animal industry and fisheries;
- (d) the Minister responsible for finance, planning and economic development;
- (e) the Minister responsible for education, science, technology and sports;
- (f) the Minister responsible for health;
- (g) the Minister responsible for lands, housing and urban development;

- (h) the Minister responsible for local government;
- (i) the Minister responsible for gender, labour and social development;
- (j) the Minister responsible for tourism, wildlife and antiquities;
- (k) the Minister responsible for trade, industry and cooperatives;
- (l) the Minister responsible for works and transport;
- (m) the Minister responsible for energy and mineral development;
- (n) the Minister responsible for internal affairs;
- (o) the Minister responsible for defence and veterans affairs; and
- (p) the Minister responsible for information, communications technology and national guidance.

(3) The functions of the Policy Committee on Environment are—

- (a) to provide guidance in the formulation and implementation of environmental and climate change policies, plans and programmes;
- (b) to liaise with Cabinet on issues related to the environment;
- (c) to advise on legislative proposals and standards on the environment;
- (d) to provide guidance on harmonisation of policies of Government with respect to the environment, natural resources, water and climate change; and
- (e) to perform any other function that may be assigned to it by Cabinet.

(4) The Chairperson of the Board and the Executive Director shall attend the meetings of the Policy Committee on Environment by virtue of their office but are not entitled to vote on any matter before the Policy Committee on Environment.

(5) Schedule 2 shall have effect in relation to meetings of the Policy Committee on Environment and other matters provided for in that Schedule.

*The Minister.*

**7. Functions of the Minister.**

(1) The Minister shall—

- (a) formulate policy and legislation on the environment;
- (b) oversee the implementation of the decisions of the Policy Committee on Environment;
- (c) oversee and provide policy and strategic guidance or directives to the Authority to ensure its effective operation;
- (d) oversee environmental planning and ensure mainstreaming and integration of environmental concerns into sector policies, plans and programmes;
- (e) oversee resource mobilisation for programmes in support of the environment and natural resources;
- (f) oversee ratification and coordinated implementation of multilateral environmental agreements; and
- (g) facilitate partnerships with other Government institutions, Government agencies of other States, inter-governmental organisations and development partners on issues relating to environment management.

(2) The guidance or directive given by the Minister under subsection (1)(c) shall not adversely affect or interfere with the performance of the functions and exercise of the mandate of the Authority.

(3) Any directive issued by the Minister under this Act shall be published in the Gazette.

*National Environment Management Authority.*

**8. Continuation of National Environment Management Authority.**

(1) The National Environment Management Authority established under the National Environment Act, Cap. 153 and existing immediately before the coming into force of this Act shall continue in existence, subject to this Act.

(2) The Authority shall be a body corporate with perpetual succession and a common seal.

(3) The Authority shall, in its own name, be capable of suing and being sued and doing and suffering all acts and things as a body corporate may lawfully do or suffer.

(4) The Authority shall be under the general supervision of the Minister.

**9. Mandate and functions of the Authority.**

(1) The Authority shall be the principal agency in Uganda for regulating, monitoring, supervising and coordinating all activities relating to the environment.

(2) The functions of the Authority are—

- (a) to advise on the formulation and implementation of environmental and climate change policies, plans and programmes;
- (b) to advise the Minister on legislative proposals and standards on the environment;
- (c) to advise the Minister on the harmonisation of policies of Government with respect to the environment and natural resources;

- (d) to support the mainstreaming and integration of environmental concerns in national and sectoral plans through coordination and collaboration with lead agencies;
- (e) to require lead agencies to report and account for the execution of their mandate in relation to environmental management as prescribed in this Act or any other applicable law;
- (f) to issue environmental compliance certificates;
- (g) to regulate, monitor and coordinate private sector, intergovernmental organisations, non-governmental organisations, cultural institutions, indigenous people and local communities and religious institutions on issues relating to the environment;
- (h) to regulate environmental practitioners in the environmental and social impact assessment and environmental audit processes;
- (i) to review and make decisions on environmental and social impact assessments, environmental audits and other studies or reports submitted in accordance with this Act or any other applicable law;
- (j) to issue permits and licences in accordance with this Act and any other applicable law;
- (k) to undertake and coordinate environmental monitoring, inspections and compliance audits;
- (l) to undertake and support research in innovations, new technologies and emerging issues on environment;
- (m) to prepare and disseminate the National State of the Environment Report;
- (n) to support the preparation and dissemination of the National Environment Action Plan;
- (o) to undertake public environmental awareness and literacy;

- (p) to coordinate lead agencies in their preparedness and response to environmental emergencies or disasters;
- (q) to support the implementation of multilateral environmental agreements for which the Authority is the focal point;
- (r) to advise the Minister on legislative and other measures for the management of the environment or the implementation of relevant international conventions, treaties and agreements in the field of environment, as the case may be;
- (s) to advise the Government on regional and international environmental conventions, treaties and agreements to which Uganda should be a party and follow up the implementation of such agreements where Uganda is a party; and
- (t) to enforce the provisions of this Act.

(3) The Authority may, in the performance of its functions under this section, delegate, by instrument of delegation, any of its functions to a lead agency, a technical committee or a public officer.

(4) A person aggrieved by the decision of a lead agency, a technical committee or a public officer in the exercise of delegated functions under this section may appeal to the Authority.

(5) Notwithstanding the exercise by the Authority of its mandate and functions in subsection (1) and (2), a lead agency shall continue to perform its duties relating to environmental management as prescribed by the relevant applicable law.

#### **10. Power of the Authority over lead agencies.**

(1) The Authority may, after giving reasonable notice of its intention, direct a lead agency to perform, within such time and in such manner as it shall specify, any of the duties imposed upon the lead agency by or under this Act or any other written law, in the field of environment.

(2) Where the lead agency fails to comply with the directives referred to in subsection (1), the Authority may perform or cause to be performed the duties in question, and the expense incurred in so doing shall be a civil debt recoverable by the Authority from the lead agency.

(3) A natural person who fails to comply with subsection (1) and (2) commits an offence.

### **11. Functions of a lead agency.**

A lead agency shall—

- (a) plan, regulate and manage the segment of the environment within its mandate;
- (b) carry out strategic environmental assessments in accordance with section 47;
- (c) prepare an environment action plan in accordance with section 45;
- (d) prepare the state of environment report in accordance with section 46;
- (e) undertake environmental inspections and review environment assessments and environmental audits in accordance with this Act and any other applicable law;
- (f) ensure that any activity undertaken in its area of jurisdiction is in compliance with this Act;
- (g) implement the decisions of the Authority with respect to the segment of environment under its mandate;
- (h) report on progress quarterly and account to the Authority for the execution of its role in relation to environmental management within three months after the end of the financial year; and
- (i) implement and enforce the provisions of this Act.

*The Board of the Authority.*

### **12. Board.**

(1) The Authority shall have a Board, which shall be the governing body of the Authority.

(2) The Board shall be appointed by the Minister with the approval of Cabinet.

(3) The Board shall consist of—

- (a) a representative of the Ministry responsible for environment; and
- (b) eight members, not being public officers.

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

(5) The Minister shall, in appointing the members of the Board, ensure that three members of the Board are environmental professionals.

(6) The Minister shall appoint a chairperson from among the members appointed under subsection (3)(b).

(7) The Executive Director shall be the secretary to the board and shall attend the meetings of the Board by virtue of his or her office, but shall not have a right to vote in any matter coming before the Board for decision.

(8) The Board may appoint committees of the Board for the efficient operation of the governance function of the Board.

### **13. Disqualification from appointment to the Board.**

A person shall not be appointed to the Board who—

- (a) has been convicted of an offence under this Act or of an offence involving dishonesty or fraud by a competent court in Uganda or outside Uganda;
- (b) has been convicted of an offence and sentenced to imprisonment for six months or more by a competent court in Uganda or outside Uganda without the option of a fine; or

- (c) is an undischarged bankrupt or has made any assignment or arrangement with his or her creditors.

#### **14. Tenure of office of Board members.**

Save for the member appointed under subsection (3)(a) of Section 12, a member of the Board shall hold office for three years and is eligible for reappointment for only one more term.

#### **15. Functions of the Board.**

- (1) The functions of the Board are—
  - (a) to oversee the implementation of the mandate and functions of the Authority;
  - (b) to review and approve policies and strategic plans of the Authority;
  - (c) to review and approve the annual work plan and budget of the Authority;
  - (d) to monitor the performance of the Authority;
  - (e) to review and approve environmental policies, plans, strategies, legislative proposals and standards for the management of the environment and natural resources initiated by the Authority;
  - (f) to appoint, terminate and oversee the technical committees appointed under section 21;
  - (g) to establish and approve rules and procedures for the appointment, discipline, termination and terms and conditions of service of the staff of the Authority;
  - (h) to undertake selection of the Executive Director and recommend his or her appointment in accordance with section 22(1);
  - (i) to monitor and evaluate the performance of the Authority against approved budgets and plans;

- (j) to oversee reporting, disclosure and communication processes of the Authority;
- (k) to monitor the effectiveness of corporate governance practices and risk management of the Authority; and
- (l) to perform any other duties assigned to it under this Act.

(2) The Board shall implement the directions and decisions of the Minister and the Policy Committee on Environment in accordance with this Act.

### **16. Termination of appointment to the Board.**

(1) A member of the Board may, at any time, resign his or her office by giving thirty days' notice in writing to the Minister.

(2) The Minister may remove a member of the Board—

- (a) if information relating to the conduct of the member, which could have precluded his or her appointment, is brought to the attention of the Minister;
- (b) for incompetence;
- (c) for misbehavior or misconduct;
- (d) for failure to disclose, at a Board meeting, a matter in which he or she has a personal interest;
- (e) for inability to perform the functions of his or her office arising from infirmity of body or mind;
- (f) who has been convicted of an offence and sentenced to imprisonment for six months or more by a competent court in Uganda or outside Uganda;
- (g) for bankruptcy or insolvency;
- (h) for absence, without prior notice to the Chairperson of the Board for more than four consecutive meetings of the Board; or

- (i) for absence, without reasonable cause to the satisfaction of the Minister, for more than four consecutive meetings of the Board, or absence from Uganda for more than twelve months.

(3) Where it appears to the Minister that there is cause to remove a member of the Board under subsection (2), the Minister shall notify the member concerned in writing and shall give the member an opportunity to submit his or her explanation to the Minister.

### **17. Filling of vacancies on the Board.**

(1) Where a member of the Board resigns, dies, is removed from office or is for any other reason unable to act as a member of the Board, the Chairperson shall notify the Minister of the vacancy within one month after the occurrence of the vacancy.

(2) The Minister shall, after being notified of the vacancy under subsection (1), in accordance with section 12, appoint another person to hold office for the remainder of the term of the previous member.

(3) Where the member of the Board referred to in subsection (1) is the Chairperson of the Board, the Executive Director shall notify the Minister of the vacancy and the Minister shall appoint one of the Board members to hold the office of Chairperson for the unexpired portion of the Chairperson's term of office.

### **18. Remuneration of Board members.**

The Chairperson and members of the Board shall be paid such remuneration as the Minister may, in consultation with the Minister responsible for finance, specify in the instrument of appointment.

### **19. Meetings of the Board.**

Schedule 3 shall have effect in relation to meetings of the Board and other matters provided for in that Schedule.

**20. Delegation of functions of the Board.**

(1) The Board may delegate to the Chairperson, a member of the Board, a committee of the Board or the Executive Director, any of the functions of the Board under this Act.

(2) The terms and conditions regulating the exercise of the functions delegated under this section shall be contained in the instrument of delegation.

(3) A person aggrieved by the decision of a person or committee to whom functions of the Board are delegated under subsection (1) may appeal to the Board.

(4) A person shall, in the exercise of a delegated function under this section, comply with directions or guidelines as the Board may, from time to time, issue in writing.

*Technical Committees.***21. Appointment of technical committees.**

(1) The Board may, on the advice of the Executive Director, by instrument of appointment, appoint technical committees as it considers necessary to give advice or perform delegated functions as may be determined by the Board on matters relating to the environment.

(2) The technical committees appointed under subsection (1) may be composed of staff of the Authority or any other qualified persons, not being staff of the Authority.

(3) The Board shall specify in writing the terms of reference of a technical committee appointed under this section.

(4) A technical committee appointed under this section shall adopt its own rules and procedure but shall, in any event, be guided by the procedures applicable to Board meetings in Schedule 3 to this Act.

(5) Each technical committee shall prepare and submit to the Board, reports on its activities as specified in the terms of reference.

*Staff of the Authority*

**22. Executive Director.**

(1) There shall be an Executive Director appointed by the Minister on the recommendation of the Board on such terms and conditions as may be specified in the instrument of appointment.

(2) The Executive Director shall be a person of high moral character and proven integrity, with the relevant qualifications, skills and experience relating to the functions of the Authority.

(3) The Executive Director shall serve for a period of five years and is eligible for re- appointment for one more term.

(4) The Executive Director shall cease to hold office—

- (a) if information relating to the conduct of the Executive Director, which could have precluded his or her appointment, is brought to the attention of the Minister;
- (b) upon resignation;
- (c) on the expiry of a fixed term contract;
- (d) for incompetence;
- (e) for misconduct;
- (f) for inability to perform the functions of his or her office arising from infirmity of body or mind;
- (g) where he or she has been convicted of an offence and sentenced to imprisonment for six months or more by a competent court in Uganda or outside Uganda; or
- (h) for bankruptcy or insolvency.

**23. Functions of Executive Director.**

(1) The Executive Director shall be the chief executive and accounting officer of the Authority.

(2) The Executive Director shall be responsible for the day-to-day administration and operations of the Authority.

(3) Subject to this Act and the general supervision and control of the Board, the Executive Director is responsible for—

- (a) strategic planning and management of the Authority;
- (b) resource mobilisation, proper management of the funds and property of the Authority and accountability;
- (c) supporting the Board and Policy Committee on Environment in the performance of their functions;
- (d) ensuring the effective functioning of the Authority for the realisation of its mandate and vision;
- (e) establishing and maintaining stakeholder partnerships at national, regional and international levels for effective environmental management;
- (f) facilitating corporate and good governance at the Authority;
- (g) ensuring management efficiency and effectiveness at the Authority; and
- (h) performing any other function necessary for the implementation of this Act as may be assigned to him or her by the Board.

(4) The Executive Director shall, from time to time, report to the Board on the progress in implementation of the mandate and functions of the Authority.

(5) The Executive Director shall be accountable to the Board.

**24. Other staff of the Authority.**

(1) The Board may, on the advice of the Executive Director, appoint other officers and employees of the Authority.

(2) The employees appointed under this section shall hold office on such terms and conditions as may be determined by the Board on the advice of the Executive Director and as may be specified in their instruments of appointment.

(3) The Board shall regulate the manner of appointment and the terms and conditions of service of staff appointed under this section.

**25. Environmental Protection Force.**

(1) There shall be an Environmental Protection Force to enforce the provisions of this Act.

(2) The Environmental Protection Force shall comprise persons appointed by the Authority in consultation with the Uganda Police Force.

(3) The persons appointed under subsection (2) shall be trained by the Uganda Police Force.

(4) The Minister may, by statutory instrument, on the recommendation of the Uganda Police Force make regulations to regulate the Environmental Protection Force.

*District Structures for Environmental Management.***26. Environmental management by urban and district councils.**

(1) Subject to this Act and any other applicable law, urban and district councils shall be responsible for the management of the environment and natural resources under their jurisdiction.

(2) Urban and district councils may, in consultation with the Authority, make ordinances and bylaws to regulate various aspects of the environment and natural resources within their jurisdiction.

(3) Any ordinances or bylaws made by urban and district councils under subsection (2) shall not be inconsistent with this Act.

**27. District environment and natural resources committee**

(1) Every district shall establish a district environment and natural resources committee, which shall comprise—

- (a) The District Chairperson;
- (b) the Members of Parliament from the district;
- (c) the Resident District Commissioners;
- (d) the Secretary for environment;
- (e) the district natural resources officer; who shall be the secretary;
- (f) the Chief Administrative Officer;
- (g) the district engineer;
- (h) the town clerk;
- (i) the Mayor, town clerk and secretary responsible for environment at the urban council;
- (j) the district planner;
- (k) the physical planning officer; and
- (l) community development officer.

(2) The members of the committee shall elect from amongst themselves a chairperson and a vice chairperson of the Committee.

(3) The Minister shall, by statutory instrument, prescribe the procedures of the district environment and natural resources committee.

**28. Functions of district environment and natural resource committees.**

(1) The functions of the district environment and natural resources committee are—

- (a) to coordinate the activities of the urban or district council relating to the management of the environment and natural resources;
- (b) to prepare district environment action plans;
- (c) to ensure that environmental concerns are integrated in all plans and projects approved by the urban or district council;
- (d) to prepare the district state of the environment report;
- (e) to assist in the formulation and enforcement of ordinances and byelaws relating to the management of the environment;
- (f) to monitor all activities within its local jurisdiction to ensure that such activities do not have any significant impact on the environment;
- (g) to promote the dissemination of information about the environment;
- (h) to coordinate with the Authority on all issues relating to the management of the environment;
- (i) to coordinate the activities of environment and natural resources committees in the management of the environment; and

- (j) to carry out such other functions as may be prescribed by the urban or district council.

(2) The district environment and natural resources committee shall receive funding from among the sources of funds available to the urban or district council for performing its functions under this Act.

### **29. Environment and Natural resources conditional grant.**

(1) Parliament shall each financial year, appropriate funds for the purpose of financing environment and natural resources programmes in the district, city, municipal, town councils and sub counties.

(2) The Minister shall annually issue guidelines indicating how the funds referred to in sub section (1) shall be shared among the sectors that constitute the natural resources department of each district, city, municipal and town councils and sub counties.

(3) The funds referred to in subsection (1) shall be sent directly to the district, city, municipal and town councils and sub counties.

### **30. Environment officer.**

(1) A lead agency shall appoint environment officers.

(2) The functions of an environment officer appointed under subsection (1) are—

- (a) to advise the ministry, department, agency of government or local government with a responsibility of managing a segment of the environment on all matters related to environment;

- (b) to liaise with the Authority and, where applicable, with the environment and natural resources committee on all matters relating to the environment;
- (c) to promote environmental awareness and literacy;
- (d) to assist the environment and natural resources committee, where applicable, in the performance of its functions under this Act;
- (e) to keep a record of information on the environment and the utilisation of the environment and natural resources;
- (f) to serve as the secretary to the environment and natural resources committee, where applicable;
- (g) to participate in review of laws and, where applicable, in the development of bye laws or ordinances on environment and natural resource management;
- (h) to participate in the review of environmental and social impact assessment reports, environmental audit reports and other reports to be submitted to the Authority on a regular basis;
- (i) to assist environmental inspectors or environmental auditors appointed by the Authority in the performance of their functions under this Act, where required;
- (j) to ensure compliance with approvals made under this Act related to the segment of the environment he or she is responsible for and to notify the Authority, as appropriate;
- (k) to assist a ministry, department, agency of government or local government in the preparation and approval of environment action plans;
- (l) to assist in the preparation of the urban, district or other lead agency state of environment report;

- (m) to advise on environmental matters before any dealings in land;
- (n) to monitor all activities within their jurisdiction to ensure compliance with this Act; and
- (o) to perform such other functions as may be prescribed by the appointing authority.

(3) The environment officer may, on the request of the appointing authority and the written approval of the Authority, exercise the powers of an environment inspector under section 128.

(4) For the avoidance of doubt, the appointing authority shall remain liable for the acts and omissions of the environment officer in the exercise of the powers of an environmental inspector under subsection (3).

PART III—FUNDS OF THE AUTHORITY AND THE  
NATIONAL ENVIRONMENT FUND

**31. Funds of the Authority.**

The funds of the Authority shall consist of—

- (a) monies appropriated by Parliament; and
- (b) donations or grants received from sources within or outside Uganda, with the approval of the Minister responsible for finance.

**32. Continuation of the National Environment Fund.**

(1) The National Environment Fund existing immediately before the commencement of this Act shall continue in existence subject to this Act and the Public Finance Management Act, 2015.

(2) The funds of the National Environment Fund shall consist of—

- (a) disbursements from government;
- (b) environmental levies;
- (c) fees charged for the use of environmental resources and other fees charged under this Act;
- (d) administrative fines collected as a result of breach of the provisions of this Act; and
- (e) gifts, donations and other voluntary contributions to the Fund, with the approval of the Minister responsible for finance.

### **33. Administration of the National Environment Fund.**

(1) The Board shall be responsible for the administration of the Fund.

(2) The Fund shall support the implementation of the following activities—

- (a) management of sensitive and fragile ecosystems;
- (b) critical environmental restoration activities;
- (c) support the review and follow up of compliance with environmental and social impact assessments and environmental audits;
- (d) research intended to further the requirements of environmental management, capacity building, environmental publications and scholarships;
- (e) innovations for environmental conservation and management by the public and private sector; and
- (f) environmental resources management.

(3) The Board may specify other areas for funding other than areas specified in subsection (2).

(4) The Board may, on the advice of the Executive Director, provide funding to a lead agency for critical restoration activities and management of sensitive and fragile ecosystems.

(5) The Board shall submit to the Minister, annual estimates and progress reports of the performance of the Fund.

(6) Seventy per cent of the funds contained in the National Environment Fund shall be reserved and allocated to lead agencies as a conditional grant.

(7) Fifty per cent of the funds allocated to lead agencies under subsection (6) shall be reserved and utilized for restoration activities.

(8) Subject to subsection (2), the Minister shall, by regulations, prescribe the manner in which lead agencies shall access funding from the Fund.

(9) The Authority shall issue a certificate of compliance to a lead agency which effectively executes its functions under this Act.

(10) A lead agency shall not receive any money from the Fund unless it has been issued with a certificate of compliance as prescribed under this Act.

(11) The Minister shall by 15<sup>th</sup> of March every year, submit to Parliament a report on the performance and status of the Fund.

### **34. Power to open and operate bank accounts.**

(1) The Authority shall, with the approval of the Accountant General, open and maintain such bank accounts as are necessary for the performance of the functions of the Authority.

(2) The Executive Director shall ensure that all monies received by or on behalf of the Authority are banked as soon as practicable in the Authority's bank accounts.

(3) The Executive Director shall ensure that no monies are withdrawn from or are paid out of any of the Authority's bank accounts without his or her authorisation.

(4) The Executive Director shall notify the Board on the status of accounts and advise on their operation or closure.

### **35. Powers to borrow.**

Subject to the Constitution and the Public Finance Management Act, 2015, the Authority may borrow money from any source as may be required for meeting its obligations or for the discharge of its functions under this Act.

### **36. Estimates.**

(1) The Executive Director shall, not later than four months before the end of each financial year, prepare and submit to the Board for its approval, estimates of income and expenditure of the Authority for the next ensuing year.

(2) The Authority shall, in accordance with the Public Finance Management Act, 2015, prepare and submit to the Minister, a budget containing the estimates of the income and expenditure of the Authority for the next financial year.

(3) The Authority shall not incur any expenditure exceeding the expenditure approved by the Board under the estimates for the financial year in which the expenditure is to be made.

### **37. Financial year of the Authority.**

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

### **38. Accounts.**

(1) The Authority shall—

- (a) keep proper books of accounts and records of the transactions and affairs of the Authority;
- (b) ensure that all monies received are properly accounted for;

- (c) ensure that all payments out of its monies are correctly made and properly authorised; and
- (d) ensure that adequate control is maintained over its assets and liabilities.

(2) The Authority shall, within two months after the end of each financial year, submit the annual accounts and report of the Authority to the Auditor General.

### **39. Audit.**

The Auditor General or an auditor appointed by the Auditor General shall, in each financial year, audit the accounts of the Authority in accordance with the National Audit Act, 2008.

### **40. Annual report.**

(1) The Executive Director shall, within forty five days after the end of each financial year, submit to the Board an annual report in respect of that financial year containing—

- (a) financial statements as the Board may require;
- (b) a report on the operations of the Authority and the National Environment Fund; and
- (c) any other information regarding accounts as the Board may require.

(2) The Board shall submit to the Minister, as soon as practicable but in any case, not later than the 15th day of January of each year, an annual report detailing the activities and operations of the Authority during the year to which the report relates.

(3) The Minister shall, by 15th of March of each year, submit to Parliament the annual report of the Authority.

**41. Duty to operate on sound financial principles.**

The Board shall perform its functions in accordance with sound financial principles and in conformity with good commercial practices and shall ensure, as far as possible, that the Authority's revenue is sufficient to meet expenditure properly charged to revenue.

**42. Powers of the Minister responsible for finance in relation to taxation.**

(1) Notwithstanding the provisions of the Income Tax Act, the Minister responsible for finance in consultation with the Authority, may provide for—

- (a) fiscal, tax, financial and other instruments to encourage good environmental practices, including the conservation of the environment and natural resources and the prevention or abatement of pollution; or
- (b) tax and economic disincentives to deter deleterious environmental behaviour that leads to depletion of the environment and natural resources or activities that cause pollution.

(2) The Authority may periodically prepare proposals and packages of economic tools and financial instruments and submit to the Minister responsible for finance for purposes of enhancing environmental management and protection.

**43. Compliance with the Public Finance Management Act, 2015.**

The Authority shall at all times comply with the Public Finance Management Act, 2015.

PART IV — ENVIRONMENTAL PLANNING.

**44. Environmental planning at the national level.**

(1) The Minister shall, in consultation with the Authority, prepare a National Environment Action Plan in accordance with the national planning framework.

(2) The National Environment Action Plan shall—

- (a) be made every five years and reviewed every two and half years to take into account emerging issues, challenges and opportunities;
- (b) take into account urban, district and other sector environment action plans provided for under section 45;
- (c) take into account the national state of the environment report and contribute to the national development plan; and
- (d) be disseminated to the public.

(3) The national environment action plan shall guide environmental planning and decision-making at all levels of government.

(4) The national environment action plan shall include—

- (a) an analysis of the natural resources of Uganda with an indication as to any pattern of change in their distribution and quantity over time;
- (b) operational guidelines for the planning and management of the environment and natural resources;
- (c) actual or likely problems which may affect the natural resources and the broader environment context in which they exist;
- (d) trends in the development of urban and rural settlements, their impacts on the environment, and strategies for the amelioration of their negative impacts;

- (e) proposed guidelines for the integration of standards of environmental protection into development planning and management;
- (f) recommendations on policy and legislative approaches for preventing, controlling or mitigating specific as well as general adverse impacts on the environment;
- (g) priority areas of environmental research and outline methods of using such research findings; and
- (h) maintenance of ecosystem services and measures for preventing, reversing or mitigating any deleterious effect.

**45. Environmental planning by lead agencies.**

(1) A lead agency shall prepare environment action plans for their respective sectors in conformity with the national environment action plan.

(2) An environment action plan prepared under subsection (1) shall be reviewed every two and a half years.

(3) An urban or district council shall prepare an urban or district environment action plan.

(4) The environment action plan made under subsection (3) shall—

- (a) be prepared every five years and reviewed every two and half years;
- (b) be in conformity with the national environment action plan;
- (c) take into account village, parish and sub-county environment action plans;
- (d) be subject to approval by the urban or district council; and
- (e) be disseminated to the public.

(5) The Minister shall issue guidelines for the preparation of environment action plans under this section.

(6) The environment action plans prepared under this section shall be submitted to the Minister for integration into the national environment action plan.

**46. State of the environment report.**

(1) The Authority shall prepare a national state of the environment report in accordance with environmental principles.

(2) The national state of environment report prepared under subsection (1) shall—

- (a) be made every two years to guide environmental planning and to feed into the national environment action plan;
- (b) highlight environmental challenges, opportunities and proposed intervention to protect the environment;
- (c) take into account urban, district and other sector state of the environment reports provided for under subsections (3) and (4); and
- (d) be disseminated to the public.

(3) A lead agency may prepare state of the environment reports for their respective sectors.

(4) An urban or district council shall, every two years, prepare an urban or district state of the environment report.

(5) The state of environment reports prepared under this section shall feed into the national state of the environment report.

(6) The Authority shall issue guidelines for the preparation of the state of the environment reports.

(7) The Minister shall present the National State of Environment Report to Parliament.

**47. Strategic environmental assessment.**

(1) A strategic environmental assessment shall be undertaken for government policies, plans and programmes being initiated or reviewed, which are likely to have a significant impact on human health or the environment.

(2) A strategic environmental assessment shall be carried out for activities in landscapes or other areas where there are likely to be large investments or where cumulative impacts are likely to have a significant impact on human health or the environment.

(3) A lead agency responsible for the policy, plan or programme referred to in subsection (1) shall, in consultation with the Authority, be responsible for carrying out a strategic environmental assessment in a manner prescribed by regulations.

**48. Land use planning.**

(1) A lead agency shall, in consultation with the Authority, ensure that environmental considerations are an integral part of land use plans.

(2) A lead agency shall monitor the implementation of land use plans prepared by the physical planning committee within the jurisdiction of the lead agency, where applicable, in accordance with this section and report to the Authority.

(3) A lead agency shall, in the exercise of its functions under this section, take into account the Physical Planning Act, 2010 and any other applicable law.

**49. Environment management systems.**

(1) A developer of a project listed in Schedule 4 or 5 shall establish, maintain and implement an environment management system in a manner prescribed by regulations.

(2) Notwithstanding subsection (1), the Authority may require a developer of a project not listed in schedule 4 or 5 to establish, maintain and implement an environment management system.

(3) An environment management system shall be a documented structured framework of processes, practices and measures —

- (a) to ensure that project activities are planned, organised, performed and managed to comply with environmental laws, permits and licences;
- (b) to ensure better management of environmental impacts caused by project activities; and
- (c) to demonstrate sound environmental management, while improving environmental performance.

(4) A lead agency shall establish, maintain and implement an environment management system in accordance with this section.

#### PART V—MANAGEMENT OF THE GREEN ENVIRONMENT

### **50. Scope of this Part.**

The measures for the management of the environment and natural resources provided for under this Part, shall take into consideration the environmental action plans developed and the strategic environmental assessments carried out under Part IV and economic instruments.

#### *Special Conservation Areas.*

### **51. Declaration of special conservation areas.**

(1) Subject to the Constitution, this Act and any other applicable law on protection of ecosystems and conservation of biological diversity, the Minister may, on the advice of the Authority or lead agency and with the approval of Parliament, by statutory instrument, declare a special conservation area under this Act.

(2) The Minister shall, before making a declaration under subsection (1)—

- (a) consult the local council and the local community in whose area the proposed special conservation area is to be located;
- (b) require an environmental and social impact assessment to be carried out, as appropriate; and
- (c) if the area in which the proposed conservation area is to be located is private land or land in which any person has an interest, where necessary, acquire the land in accordance with the Constitution, the Land Acquisition Act and the Land Act.

(3) The Minister shall, in addition to the requirements under subsection (2), give notice of the proposed declaration in the Gazette, print media or in any other media that he or she may deem appropriate.

(4) The notice referred to in subsection (3) shall—

- (a) identify the location and size of the proposed special conservation area;
- (b) include a summary of the proposed conservation practices for the area; and
- (c) invite written comments and representations on the proposed declaration to be made within the period specified in the notice.

(5) The Minister may, in declaring a special conservation area under subsection (1), prohibit certain activities from being undertaken in the area.

(6) The Minister shall before, amending an instrument made under this section, obtain parliamentary approval and ensure that the procedures prescribed in subsections (2), (3) and (4) for declaring special conservation areas have been complied with.

(7) Where an amendment made under subsection (6) will result—

- (a) in the reduction of part of the conservation area, an area at least equivalent in ecological or ecosystem value to the area reduced shall be simultaneously declared a special conservation area; or
- (b) in the removal of the entire special conservation area, an area of equivalent or greater ecological or ecosystem value to the abolished conservation area shall be simultaneously declared a special conservation area.

(8) The Minister shall not amend an instrument issued under subsection (1) where the special conservation area is a fragile ecosystem.

(9) This section shall, as appropriate, apply to the grant of special conservation status to specific species of fauna and flora.

*Environmental Management of Lakes, Rivers  
and Natural Beaches.*

**52. Restrictions on the use of natural lakes and rivers.**

(1) The Authority shall, in collaboration with the relevant lead agency, ensure that natural lakes and rivers are conserved for the common good of the people of Uganda.

(2) Subject to subsection (3), a person shall not, in relation to a natural lake or river, carry out any of the following activities—

- (a) use, erect, reconstruct, place, alter, extend, remove or demolish any structure or part of any structure in, on, under or over the lake-bed or river-bed;
- (b) excavate, drill, tunnel or disturb the lake-bed or river-bed;
- (c) introduce or plant any part of a plant, whether alien or indigenous, in a lake or river;
- (d) introduce any animal or microorganism, whether alien or indigenous, in any lake or river or on, in or under its bed;

- (e) deposit any substance in a lake or river or in, on or under its bed, if that substance would or is likely to have an adverse effect on the environment;
- (f) divert or block any river from its normal course; or
- (g) drain any lake or river.

(3) The Authority may, in collaboration with the relevant lead agency, authorise any of the activities in subsection (2) subject to conditions prescribed by the Authority.

(4) The Authority shall, in consultation with the relevant lead agency, issue guidelines for the management of the environment where an activity referred to in subsection (2) is authorised.

(5) A person who undertakes an activity under subsection (2) without approval of the Authority commits an offence and is liable, on conviction, to a fine not exceeding thirty thousand currency points or imprisonment not exceeding twelve years or both.

### **53. Protection of riverbanks, lakeshores and natural beaches.**

(1) The Authority shall, in collaboration with the relevant lead agency—

- (a) protect riverbanks and lakeshores from human activities likely to adversely affect the rivers, lakes and the living organisms therein;
- (b) protect naturally occurring islands existing in rivers or lakes from human activities likely to affect the rivers or the lakes; and
- (c) protect natural beaches of rivers and lakes and ensure their conservation for the benefit of the people of Uganda.

(2) The relevant lead agency shall identify the riverbanks and lakeshores within its jurisdiction which are at risk from environmental degradation or which have other value to the local communities and

take necessary measures to minimise the risk or recommend to the Authority the need for the protection of those areas.

(3) The Minister may, on the advice of the Authority, by statutory instrument, declare protected zones along the riverbanks, lakeshores and natural beaches within such limits as the Minister considers necessary to protect the rivers, lakes and natural beaches from deleterious human activities.

(4) In declaring protected zones on riverbanks, lakeshores and natural beaches under subsection (3), the Minister shall take into account—

- (a) the size of the river or lake;
- (b) cultural and natural heritage sites;
- (c) the area covered by the natural beaches, rivers or lakes;
- (d) the need to regulate open access to the lakes, rivers or natural beaches; and
- (e) any other factor that the Minister may, in consultation with the Authority, consider necessary.

(5) Without limiting the general effect of this section, the Authority may, in consultation with the relevant lead agency and subject to this Act, permit sustainable uses of the protected zones which do not adversely affect the river, lake or natural beach.

(6) Subject to subsections (3) and (5), a person shall not undertake activities in the protected zones along riverbanks, lakeshores and natural beaches.

(7) A person who contravenes subsection (6) commits an offence and is liable, on conviction, to a fine not exceeding thirty thousand currency points or imprisonment not exceeding twelve years or both.

(8) In this section—

- (a) “lakeshore” means the land not more than 100 metres adjacent to or bordering a lake;

- (b) “river bank” means the rising ground, not more than 100 metres long, bordering or adjacent to the natural course of a river in the form of rock, mud gravel or sand and in cases of flood plains includes the point where the water surface touches the land, that land not being the bed of the river.

*Management and Utilisation of Wetlands.*

**54. Management of wetlands.**

(1) The relevant lead agency shall, in collaboration with the Authority, ensure that wetlands are conserved for the common good of the people of Uganda.

(2) Government or a local government shall not lease out or otherwise alienate any wetland.

(3) The management of wetlands shall comply with the following principles—

- (a) wetland resources shall be utilised in a sustainable manner compatible with the continued presence of wetlands and their hydrological functions and service;
- (b) an environmental and social impact assessment shall be carried out for all activities that are likely to have an adverse impact on wetlands;
- (c) special measures are essential for the protection of wetlands of international, national and local importance as ecological systems and habitats for fauna and flora species, and for cultural and aesthetic purposes, as well as for their hydrological functions; and
- (d) wise use of wetlands shall be applied in national and local approaches to the management of wetland resources through awareness campaigns, dissemination of information and environmental literacy.

(4) The Authority shall, in consultation with the relevant lead agency, establish guidelines for the identification and sustainable management of all wetlands in Uganda.

(5) The lead agency shall, in collaboration with the Authority, identify wetlands of local, national and international importance as ecosystems and habitats of species of fauna and flora and shall establish a national databank of wetlands.

(6) The Minister may, on the recommendation of the Authority and in consultation with the lead agency, by statutory instrument, declare any wetland to be a protected wetland of national or international importance and may limit human activities in that wetland.

(7) A declaration made under subsection (6) shall state whether—

- (a) a wetland is a fully protected wetland;
- (b) a wetland is a partially protected wetland; or
- (c) a wetland is subject to conservation by the local community.

(8) A fully protected wetland shall be an area of international and national importance because of its biological diversity, ecological importance, landscape, natural or cultural heritage or touristic purposes in which the following activities may be permitted—

- (a) research;
- (b) tourism; and
- (c) restoration or enhancement of the wetland.

(9) A partially protected wetland shall be an area in which the regulated activities specified in Schedule 6 may be permitted.

(10) A wetland subject to conservation by the local community shall be an area in which a person may carry out traditional activities referred to in subsection (11), subject to such restrictions as may be imposed by the lead agency.

(11) The traditional uses of wetland resources referred to in subsection (10) include—

- (a) harvesting of papyrus, medicinal plants, trees and reeds;
- (b) fishing using traps, spears and baskets or other method, other than weirs;
- (c) collection of water for domestic use; or
- (d) hunting subject to the provisions of the Uganda Wildlife Act.

**55. Restrictions on the use of wetlands.**

(1) A person shall not, without the written approval of the relevant lead agency, given in consultation with the Authority—

- (a) reclaim or drain any wetland;
- (b) erect, construct, place, alter, extend, remove or demolish any structure that is fixed in, on, under or over any wetland;
- (c) disturb any wetland by drilling or tunnelling in a manner that has or is likely to have an adverse effect on the wetland;
- (d) deposit in, on or under any wetland any substance in a manner that has or is likely to have an adverse effect on the wetland;
- (e) destroy, damage or disturb any wetland in a manner that has or is likely to have an adverse effect on any plant or animal or its habitat; or
- (f) introduce any alien plant or animal in a wetland.

(2) A person who wishes to carry out an activity specified in subsection (1) and Schedule 6 shall apply to the lead agency in writing.

(3) The lead agency may, on receipt of an application under subsection (2)—

- (a) carry out an investigation to determine the effect of the proposed activity on the wetland and the environment in general; and

- (b) require the developer to undertake an environmental and social impact assessment.

(4) The lead agency shall ensure that there is no net loss to the affected wetland from an activity for which an environmental and social impact assessment is undertaken under subsection (2).

(5) The lead agency shall, in consultation with the Authority, and by statutory instrument, exempt any traditional use of wetlands referred to in section 54(11) considered to be a sustainable use, from the requirements of subsection (1).

(6) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding thirty thousand currency points or imprisonment not exceeding twelve years or both.

*Management of Hilly and Mountainous Areas.*

**56. Identification of hilly and mountainous areas.**

(1) The Authority shall, in collaboration with a lead agency, identify and map out hilly and mountainous areas to determine the hilly and mountainous areas at risk from environmental degradation, natural processes or natural disasters.

(2) A hilly or mountainous area is at risk from environmental degradation, natural processes or natural disasters—

- (a) if it is prone to soil erosion or exhibits signs of soil loss;
- (b) if landslides have occurred in the area;
- (c) if there are signs of difficulty by the system to regenerate vegetation cover;
- (d) where vegetation cover has been removed or is likely to be removed from the area at a rate faster than it is being replaced; or
- (e) where any other land use activity in the area is likely to lead to environmental degradation.

(3) The urban or district council shall notify the Authority of the hilly and mountainous areas that have been identified as being at risk from environmental degradation, natural processes or natural disasters.

(4) The Authority shall maintain a register of hilly and mountainous areas at risk from environmental degradation, natural processes or natural disasters.

**57. Restoration, reforestation and afforestation of hilly and mountainous areas.**

(1) A lead agency shall, in its environment action plan made under section 45, specify which of the areas identified in accordance with section 56 shall be targeted for restoration, afforestation or reforestation.

(2) The lead agency shall take measures, including by encouraging voluntary self-help in the community, to plant trees and other vegetation in any areas specified under subsection (1) which are within the limits of its jurisdiction and not subject to any personal interest in the land.

(3) Where the areas specified under subsection (1) are subject to a leasehold or any other interest in land, including customary tenure, the holder of that interest shall be responsible for taking measures to stabilise the soils and to plant trees and other vegetation in those areas.

(4) Where the holder of an interest in land fails to comply with subsection (3), the lead agency or the Authority may take necessary measures, including limiting the use of the land or imposing conditions for the use of the land, to ensure compliance.

**58. Sustainable use of hilly and mountainous areas.**

(1) The Authority shall, in collaboration with the relevant lead agency, issue guidelines and prescribe measures for the sustainable use of hilly and mountainous areas.

(2) The guidelines issued and measures prescribed by the Authority under subsection (1) shall include—

- (a) appropriate land use practices;
- (b) carrying capacity of the areas described in subsection (1);
- (c) control of soil erosion, soil creep and landslides;
- (d) disaster preparedness in areas prone to landslides;
- (e) the protection of areas referred to in subsection (1) from human settlements;
- (f) the protection of water catchment areas; and
- (g) any other measures the Authority considers necessary.

(3) The lead agency shall be responsible for ensuring that the guidelines issued and measures prescribed under subsection (2) are implemented.

(4) A person who—

- (a) fails to observe the measures prescribed under subsection (1); or
- (b) otherwise disposes of waste in a hilly or mountainous area, commits an offence and is liable, on conviction, to a fine not exceeding thirty thousand currency points or imprisonment not exceeding twelve years or both.

*Management and Conservation of Biological Diversity.*

**59. Conservation of biological diversity.**

(1) The Authority shall, in collaboration with the relevant lead agency, issue guidelines and prescribe measures for the conservation of biological diversity.

(2) The Authority may, in issuing guidelines and prescribing measures under subsection (1)—

- (a) specify national strategies, plans and programmes for the conservation and the sustainable use of biological diversity;

- (b) integrate the conservation and sustainable utilisation of biological resources in existing government activities and activities of private persons;
- (c) identify, prepare and maintain an inventory of biological diversity of Uganda including indicative list of categories set down in Schedule 7;
- (d) determine which components of biological diversity are threatened with extinction and those which offer the greatest potential for sustainable use;
- (e) identify potential threats to biological diversity and devise measures to remove or investigate their effects;
- (f) identify native and alien invasive species; and
- (g) identify vermin to be managed under this Act.

**60. Conservation of biological resources in situ.**

The Authority may, in collaboration with the relevant lead agency, issue guidelines and put in place measures—

- (a) for the conservation of biological diversity in situ;
- (b) for compatibility of land use patterns with the conservation of biological diversity;
- (c) to promote the conservation of the various terrestrial and aquatic ecosystems of Uganda;
- (d) for the selection and management of buffer zones near protected areas;
- (e) for the protection of species, ecosystems and habitats faced with extinction;
- (f) for prohibiting, controlling or eradicating alien species;
- (g) for integrating traditional knowledge for the conservation of biological diversity with mainstream scientific knowledge, and for equitable sharing of benefits arising from the utilisation of such knowledge;

- (h) to ensure that there is no net loss of biological diversity, but preferably a net gain;
- (i) for the selection, establishment and management of protected areas or areas where special measures need to be undertaken to conserve biological diversity;
- (j) for rehabilitation and restoration of degraded ecosystems and to promote the recovery of threatened species; and
- (k) any other matter which the Authority considers necessary for the proper management of biological resources in Uganda.

**61. Conservation of biological resources ex situ.**

(1) The Authority may, in collaboration with the relevant lead agency, issue guidelines or put in place measures—

- (a) for the conservation of biological diversity ex situ, especially for species threatened with extinction;
- (b) for the establishment and operation of—
  - (i) germplasm banks;
  - (ii) botanical gardens;
  - (iii) zoos;
  - (iv) animal sanctuaries;
  - (v) wildlife ranching; and
  - (vi) any other facilities considered necessary; and
- (c) for managing collection of biological resources from natural habitats for ex-situ conservation practices.

(2) The lead agency shall, in collaboration with the Authority, ensure that species threatened with extinction which are conserved ex situ are re-introduced into their native habitats and ecosystems where—

- (a) the threat to the species has been terminated; or
- (b) a viable population of the threatened species has been achieved.

**62. Access to the genetic resources of Uganda.**

(1) The Authority shall, in consultation with the relevant lead agency, make regulations to prescribe measures for the sustainable management and utilisation of the genetic resources of Uganda for the benefit of the people of Uganda.

(2) Without prejudice to the general effect of subsection (1), the regulations shall specify—

- (a) appropriate arrangements for access to the genetic resources of Uganda by non-citizens of Uganda, including the fees to be paid for access;
- (b) measures for regulating the export and import of genetic resources;
- (c) the sharing of benefits derived from genetic resources originating from Uganda; and
- (d) any other matter which the Authority considers necessary for the better management of the genetic resources of Uganda.

**63. Management of genetically modified organisms.**

The Authority may, in consultation with the relevant lead agency, issue guidelines and prescribe measures—

- (a) for the protection of the environment and management of risks to human health from the development, access, use and transfer of Genetically Modified Organisms; and
- (b) for liability and redress in relation to genetically modified organisms.

**64. Management of forests.**

(1) The lead agency may, in consultation with the Authority, issue guidelines and prescribe measures for the management of forests in Uganda.

(2) The guidelines and measures issued or prescribed under subsection (1) shall take into account—

- (a) forests on land subject to interests held by private persons;
- (b) forests in protected areas, including forest reserves and national parks;
- (c) measures to encourage the planting of trees and woodlots by individual land users, institutions and communities;
- (d) forests on public land or communal land; and
- (e) forests in wetlands and in protection zones of riverbanks and lakeshores.

(3) Forests shall be managed in accordance with the principle of sustainable development.

(4) The commercial exploitation of any forest shall be carried out in accordance with the principle of optimum sustainable yield.

(5) Traditional uses of forests which are indispensable to the local communities and are compatible with the principle of sustainable development shall be protected.

(6) Notwithstanding subsections (3), (4) and (5), the lead agency may prohibit human activities in any forest area by declaring a forest area a specially protected forest.

## **65. Conservation of energy.**

The lead agency may, in consultation with the Authority, promote the conservation and efficient use of energy by—

- (a) promoting research in appropriate renewable sources of energy and energy efficiency;
- (b) creating incentives for the promotion of renewable sources of energy and energy efficiency; and
- (c) promoting measures for the conservation of non-renewable sources of energy and energy efficiency.

**66. Management of rangelands.**

(1) The Authority may, in consultation with the relevant lead agency, issue guidelines and prescribe measures for the sustainable management and utilisation of rangelands.

(2) In issuing guidelines and prescribing measures under subsection (1), the Authority shall be guided by—

- (a) the carrying capacity of the land;
- (b) the need to conserve soil and water;
- (c) the risk of desertification faced by any rangelands;
- (d) the use of other ecosystems within the rangeland; and
- (e) any other factor which the Authority considers appropriate.

**67. Payment for ecosystem services.**

(1) The Authority shall, in consultation with the relevant lead agency, identify activities and set up mechanisms for payment for ecosystem services.

(2) The Authority may issue guidelines and prescribe measures for the payment for ecosystem services.

(3) In issuing guidelines and prescribing measures under subsection (2), the Authority shall consider—

- (a) the mechanisms for identifying and valuing ecosystem services that are critical for the environment and human well-being;
- (b) the instruments and incentives to generate, channel, transfer and invest economic resources for the conservation, restoration and sustainable use of the sources of ecosystem services; and
- (c) the criteria for the design of payment for ecosystem schemes that ensure ecosystem sustainability.

**68. Protection of cultural and natural heritage.**

(1) The lead agency may, in consultation with the Authority, identify, protect, conserve, preserve and transmit for the benefit of present and future generations—

- (a) monuments, buildings, elements, objects and sites in the natural environment which are of cultural importance to the people of Uganda; and
- (b) natural features, geological and physiographical formations and natural sites or precisely delineated natural areas of outstanding universal value which are considered a natural heritage for the people of Uganda.

(2) The lead agency shall maintain a register of cultural and natural heritage identified under subsection (1).

(3) The lead agency may issue guidelines and prescribe measures for the management or protection of cultural and natural heritage identified under this section.

**69. Management of climate change impacts on ecosystems.**

(1) The lead agency may, in consultation with the Authority, put in place guidelines and prescribe measures to—

- (a) address the impacts of climate change on ecosystems, including by improving the resilience of ecosystems, promoting low carbon development and reducing emissions from deforestation and forest degradation, sustainable management of forests and conservation of forest carbon stock; and
- (b) advise institutions, firms, sectors or individuals on strategies to address the impacts of climate change, including those related to the use of natural resources.

(2) The lead agency shall, within its mandate and in consultation with the Authority—

- (a) take measures and issue guidelines to address the impacts of climate change, including measures for mitigating and adaptation to the effects of climate change; and
- (b) liaise with other lead agencies to put in place strategies and action plans to address climate change and its effects.

(3) The Authority may liaise with the lead agency to assist Government institutions, private sector, civil society and other stakeholders to mainstream mitigation and adaptation strategies in their planning and decision making processes.

PART VI—SOUND MANAGEMENT OF CHEMICALS  
AND PRODUCT CONTROL

**70. Prohibition or restriction on import, export, manufacture, formulation, distribution and use of hazardous chemicals.**

(1) The chemicals listed in Schedule 8 are prohibited or restricted.

(2) Notwithstanding subsection (1), the Minister may, in consultation with the Authority by statutory instrument, prohibit or restrict the import, export, manufacture, formulation, distribution and use of hazardous chemicals or products containing hazardous chemicals.

(3) A person shall not import, export, manufacture, formulate, distribute or use hazardous chemicals or products containing hazardous chemicals prohibited under subsection (1) and (2).

(4) A prohibition or restriction shall apply to any hazardous chemical on its own, in a mixture or in a chemical product, including those chemicals that do not require registration.

(5) A person shall not import, export, transport, store, manufacture, formulate, distribute, sell or offer for sale any chemical which has been adulterated, or which has decomposed or deteriorated so as to be ineffective for its purpose or which is packed in containers which have deteriorated or been damaged, rendering them hazardous to store, handle or use.

(6) Subject to subsection (2), a person who intends to export prohibited or restricted chemicals shall submit to the Authority an export notification with a document stating—

- (a) the main purpose of the export and the name of the receiving country; and
- (b) the contents of the chemical.

(7) For the avoidance of doubt, the export of prohibited chemicals under subsection (6) shall only be permitted for purposes of disposal.

(8) A person shall not supply or misuse chemicals to harm any person or the environment.

(9) This section shall not apply to chemicals or chemical products or substances regulated under the Agricultural Chemicals Control Act, 2006, the Atomic Energy Act, 2008, the National Drug Policy and Authority Act, Cap 206 and the Toxic Chemicals Prohibition Control Act, 2016.

## **71. Management of hazardous chemicals and products containing hazardous chemicals.**

(1) The Authority shall, in consultation with the relevant lead agency, establish criteria for the classification of hazardous chemicals and products containing hazardous chemicals in accordance with their toxicity and the hazards they present to human health and the environment.

(2) The Minister shall, on the basis of the criteria established under subsection (1), make regulations for the management of hazardous chemicals and products containing hazardous chemicals.

- (3) The Regulations made under subsection (2) shall provide for—
- (a) the identification and registration of hazardous chemicals and products containing hazardous chemicals;

- (b) labelling of hazardous chemicals and products containing hazardous chemicals;
- (c) packaging of hazardous chemicals and products containing hazardous chemicals;
- (d) advertising of hazardous chemicals and products containing hazardous chemicals;
- (e) control of import, export and transit of hazardous chemicals and products containing hazardous chemicals;
- (f) use of hazardous chemicals and products containing hazardous chemicals, including acid and bases;
- (g) distribution, storage, transportation and handling of hazardous chemicals and products containing hazardous chemicals;
- (h) disposal of expired and utilised hazardous chemicals and products containing hazardous chemicals;
- (i) prohibition or restriction of hazardous chemicals and products containing hazardous chemicals;
- (j) monitoring water bodies, soils or any other receiving environment for any spill of hazardous chemicals and contamination;
- (k) monitoring of the effect of hazardous chemicals and their residue on human health and the environment;
- (l) a register of all hazardous chemicals manufactured, package used, exported or imported into Uganda; and
- (m) transboundary collaboration to manage hazardous chemical spills, especially across national borders.

## **72. Registration of hazardous chemicals.**

(1) The Authority shall, in consultation with the relevant lead agency, cause to be registered in a manner prescribed by regulations—

- (a) hazardous chemicals or products containing hazardous chemicals imported, exported, manufactured, packaged or used in Uganda;

- (b) hazardous chemical substances or products containing hazardous chemicals declared as hazardous waste by the Authority; and
- (c) hazardous chemicals or products containing hazardous chemicals which may be progressively replaced by suitable alternatives.

(2) The register of hazardous chemicals made under subsection (1) shall be accessible to the public.

**73. Licence to deal in hazardous chemicals or products containing hazardous chemicals.**

(1) Subject to section 70, a person shall not, without a licence issued by the Authority—

- (a) import, export or use hazardous chemicals or products containing hazardous chemicals; or
- (b) manufacture, store or sell hazardous chemicals or materials containing hazardous chemicals.

(2) The Minister may make regulations for the procedure for grant of licence under subsection (1).

**74. Management of products containing mercury, lead, cyanide, arsenic and polonium.**

(1) The Authority shall, in consultation with the relevant lead agency, establish a criteria for—

- (a) the management of mercury or mercury compounds, lead, cyanide, arsenic and polonium in manufacturing or mining processes;
- (b) the management of products containing mercury, lead, cyanide, arsenic and polonium; and
- (c) the provision of alternatives to products containing mercury, lead, cyanide, arsenic and polonium.

(2) The Minister may, by regulations, prohibit the manufacture, import, export or use of mercury, lead, cyanide, arsenic and polonium added products after their phase-out dates, except where they are excluded or exempted.

(3) A person shall not import, export, manufacture or use mercury, lead, cyanide, arsenic and polonium added products prohibited under subsection (2).

#### **75. Management of ozone depleting substances and products.**

(1) The Authority shall, in consultation with the relevant lead agency, undertake research and other studies and give due recognition to developments in scientific knowledge on substances, activities and practices that deplete the stratospheric ozone layer and other components of the stratosphere to the detriment of human health and the environment.

(2) The Authority shall, in consultation with the relevant lead agency, issue guidelines and undertake programmes relating to—

- (a) the elimination of substances, technologies and equipment that deplete the ozone layer, including ozone friendly substances that contribute to global warming;
- (b) practices and activities likely to lead to the degradation of the stratospheric ozone layer; and
- (c) the reduction and minimisation of risks to human health and the environment created by the degradation of the stratospheric ozone layer.

#### **76. Management of plastics and plastic products.**

(1) The import, export, local manufacture, use or re-use of categories of plastic carrier bags or plastic products made of polymers of ethene (polythene) and propylene (polypropylene) is prohibited, except for plastic carrier bags or plastic products made of polymers of ethene (polythene) and propylene (polypropylene) of above thirty microns and those listed under Schedule 9.

(2) Subject to subsection (1), the Minister shall, in consultation with the Authority, lead agencies and relevant stakeholders, establish criteria for the documentation, handling, storage, recycling, re-use and disposal of plastics and plastic products.

(3) A person who manufactures or imports plastics or plastic products shall as a precondition for continued operation—

- (a) ensure that recycling is part of that person's active operations;
- (b) label the plastics or plastic product; and
- (c) put in place a mechanism that is satisfactory to the Minister to buy back or remove from the environment plastic and plastic products.

(4) The Uganda National Bureau of Standards established under the Uganda National Bureau of Standards Act shall enforce the provisions of sub section (1).

(5) A person to whom subsection (3) applies shall annually report to the Authority on the person's compliance with this section.

(6) The Authority shall certify whether the person in subsection (5) has complied with the provisions of this section.

### **77. Use of circulative resources.**

The Authority may, by statutory instrument, require a person engaged in production processes or any other person to make use of non-hazardous circulative resources extracted from waste materials by recirculating the resources in the production process in conformity with the waste management hierarchy.

## PART VII—CONTROL OF POLLUTION AND ENVIRONMENTAL EMERGENCY PREPAREDNESS.

### **78. Prohibition of pollution.**

(1) A person shall not cause pollution or initiate anything that may occasion a risk of pollution, except in accordance with this Act and any other applicable law.

(2) Subject to subsection (1), a person whose activities are likely to cause pollution shall put in place measures to prevent the pollution from occurring, including by use of best available techniques and best environmental practices.

(3) Where any law permits venting or flaring of gases and other particulate matter into the atmosphere for normal operational purposes or emergency situations, the person who vents or flares shall take measures to minimise the pollution caused by the flaring or venting.

(4) For the avoidance of doubt, the venting or flaring referred to in subsection (3) shall be in compliance with the air quality standards prescribed under this Act.

(5) Notwithstanding subsections (1) and (2), the Authority may issue a licence for the control of pollution, in accordance with this Act and regulations made under this Act for activities likely to cause pollution.

## **79. Measures to take in event of pollution.**

(1) Subject to section 78(1), where pollution has occurred contrary to this Act, regulations made under this Act, any other applicable law, environmental standards or conditions of a licence issued under section 78(5), the person responsible for the pollution shall—

- (a) take the necessary action to stop further pollution and minimise the impacts of the pollution on human health and the environment;
- (b) give notice of the pollution to the Authority and the relevant lead agency in the manner prescribed by regulations;
- (c) take steps to mitigate any damage or nuisance resulting from the pollution or from measures to counteract it;
- (d) take steps to clean up and restore the environment as near as possible to its original state; and

- (e) pay compensation for the damage caused in accordance with this Act and any other applicable law.

(2) Where the person responsible for the pollution fails to comply with the requirements of subsection (1), the Authority may—

- (a) order the person to stop the activities causing the pollution;
- (b) order the person to implement the measures prescribed under subsection (1);
- (c) implement the measures under subsection (1) at the cost of the person responsible for the pollution;
- (d) revoke a licence if the activity is licensed; and
- (e) carry out any other measures the Authority deems necessary.

### **80. Polluter's liability.**

(1) A person who pollutes the environment contrary to this Act or any other applicable law is strictly liable for any damage caused to human health or the environment, regardless of fault.

(2) Notwithstanding subsection (1), a person who does an act or makes an omission that may aggravate the damage or nuisance caused by earlier pollution is equally and jointly responsible for the pollution.

### **81. Pollution control licences.**

(1) The Board shall appoint a technical committee on control of pollution in accordance with section 21, composed of such persons as the Board may determine.

(2) The Executive Director shall be the chairperson of the technical committee on control of pollution.

(3) The technical committee on control of pollution appointed by the Board under subsection (1) shall—

- (a) consider applications for pollution licences;
- (b) issue pollution licences; and

(c) perform any other functions assigned to it by the Board.

(4) A person shall not carry out an activity likely to pollute the air, water or land in excess of any standards or guidelines prescribed or issued under this Act except under and in accordance with a pollution control licence.

(5) The technical committee shall not issue a pollution control licence unless it is satisfied that the licensee is capable of compensating the victims of the pollution and of cleaning the environment in accordance with the “polluter pays principle” as provided for under this Act.

## **82. Application for a pollution control licence.**

(1) An application for a pollution control licence to carry on an activity which is likely to pollute land, water or air in excess of the standards or guidelines prescribed or issued under this Act shall be made to the committee in a manner prescribed by regulations.

(2) Any proprietary information submitted to the technical committee shall be treated as confidential.

## **83. Consideration of the application by the technical committee.**

(1) Upon receiving the application for a pollution control licence under section 82, the technical committee shall—

- (a) within thirty days, notify persons who may be affected by the proposed activity of the applicant and invite them to make representations;
- (b) consider representations made by the relevant lead agency;
- (c) consider the application having regard to all the representations received by the technical committee under paragraph (a) and (b); and
- (d) grant or reject the application.

(2) The technical committee may, before granting or rejecting an application under subsection (1)—

- (a) require that an environmental and social impact assessment be conducted in accordance with Part X of this Act, having regard to the nature of the activity requested and the pollution likely to result from that activity; and
- (b) request the applicant to furnish further information relating to the plant location, material or technology design.

(3) Where the committee rejects an application for a pollution control licence, it shall state in writing its reasons for the rejection.

#### **84. Conditions in pollution control licence.**

(1) A pollution control licence issued under this Act shall be in the prescribed form, and be subject to such conditions as may be prescribed or as may be specified in the licence.

(2) A pollution control licence issued under this Act shall remain valid for such period and may be renewed for such further period as may be prescribed by regulations.

#### **85. Fees for pollution control licence.**

(1) An application under section 82 or 86 shall be accompanied by the prescribed fee.

(2) The fee to be charged under subsection (1) shall be determined in accordance with the “polluter pays principle” referred to in section 81, and accordingly—

- (a) the person contributing the greater amount of pollution shall bear the largest burden in paying for clean up of the environment; and
- (b) the fees shall be used to promote behavior that conserves the environment by charging less fees for activities that reduce pollution.

**86. Renewal of pollution control licence.**

(1) A licensee may apply to the committee for the renewal of a pollution control licence in the prescribed form.

(2) The technical committee shall consider each application for renewal of a licence within three months from the date of submission of a complete application.

(3) The technical committee may, after considering the application under subsection (2)—

- (a) renew the pollution control licence;
- (b) reject the application; or
- (c) request for further information.

(4) The technical committee shall, in making a decision under subsection (3), take into account the following—

- (a) whether the applicant has observed the conditions established in the previous licence;
- (b) whether the applicant has taken measures to abate the pollution;
- (c) the effect of the pollution in the area where it is discharged or emitted; and
- (d) any other matter that the committee considers necessary.

**87. Cancellation of pollution control licence.**

The technical committee may, in writing, cancel a pollution control licence—

- (a) where the holder of the licence contravenes any provision of this Act or any other applicable law;
- (b) where the holder of the licence fails to comply with any condition specified in the licence;
- (c) where the committee considers it to be in the interest of the environment or in the public interest to cancel the licence.

**88. Register of pollution control licence.**

(1) The Authority shall maintain a register of all pollution control licences issued under this Act.

(2) The register shall be a public document and may be inspected at any reasonable hour by any person, upon the payment of the prescribed fee.

*Acute Pollution and Emergency Preparedness  
and Response System.*

**89. Duty to have emergency response system against acute pollution.**

(1) In addition to the requirements under sections 78 and 79, a person engaged in an activity likely to cause acute pollution shall establish an emergency preparedness and response system designed to prevent, detect, stop, remove or limit the impact of the pollution.

(2) The emergency preparedness and response system established under subsection (1) shall include a contingency plan.

(3) The emergency preparedness and response system shall be in reasonable proportion to the probability of acute pollution and the extent of the damage and nuisance that may arise.

(4) The Authority may require persons involved in similar activities or activities located in the same geographical area to cooperate in the establishment or implementation of joint emergency preparedness and response systems.

(5) The Minister may, in consultation with the Authority and the relevant lead agency, by regulations prescribe measures relating to emergency preparedness and response systems required under this section.

**90. Notification of acute pollution.**

(1) In the event of acute pollution or risk of acute pollution, the person responsible shall immediately notify the nearest police, the Authority and the relevant lead agency in the manner prescribed by the Authority.

(2) Notwithstanding subsection (1), where any other person observes an event of acute pollution or risk of acute pollution, the person shall immediately notify the nearest police station and where possible, the person responsible for the pollution and the Authority.

**91. Response to acute pollution.**

(1) In the event of acute pollution or risk of acute pollution, the person responsible for the pollution shall, in addition to the measures under section 79(1), immediately implement the emergency preparedness and response system prepared under section 89 to avoid or minimize harm to human health and damage to the environment.

(2) During pollution clean-up operations, the polluter shall keep the Authority, the police and the lead agency informed, and the Authority may provide the necessary assistance or request assistance from the relevant government department.

**92. National and lead agency emergency preparedness and response systems, contingency plans and other plans.**

(1) A lead agency shall, in consultation with the Authority, provide for emergency preparedness and response systems, contingency plans and other plans for minor incidents of acute pollution that may occur or cause damage within the jurisdiction of the lead agency.

(2) The Minister shall, in consultation with the Authority and the relevant lead agency, provide for emergency preparedness and response systems, contingency plans and other plans for major incidents of acute pollution to supplement the emergency preparedness and response systems, contingency plan or other plan prepared by the lead agency under subsection (1).

(3) The Minister may, by regulations, prescribe the format and content of emergency preparedness and response systems, contingency plans or other plans to be made under this section.

(4) The Minister may, by statutory instrument, prescribe institutions and facilities that must prepare specific emergency preparedness and response systems, contingency plans or other plans.

(5) Notwithstanding subsection (4), the following facilities shall have specific emergency preparedness and response system or contingency plans—

- (a) educational institutions;
- (b) hotels;
- (c) recreational facilities;
- (d) hospitals; and
- (e) commercial buildings, including markets.

(6) An emergency preparedness and response system, contingency plan or other plan prepared under subsection (5) shall take into account the risks faced by the institution or facility and the environmental risk assessment, where applicable.

### **93. National Oil Spill Contingency Preparedness and Response.**

(1) The Office of the Prime Minister shall, in consultation with the Authority, the Petroleum Authority of Uganda and any other relevant lead agency, establish a National Oil Spill Contingency Plan in the manner prescribed by regulations.

(2) The Plan referred to under subsection (1) shall establish a national framework and command structure for planning, preparation and response to oil spills on land and water bodies in Uganda, and for the management of oil spills of a transboundary nature.

(3) The Petroleum Authority of Uganda, established under the Petroleum (Exploration, Development and Production) Act, 2013, is designated as the Competent National Authority for the implementation of the National Oil Spill Contingency Plan.

(4) The Petroleum Authority of Uganda, may, in consultation with the Office of the Prime Minister, on its own assessment or on the advice of the Authority, determine whether the Government should take over command of an oil spill response operation in a manner prescribed by regulations and in accordance with the National Oil Spill Contingency Plan.

(5) Notwithstanding subsection (4), the person responsible for an oil spill shall—

- (a) continue the oil spill response operations under the command of the national incident commander provided for under the National Oil Spill Contingency Plan; and
- (b) remain liable for the effects of the oil spill and response operations in accordance with this Act, regulations made under this Act and any other applicable law.

**94. Duty to provide assistance in case of acute pollution.**

(1) A lead agency or the Authority may request any person with a duty to establish an emergency preparedness and response system under section 89 to place at its disposal equipment and personnel during emergency response operations, and may request other lead agencies to provide assistance to the extent possible.

(2) The Office of the Prime Minister may, during an event of acute pollution treated as an environmental disaster under section 95(1), require a person with a duty to establish an emergency preparedness and response system in accordance with section 89 or a lead agency to provide equipment and personnel to respond to the event.

**95. Preparedness for environmental emergencies and disasters.**

(1) The Office of the Prime Minister may, in consultation with the Authority, declare an incident, occurrence or event as an environmental emergency or disaster.

(2) The Office of the Prime Minister shall, by regulations establish a coordination mechanism for national responses to environmental emergencies and disasters.

(3) The coordination mechanism under subsection (1) shall include the participation of the following—

- (a) the Office of the Prime Minister
- (b) the Authority;
- (c) the Uganda Peoples' Defence Forces;

- (d) the Uganda Police Force;
- (e) the Fire Brigade Service;
- (f) organisations providing healthcare; whether governmental or nongovernmental; and
- (g) any relevant lead agency or organisation.

(4) Nothing in this section shall be construed as limiting the responsibility of the person responsible for the activity causing the incident, occurrence or event under this Act or any applicable law.

#### PART VIII—MANAGEMENT OF WASTE.

### **96. Duty to manage waste.**

(1) A person who generates or handles waste shall be responsible for its proper management in accordance with this Act, the principles of the circular economy referred to in section 5(2)(p), and the waste management hierarchy and measures prescribed by regulations.

(2) The person responsible for managing waste under subsection (1) shall take such steps as are necessary to prevent pollution arising from such management and where pollution occurs, to minimise the consequences of the pollution on human health and the environment.

(3) A person engaged in petroleum activities under the Petroleum (Exploration, Development and Production) Act, 2013 or midstream operations under the Petroleum (Refining, Conversion, Transmission and Midstream Storage) Act, 2013 shall be responsible for the proper management of petroleum waste in accordance with the applicable law.

### **97. Prohibition of littering.**

(1) Littering is prohibited.

(2) A person, who owns or occupies any dwelling or commercial premises, is responsible for waste generated at those premises until it is collected by the authorised person.

(3) A person driving a vehicle is responsible for the sanitary condition of the vehicle and for the waste generated in the vehicle.

(4) A person shall not place, deposit or allow any waste to be placed or deposited on his or her premises or on private property, on a public street, roadside, or in a ditch, river, stream, lake, pond, canal, channel, park, gulch, ravine, excavation, or other place where it may be or become a public health nuisance.

(5) Subsection (4) shall not be construed to prevent the approved placement of waste for collection purposes in accordance with this Act.

(6) The Minister shall, by statutory instrument, issue regulations, prescribing additional provisions relating to littering.

(7) The regulations referred to in subsection (6) shall, among others, provide for—

- (a) specific functions of local leaders to manage waste;
- (b) responsibilities for owners or occupants of any premise or vehicle;
- (c) categories of waste;
- (d) containment of waste;
- (e) storage of waste;
- (f) transportation of waste;
- (g) collection of waste; and
- (h) disposal of waste.

(8) For purposes of this Act, “littering” means disposing waste in a place not designated as a disposal area or waste collection point.

(9) A person who contravenes subsections (1), (2), (3) and (4) commits an offence and is liable, on conviction, to a fine not exceeding five hundred and fifty currency points.

(10) A person who deposits hazardous waste on his or her premises or on private property, on a public street, roadside, or in a ditch, river, stream, lake, pond, canal, channel, park, gulch, ravine,

excavation, or other place commits the offence of aggravated littering and is liable, on conviction to a fine not exceeding five thousand currency points or imprisonment not exceeding ten years, or both.

(11) In addition to the penalty prescribed in subsections (9) or (10) the person convicted may be required to remove the substance littered and to properly dispose it off or be subjected to an express penalty prescribed under section 174.

(12) In this section, “vehicle” includes a machine or implement of any kind drawn or propelled along roads whether by animal, mechanical, electrical or any other motive power.

**98. Extended producer responsibility and product stewardship.**

(1) A person who develops, manufactures or processes any product shall minimise the waste generated from the production processes by adopting the following measures—

- (a) improvement of production processes;
- (b) monitoring the product cycle from beginning to end; and
- (c) incorporating measures and technologies that deliver the best overall environmental outcome in the design and disposal of a product.

(2) The Minister may, by regulations, require a person who manufactures, imports, distributes or sells a substance, preparation or other product to—

- (a) take in the product after use;
- (b) ensure that measures are taken to recover or dispose of the product in a manner prescribed by regulations; or
- (c) ensure that the product is transferred, after it is taken in, to a person required by regulations to be responsible for its proper disposal.

(3) The Authority may make regulations for the management of special categories of waste with hazardous properties.

**99. General prohibition on import and export of waste.**

(1) A person shall not import waste into Uganda for treatment or disposal, except as may be prescribed by regulations.

(2) The Authority shall not permit the export of waste—

- (a) to a country which has prohibited the import of such waste with notification to Uganda;
- (b) to a country which has not prohibited the import of waste, except with the written consent of that country to the specific import; or
- (c) if the Authority has reason to believe that the waste in question will not be managed in an environmentally sound manner.

(3) A person who imports any waste into Uganda for disposal or contrary to this Act shall be responsible for the removal of the waste from Uganda and for its re-export or safe disposal.

(4) A person who imports waste into Uganda shall be liable for any damage to human health or to the environment caused by the waste imported.

**100. Licence to export waste.**

(1) A person who intends to export waste shall apply for a licence from the Authority in the manner prescribed by regulations.

(2) An application for a licence under subsection (1) shall be accompanied by movement documents with respect to the export in a manner prescribed by regulations.

(3) The Authority may grant a licence for the export of waste from Uganda, where it is satisfied that the applicant has, subject to section 99(2), obtained the consent of the country to which the waste is

being exported and where applicable, the country through which the applicant intends to move the waste.

(4) Before granting a licence under subsection (3), the Authority shall notify the Designated National Authority of the state into which the waste is to be exported, by sending a copy of the movement document received from the applicant.

(5) The Authority may grant a licence for the export of waste upon such conditions as it may deem necessary.

### **101. Transboundary movement of waste.**

(1) The Authority is the Designated National Authority for the operation of the prior informed consent procedure for the import, export, transit or other transboundary movement of hazardous waste.

(2) The Authority shall cooperate with Designated National Authorities of other states under international conventions or arrangements to which Uganda is a party and international organisations with competence in the management of transboundary movement of hazardous waste.

(3) The Authority shall make available to the public, information on transboundary movement of hazardous waste and other waste and related effects on human health and the environment.

(4) A person shall not engage in the transboundary movement of hazardous waste or other waste except in accordance with regulations made under this Act.

(5) A person transporting waste through Uganda shall—

- (a) ensure that the Authority and the relevant lead agencies have been notified and have authorised the transportation;
- (b) ensure that the waste transported conforms to national standards and accompanying movement documents;

- (c) ensure that the waste is not disposed of in Uganda;
- (d) ensure that the transboundary movement of waste is reduced to the minimum consistent with environmentally sound and efficient management of such waste; and
- (e) ensure that the transboundary movement of waste is conducted in a manner that protects human health and the environment against the adverse effects which may result from such movement.

### **102. Classification and management of hazardous waste.**

(1) The Minister shall, by regulations, classify waste as hazardous wastes, taking into account the following characteristics—

- (a) corrosiveness;
- (b) carcinogenicity;
- (c) flammability;
- (d) persistence;
- (e) toxicity;
- (f) explosiveness;
- (g) radioactivity;
- (h) infectiousness;
- (i) reactivity; otherwise than as described in paragraphs (a) to (h); and
- (j) any other characteristic the Authority may consider necessary.

(2) Regulations made under subsection (1) shall provide for the management of hazardous waste.

## PART IX—ESTABLISHMENT OF ENVIRONMENTAL STANDARDS.

### **103. Air quality standards.**

(1) The Authority shall, in consultation with the relevant lead agencies—

- (a) establish the criteria and procedure for the measurement of air quality;
- (b) prescribe ambient air quality standards and other air quality standards;
- (c) prescribe emission standards for various sources; and
- (d) establish criteria and issue guidelines for air pollution control for mobile, stationary and other sources.

(2) The Authority shall, in collaboration with the relevant lead agency, take measures to control air pollution by—

- (a) requiring the redesign of existing industrial plants or the introduction of new and appropriate technology or both;
- (b) requiring the reduction or elimination of existing sources of air pollution; and
- (e) making guidelines to minimise emissions of greenhouse gases.

#### **104. Standards for the control of noxious smells.**

The Authority shall, in consultation with the relevant lead agency, establish—

- (a) procedures for the measurement and determination of noxious smells;
- (b) minimum standards for the control of pollution of the environment by smell; and
- (c) guidelines for measures leading to the abatement of obnoxious smells, whether from human activities or from naturally occurring phenomena.

#### **105. Standards for effluent discharge.**

The Authority may, in consultation with the relevant lead agency—

- (a) establish standards for effluent discharge;

- (b) prescribe measures for the treatment of any effluent before discharge into the environment; or
- (c) require that a developer or operator undertakes such works as it considers necessary for the treatment of effluent before its discharge.

**106. Standards for the control of effects of vibration and pollution caused by noise.**

(1) The Authority shall, in consultation with the relevant lead agency—

- (a) establish the criteria and procedure for the measurement of the effects of vibration and noise pollution;
- (b) prescribe minimum standards for noise and vibration;
- (c) issue guidelines for the abatement of unreasonable noise and vibration from any source; and
- (d) take measurement of the levels of noise emanating from all sources, details of which measurements shall be given to the owner or occupier of the premises from which the measurement was taken for their action.

(2) The Authority shall, in consultation with the relevant lead agency—

- (a) establish the criteria and procedure for the measurement of subsonic vibrations;
- (b) prescribe standards for the emission of subsonic vibrations which are likely to have a significant impact on the environment; and
- (c) issue guidelines for the minimisation of subsonic vibrations referred to in paragraph (b) from existing and future sources.

(3) The Authority may, on request grant a temporary permit not exceeding three months, allowing emission of noise in excess of established standards for such activities as fireworks, demolitions, firing ranges and specific heavy industry, on such terms and conditions as the Authority may determine.

(4) Where an exemption has been granted under subsection (3), any person exposed to excessive levels of noise shall be adequately protected in accordance with the guidelines issued by the Authority.

### **107. Soil quality standards.**

(1) The Authority shall, in consultation with the relevant lead agency—

- (a) establish the criteria and procedure for the measurement and determination of soil quality, including sampling methods and soil analysis; and
- (b) prescribe minimum standards for the management of the quality of the soil.

(2) For purposes of subsection (1), the Authority may, in collaboration with the relevant lead agency, issue guidelines and prescribe measures for—

- (a) the disposal of any substance in the soil;
- (b) the identification of various soils;
- (c) the optimum utilisation of any soil;
- (d) the practices that will conserve soil;
- (e) the prohibition of practices that degrade soil; and
- (f) clean-up and restoration of contaminated soil.

### **108. Standards for minimisation of radiation.**

(1) The Authority may, in consultation with the relevant lead agency, ensure the establishment of—

- (a) criteria and procedures for the measurement of ionising and other radiation; and
- (b) standards for the minimisation of ionising and other radiation in the environment.

(2) For the purposes of subsection (1), the relevant lead agency may issue guidelines and measures for—

- (a) monitoring radiation;
- (b) minimum protective measures to be taken against radiation;
- (c) inspection of premises, areas, vehicles, and vessels contaminated by radiation;
- (d) the control of the effects of the radiation; and
- (e) safe practices to protect persons involved in activities prone to radiation exposure.

### **109. Other standards and procedures.**

(1) The Authority may, in consultation with the relevant lead agency, establish standards for other matters and activities that may be deleterious to human health or to the environment.

(2) The Authority may, in consultation with the relevant lead agency, establish such criteria and procedures as it may consider necessary for the determination of the standards established under subsection (1).

## PART X—ENVIRONMENTAL AND SOCIAL ASSESSMENT.

### **110. Purpose of environmental and social assessments.**

(1) The purpose of environmental and social assessments undertaken under this Act and regulations made under this Act is to evaluate environmental and social impacts, risks or other concerns of a given project or activity, taking into account the environmental principles set out in section 5(2).

(2) The Authority shall categorise projects or activities under this Part, based on—

- (a) the nature and scale of the proposed project or activity;
- (b) the documented impacts of similar or related projects or activities previously undertaken in Uganda; and
- (c) the anticipated magnitude of the environmental, social, economic and cultural impacts of the proposed project or activity.

**111. Responsibility of developer.**

(1) A developer shall ensure that a person carrying out an environmental and social assessment for him or her, either personally or by employees, contractors or sub-contractors, complies with this Act, regulations made under this Act, any other applicable law and administrative decisions.

(2) For the avoidance of doubt, a developer is responsible for the quality of the assessment undertaken by any person referred to in subsection (1).

(3) The developer shall use and integrate environmental and social impact assessment, human rights risk assessment and environmental risk assessment in the project design.

**112. Projects for which project briefs are required.**

(1) A developer of a project set out in Schedule 4 to this Act shall undertake an environmental and social impact assessment by way of project brief.

(2) The developer of a project set out in Part I of Schedule 4 to this Act shall submit a project brief to the Authority in the manner prescribed by regulations.

(3) A developer of a project set out in Part II of Schedule 4 shall submit a project brief to the lead agency in the manner prescribed by regulations.

(4) Where there is more than one lead agency, the lead agency to which the project brief is submitted shall consult with the other lead agencies in the consideration of the project.

(5) Where the Authority, in consultation with the lead agency, is satisfied that the project referred to in subsection (2) is likely not to have significant adverse impacts on human health or the environment or that the project brief contains sufficient mitigation measures to cope with the anticipated impacts, it may approve the project.

(6) Where the Authority finds that the project in subsection (2) is likely to have significant adverse impacts on the environment or that the project brief does not disclose sufficient mitigation measures to cope with anticipated impacts, the Authority may reject the project or may require the developer to undertake an environmental and social impact assessment.

### **113. Categorisation of projects for purposes of environmental and social impact assessments.**

(1) A developer of a project set out in Schedule 5 shall—

- (a) conduct an environmental and social impact assessment by way of scoping;
- (b) prepare terms of reference for an environmental and social impact study; and
- (c) undertake an environmental and social impact study as prescribed by regulations.

(2) A developer of a project proposed to be located in or near the environmentally sensitive areas listed in Schedule 10 may be required to undertake scoping, prepare terms of reference for an environmental and social impact study and undertake an environmental and social impact study as prescribed by regulation.

(3) Subject to Schedules 5 and 10, a project or activity set out in Schedule 11 is exempt from an environmental and social impact assessment, unless the Authority determines that the project or activity is likely to have cumulative negative impacts on human health or the environment.

(4) The environmental and social impact assessment undertaken under this section shall assess the potential impacts of individual projects and their contribution to the total cumulative effect.

### **114. Environmental risk assessments.**

(1) The Authority may require a developer to undertake an environmental risk assessment as part of the process of environmental and social impact assessment.

(2) A person shall conduct an environmental risk assessment in the manner prescribed by regulations where—

- (a) the introduction of new species into the ecosystem or control of species of flora or fauna may be invasive or pose a threat to the environment;
- (b) the activity may contribute to increasing the vulnerability of or lead to extinction of species;
- (c) the activity is likely to impact on critical habitats, species of concern or cultural or natural heritage;
- (d) the activity requires the introduction of technologies, chemicals or processes that have the effect of creating high ecological risks;
- (e) there is introduction of genetically modified organisms into the country;
- (f) there is introduction of new methods or substances for combating or controlling insects, other organisms or weeds;
- (g) the activity may cause acute pollution;
- (h) the activity relates to the handling of petroleum commodities or products throughout their value chain;
- (i) the activity is near an airport or aerodrome and is likely to impact on aircraft operations.

(2) The Minister may, by regulations, prescribe additional activities that require developers to undertake environmental risk assessments.

(3) An environmental risk assessment conducted under subsection (1) shall include hazard identification, vulnerability analysis, risk analysis and risk response action.

### **115. Mitigation hierarchy, biodiversity or other offset and compensation mechanisms.**

(1) A developer shall, when designing a project for which an

environmental and social impact assessment or environmental risk assessment is required, apply the mitigation hierarchy principles.

(2) The Authority shall, in reviewing an environmental and social impact study, evaluate the application of the mitigation principles in the proposals submitted, before allowing the application of biodiversity offsets or other offset and compensation mechanisms.

(3) Subject to subsection (4), biodiversity offsets, other offsets and compensation mechanisms may be applied to address residual impacts.

(4) Where a biodiversity offset, other offset or compensation mechanism is considered, the developer shall design and implement it to address residual impacts and to achieve measurable conservation outcomes that can reasonably be expected to result in no net loss and preferably a net gain of biodiversity or other benefits.

(5) Subject to subsection (4), the Authority shall require a net gain in respect of projects in critical habitats or projects that may impact species of concern.

(6) The biodiversity or other offsets or compensation mechanism referred to in subsection (4) shall be designed and funded by the developer as long as the impacts exist or preferably in perpetuity.

(7) The design of a biodiversity or other offset or compensation mechanism shall adhere to the “like-for-like or better” principle and shall be undertaken in accordance with best available information and in the manner prescribed by regulations.

(8) The Authority may issue guidelines for biodiversity offsets, other offsets and compensation mechanisms based on best practice.

#### **116. Decommissioning of projects.**

(1) The Authority may require a developer or operator of a project to whom this Act applies to submit a preliminary decommissioning plan as part of a project brief or environmental and social impact statement.

(2) The Authority may, in consultation with the relevant lead agency, require a developer or operator of a project approved under this Act, to undertake decommissioning in accordance with the approved decommissioning plan and international best practice, at his or her own cost, before final closure of the project or completion of activities.

(3) A person required to decommission a project under subsection (2) or who wishes to voluntarily decommission shall submit a detailed decommissioning plan to the Authority, at least 12 months or such shorter period as the Authority may determine, before the intended project closure.

(4) The Authority may require the developer or operator of a project or activity referred to in subsection (3) to deposit a financial security in accordance with section 141.

(5) For the avoidance of doubt, decommissioning of petroleum activities or facilities and midstream operations or facilities shall be dealt with in accordance with the Petroleum (Exploration, Development and Production) Act, 2013 and the Petroleum (Refining, Conversion, Transmission and Midstream Storage) Act, 2013, respectively.

#### PART XI—ENVIRONMENTAL EASEMENTS.

### **117. Environmental easements.**

(1) An environmental easement may be granted, in accordance with the applicable law, to facilitate the conservation and enhancement of the environment, in this Act referred to as the benefited environment, through the imposition of one or more obligations in respect of the use of land or area, in this Act referred to as the burdened land or ecosystem, being land or area in the vicinity of the benefited environment.

(2) An environmental easement may be imposed on, and shall thereafter attach to, the burdened land or ecosystem in perpetuity or for a term of years or for an equivalent interest under customary law as the court may determine.

(3) The validity and enforceability of an environmental easement granted under subsection (1) shall not be dependent on the existence of land in the vicinity of the burdened land or ecosystem which can be benefited, or of a person with an interest in that land who can be benefited by the environmental easement.

(4) Without prejudice to the general effect of subsection (1), an environmental easement may be imposed on burdened land or ecosystems to—

- (a) preserve or conserve flora, fauna and the ecosystem in general;
- (b) preserve the quality and flow of water in a dam, lake, river or aquifer;
- (c) preserve or conserve any outstanding geological, physio-graphical, ecological, archaeological or historical features of the burdened land;
- (d) preserve a view;
- (e) preserve open space;
- (f) permit persons to walk in a defined path or area across the burdened land;
- (g) preserve or conserve the natural contours and features of the burdened land;
- (h) prevent or restrict the scope of any activity on the burdened land which has as its object, the mining and working of minerals or aggregates;
- (i) prevent or restrict the scope of any agricultural activity on the burdened land; or
- (j) create and maintain works on burdened land to limit or prevent harm to the environment.

### **118. Application for an environmental easement.**

(1) A person may apply to court for the grant of an environmental easement.

(2) An application for the grant of an environmental easement shall be in accordance with the applicable laws or the procedure prescribed by court.

### **119. Grant of environmental easements.**

(1) Court may, on an application made under section 118, grant an environmental easement, subject to this Act.

(2) Notwithstanding subsection (1), court may require the person applying for an environmental easement under section 118 to conduct an environmental and social impact assessment in accordance with this Act before the grant of the environmental easement.

(3) court may, on grant of an environmental easement under this section, make an order for compensation, taking into account any existing right or interest to the use of the burdened land, the restriction to that right or interest occasioned by the environmental easement, the provisions of the Constitution and any other applicable law.

### **120. Registration of environmental easement.**

(1) Where an environmental easement is granted on registered land, the environmental easement shall be registered in accordance with the Registration of Titles Act.

(2) Where an environmental easement is granted on any land other than land referred to in subsection (1), the urban or district council of the area in which that land is situated shall register the environmental easement in a register established for the purpose.

(3) In addition to any matter which is required by any law relating to the registration of easements to be included in the registration, the registration of an environmental easement shall include the name of the person granted the environmental easement.

### **121. Enforcement of environmental easements.**

(1) A person granted an environmental easement and who has been registered, may request court to—

- (a) grant an environmental restoration order in accordance with section 130; or
- (b) grant any remedy available under the law relating to easements.

(2) Court may, in considering issues relating to environmental easements, apply the laws relating to easements with necessary modifications.

## PART XII—ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT

### **122. Environmental and compliance monitoring.**

(1) The lead agency may, in collaboration with the Authority, continuously measure, evaluate and track—

- (a) any environmental phenomena against a baseline or available environmental information with a view to making an assessment of any possible changes in the environment and their actual or potential impacts, whether short term or long term;
- (b) the operation of a project using defined parameters and measurable indicators to determine the project's short-term and long-term effects on human health and the environment; and
- (c) compliance with environmental laws, environmental standards and conditions in permits, licences and other approvals.

(2) A developer shall monitor the project and any environmental phenomena of the project—

- (a) to assess and mitigate its possible impacts on human health or the environment.
- (b) to ensure conformity with environmental laws, environmental standards and conditions in permits, licences and other approvals;

- (c) to ensure the effectiveness of mitigation measures; and
- (d) to ensure delivery of conservation outcomes required to achieve either a no net loss or a net gain when a biodiversity or other offset or compensation mechanism has been implemented to address residual impact.

(3) Where an environmental management and monitoring plan is required as part of an environmental and social impact statement, the developer or operator shall monitor the project against the measurable actions and targets of the environmental management and monitoring plan.

(4) Unless otherwise specified by the Authority or lead agency in writing, or in conditions in permits, licences or other approvals, a developer shall undertake the monitoring referred to under subsection (2) in a regular and timely manner and with a frequency and manner commensurate with the nature of the project.

(5) The Authority shall, upon detecting any non-compliance by a developer with the requirements of this section, notify the developer in writing and require the developer to bring the project to comply with the requirements of this Act.

(6) A developer shall maintain proper records of the monitoring undertaken under subsection (2), which shall be made available to the Authority or lead agency upon request.

(7) A lead agency or the Authority may require the developer to submit monitoring reports in a prescribed form.

### **123. Laboratory analysis.**

(1) The Authority or an authorised officer may, as part of the environmental and compliance monitoring process, conduct or require a laboratory analysis of any matter, substance, process or material to ensure compliance with environmental laws, environmental standards or conditions in licences, permits and other approvals.

(2) A laboratory analysis conducted under subsection (1) shall determine the composition, quality or effect of the matter, substance, process or material; whether physical, chemical or biological, on human health and the environment.

(3) The Authority may, on the advice of the lead agency, prescribe the form and manner in which samples shall be taken for analysis.

#### **124. Designation of analytical laboratories and reference laboratories.**

(1) The Authority may, by notice in the Gazette, designate as many laboratories as it considers necessary and fit to be analytical laboratories and reference laboratories for the purposes of this Act.

(2) A notice under subsection (1) shall specify the specific functions of the laboratory and the local limits or subject matter which each laboratory shall serve and may require a laboratory to be internationally accredited in order to conduct certain analyses.

#### **125. Certificate of laboratory analysis.**

(1) A laboratory designated as an analytical or reference laboratory under section 124 shall issue a certificate of analysis of any substance submitted to it under this Act.

(2) The certificate of analysis shall state the methods of analysis followed and shall be signed by the analyst or reference analyst, as the case may be.

(3) A certificate issued under this section shall be sufficient to establish the facts stated in the certificate for all purposes, unless proved otherwise.

(4) The results of any analysis made by the laboratory shall be open to inspection by all interested parties.

**126. Environmental audit.**

(1) The Authority or a lead agency may, where there is public interest or cause to believe that a project has or may have adverse impacts on human health or the environment—

- (a) carry out an environmental enforcement audit; or
- (b) instruct the developer to carry out an environmental compliance audit, within a specified period determined by the Authority.

(2) A developer of a project listed in Schedule 5 and 10 shall undertake an environmental compliance audit in the manner prescribed by regulations.

(3) Notwithstanding subsection (2), the Authority may require the developer of any project not included in Schedule 5 and 10 to undertake an environmental compliance audit.

(4) Where a lead agency intends to undertake an environmental enforcement audit under subsection (1), it shall notify the Authority at least seven days before the commencement date of the audit, and submit an environmental enforcement audit report to the Authority within thirty days after completion of the audit.

(5) An environmental audits carried out under subsections (1) or (2) shall consider the need to prevent harm to human health or the environment and shall take into account—

- (a) environment management and monitoring plans;
- (b) conditions stipulated in the certificate of approval of the environmental and social impact assessment;
- (c) conditions contained in permits, licences and other approval; and
- (d) any other requirements under this Act or any other applicable law.

(6) A developer or operator of a project required to undertake an environmental compliance audit under subsection (2), shall—

- (a) submit an environmental compliance audit report to the Authority and lead agency, where applicable; and
- (b) undertake mitigation measures to address and rectify any non-compliance detected.

(7) A developer or operator of a project required to undertake an environmental and social impact assessment under this Act, shall not substitute that assessment with an environmental audit or environmental management and monitoring plan.

(8) A developer or operator who contravenes subsection (7) commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand currency points or imprisonment not exceeding fifteen years, or both.

### **127. Designation of environmental inspectors.**

(1) The Authority may, by notice in the Gazette, designate as many officers as it deems fit from duly qualified public officers, whether by name or by title of office, to be environmental inspectors within such limits as may be specified in the notice.

(2) An officer designated under subsection (1) shall be an environmental inspector for three years or such longer period as the Authority may determine.

### **128. Powers and duties of environmental inspectors.**

(1) An environmental inspector may, in the performance of his or her duties under this Act or regulations made under this Act, at any time as may be necessary and without warrant—

- (a) enter on any land, including water, facilities, premises, vehicles or vessels, to conduct a search and to determine whether the provisions of this Act are being complied with;

- (b) require the production of, inspect and examine any licences, registers, records or other documents relating to this Act or any other law relating to the environment and the management of natural resources;
- (c) make copies of licences, registers, records or other documents referred to in paragraph (b);
- (d) make examinations and inquiries to establish whether this Act and any regulations made under this Act are being complied with;
- (e) take samples of any article or substance to which this Act applies and, as may be prescribed, submit the samples for tests and analyses;
- (f) carry out periodic inspections of facilities and other establishments within the local limits of his or her jurisdiction which manufacture, produce as by-products, import, export, store, sell, distribute or use, any substances that are likely to have an adverse impact on the environment, to ensure that the provisions of this Act are complied with;
- (g) carry out such other inspections as may be necessary to ensure that the provisions of this Act are complied with;
- (h) seize any plant, equipment, substance or other thing which he or she believes has been used in the commission of a violation of this Act or regulations made under this Act;
- (i) close any manufacturing plant or stop any other activity or seize any equipment, vehicle or vessel which pollutes or is likely to pollute the environment contrary to this Act or regulations made under this Act;
- (j) issue an environmental improvement notice or environmental compliance notice requiring the operator of any manufacturing plant or other activity to cease any activity deleterious to human health or the environment;

- (k) cause a police officer to arrest any person whom he or she believes has violated or abated a violation of this Act or regulations made under this Act.

(2) An environmental inspector may, at any time, install any equipment, including a seal, on any land, structure, facility, premises, vehicle or vessel for purposes of monitoring compliance with this Act.

(3) Where an environmental inspector exercises the power to close a manufacturing plant or to order the discontinuation of any activity or to seize any equipment, vehicle or vessel under subsection (1) (h), he or she may issue an environmental improvement notice or environmental compliance notice under subsection (1)(j).

(4) In exercising his or her powers under this section, an environmental inspector shall suitably identify himself or herself.

### **129. Power to issue environmental notices and orders.**

(1) Subject to this Act, the Authority or an authorised officer may issue the following notices—

- (a) environmental improvement notices; and
- (b) environmental compliance notices.

(2) The Authority may issue the following orders—

- (a) environmental restoration orders;
- (b) prohibition orders; and
- (c) stop orders.

(3) The Authority or an authorised officer may stipulate such terms, conditions and obligations in a notice or order issued under this section as shall, in the opinion of the Authority or authorised officer, enable the notice or order to achieve all or any of its purposes.

(4) The Authority or an authorised officer may inspect or cause to be inspected any activity to determine whether that activity—

- (a) is causing or is likely to cause pollution, contrary to this Act; or
- (b) is harmful to human health or the environment.

(5) The Authority or an authorised officer may take into account the evidence obtained from an inspection carried out under subsection (4) when making a decision whether or not to serve a notice or order under this section.

(6) The Authority or an authorised officer may seek and take into account any technical, professional or scientific advice which may be desirable for a satisfactory decision to be made on a notice or order.

### **130. Environmental restoration orders.**

(1) Subject to this Part, the Authority may issue an environmental restoration order to any person whose activities cause or are likely to cause pollution contrary to this Act or which are deleterious to human health or the environment.

(2) An environmental restoration order issued under subsection (1) may contain a prohibition or a stop order and the person on whom it is served shall be required, without need for further notice—

- (a) to immediately prevent the commencement of or to cease any activity that is deleterious to human health or the environment;
- (b) to restore the environment, as near as possible, to the state in which it was before the taking of the action which is the subject of the order;
- (c) to take such action as will prevent the commencement or continuation of any activity that is likely to cause, is causing or may contribute to causing pollution; and
- (d) to require clean-up of the pollution or restoration of the damaged environment, using the best available techniques.

(3) Without limiting the general effect of subsection (2) or the powers of the Authority, an environmental restoration order may require a person on whom it is served—

- (a) to restore land and its full ecological and ecosystem functions, including the replacement of soil, the re-planting of trees and other flora;
- (b) to restore, as far as possible, outstanding geological, archaeological or historical features of the land or the area contiguous to the land specified in the order;
- (c) to take such action as will prevent the commencement or continuation of an environmental hazard, including an action that may contribute to an environmental hazard;
- (d) to remove or alleviate any damage to land or the environment or to the amenities of the area;
- (e) to prevent injury to other persons or damage to land or the environment, aquifers beneath the land, flora and fauna in, on, under or above the land specified in the order or land or the environment contiguous to land specified in the order;
- (f) to remove any material, waste or refuse deposited in, on, under or around the land or other area specified in the order;
- (g) to deposit waste in a place named in the order; or
- (h) to comply with such other directives as the Authority may prescribe in the order.

(4) An environmental restoration order shall be in a format prescribed by the Authority and shall specify—

- (a) the activity to which it relates;
- (b) the person or persons to whom it is addressed;
- (c) the time at which it shall come into effect;

- (d) the action which must be taken to prevent or abate the pollution or to remedy harm to human health or the environment;
- (e) the powers of the Authority or authorised officer to enter land, premises, facilities, vehicles or other vessels to undertake the action specified in the order;
- (f) the power of the Authority or authorised officer to seize any equipment or substance used in the commission of a violation under this Act;
- (g) the penalties which may be imposed if the action specified in the order is not undertaken by the responsible person;
- (h) the right of the person served with the order to appeal to court against that order.

(5) Notwithstanding subsection (2), the Authority or authorised person may, where necessary, issue a prohibition or stop order requiring the person on whom it is served—

- (a) to restrain from undertaking an activity or project that is deleterious to human health or the environment; or
- (b) to stop or terminate an activity or project.

### **131. Service of and compliance with environmental restoration order.**

(1) An environmental restoration order issued under section 130(1) shall be served on the responsible person and shall require that person to take the action specified in the order, in such time being not more than twenty one days from the date of service of the order or such further period as may be prescribed in the order.

(2) A person served with an environmental restoration order shall, subject to this Act, comply with all the terms, conditions and obligations of the order.

(3) An environmental restoration order shall continue to apply to the activity in respect of which it was served until it has been complied with to the satisfaction of the Authority.

**132. Review of environmental restoration order.**

(1) A person served with an environmental restoration order may, within twenty one days after the receipt of the order, giving reasons in writing, request the Authority to review the order.

(2) An environmental restoration order shall remain in force until varied, suspended or withdrawn.

(3) Where a request for review has been made under subsection (1), the Authority shall, within fourteen days of receipt of the request, give the person who has requested the review an opportunity to be heard, orally or by submission of documentary evidence.

(4) The Authority shall constitute a committee to review a request under subsection (1).

(5) A committee constituted under subsection (4) shall hear the matter and make a report of its findings and recommendations to the Executive Director within thirty days from receipt of the request.

(6) The Executive Director may, acting on the findings and recommendations under subsection (5) and with a statement of reasons for the decision—

- (a) confirm, vary, suspend or withdraw the environmental restoration order; and
- (b) notify, in writing, the person who made the request of the Authority's decision on the restoration order.

**133. Action by Authority or authorised officer on environmental restoration orders.**

(1) Where a person on whom an environmental restoration order has been served fails, neglects or refuses to take the action required by

the order or where the Executive Director does not review the order in favour of the applicant under section 132(6), the Authority or authorised officer, may, within a period specified in the environmental restoration order or such further period as the Authority may determine—

- (a) enter or authorise any person to enter any land, area, premises, facility, vehicle or vessel under the control of the person on whom the order was served; and
- (b) take all necessary action in respect of the activity to which the order relates and enforce the order as may seem fit on behalf of the person on whom the order was served.

(2) Where the Authority or authorised officer exercises the power under subsection (1), the Authority or authorised officer may—

- (a) require the payment of an administrative fine for violation of this Act or regulations made under this Act;
- (b) seize any equipment or substance used in the commission of the violation of the provisions of this Act or regulations made under this Act;
- (c) use the equipment or substance seized under this subsection to undertake pollution abatement or restoration of the degraded ecosystem or rectify the environmental wrong committed;
- (d) require payment of costs and expenses incurred by the Authority or authorised officer in the exercise of that power, including any costs which may be incurred by any government agency or other person in pollution abatement or containment; and
- (e) take any other action as may be necessary.

(3) Where the person on whom an environmental restoration order was served under section 131(1) fails to pay the administrative fine, costs or expenses referred in subsection (2)(a) and (d), or abandons the equipment or substances seized under subsection (2)(b), the Authority or authorised officer may—

- (a) unless the owner claims or removes the equipment or substance abandoned under this subsection within thirty days, dispose of the equipment or substance by public auction and recover the monies due to the Authority or authorised officer; or
- (b) recover as a civil debt, by action in a court of competent jurisdiction from the person referred to in subsection (1), such administrative fine, including costs or expenses not sufficiently defrayed by a sale under paragraph (a) or where the Authority or authorised officer chooses to recover the costs or expenses as a civil debt.

(4) Any balance from the sale of the equipment or substance under subsection (3) shall, after deducting the costs and expenses incurred by the Authority or authorised officer in connection with the safe custody and sale, be paid to the owner of the equipment or substance abandoned under subsection (3).

### **134. Issue of environmental restoration orders by court.**

(1) Court may, in any proceedings brought by any person, issue an environmental restoration order against a person who has caused or is likely to cause pollution contrary to this Act or has harmed, is harming or is reasonably likely to harm human health or the environment.

(2) For the avoidance of doubt, it shall not be necessary for an applicant under this section to show that he or she has a right over, or interest in, the human health or the environment or land or area alleged to be affected by the pollution.

(3) Court may, in the exercise of its powers under subsection (1), apply the provisions of section 130 and order—

- (a) the payment of costs in the form of reparation, restoration, restitution or compensation to the person whose health or the environment or livelihood has been polluted, harmed or otherwise adversely affected by the action which is the subject of the order; or

- (b) the payment of the costs and expenses of any action taken by the Authority or an authorised officer to abate the pollution, to protect human health or to restore the environment as near as possible to the state in which it was before the taking of the action.

**135. Environmental improvement notices and environmental compliance notices.**

(1) An environmental inspector may issue an environmental improvement notice to a person whose activity is causing or is likely to cause pollution contrary to this Act or is deleterious to human health or the environment.

(2) The Authority or an authorised officer may issue an environmental compliance notice which may culminate in an environmental compliance agreement, to require any person to comply with this Act or regulations made under this Act.

(3) An environmental compliance agreement issued under subsection (2) shall have the same effect as an environmental improvement notice.

(4) The provisions of section 130 and 131 in respect of restoration orders may apply to environmental improvement notices, environmental compliance notices or other orders issued under this Act with such modifications as may be necessary, except that compliance with an environmental improvement notice or environmental compliance notice may be required to be immediate.

(5) A person who wishes to request for the review of an environmental improvement notice or environmental compliance notice may apply to the Authority within twenty one days of service of the environmental improvement notice or environmental compliance notice.

(6) The provisions of section 132 shall apply to a review under this section, with such modifications as may be necessary.

(7) The Authority, an authorised officer or an environmental inspector shall be responsible for the enforcement of an environmental improvement notice or environmental compliance notice.

### **136. Power to arrest.**

An authorised officer may, if he or she has reasonable grounds to believe that any person is committing, or has committed or been involved in the commission of any violation of this Act, arrest or cause a police officer to arrest that person.

### **137. Search warrants.**

(1) Without prejudice to any other power under this Act, where an authorised officer declares on oath before any magistrate that he or she has reasonable grounds to believe that there is in any structure, facility, premises, vehicle or vessel anything liable to be seized, the magistrate may, by warrant under his or her hand authorise the officer—

- (a) to enter upon and search, with such force as may be necessary and by day or by night, such structure, facility, premises, vehicle or vessel; and
- (b) to seize and carry away anything liable to be seized found therein.

(2) An authorised officer in possession of a search warrant may require a police officer to assist him or her in the execution of the warrant and the police officer so required shall render assistance accordingly.

(3) An authorised officer with powers to conduct searches under this section but who is not designated as an environmental inspector may, in emergency situations, conduct a search without a warrant.

### **138. Power to seize.**

The Authority, authorised officer or environmental inspector may seize any substance, material, equipment or plant in accordance with this Act.

**139. Seals of the Authority.**

The Authority, an authorised officer or environmental inspector may place on any substance, structure, facility, premises, vehicle or vessel in respect of this Act, a seal or mark as is necessary for the safeguarding of that substance, structure, facility, premises, vehicle or vessel or for the prevention of tampering with that substance, structure, facility, premises, vehicle or vessel.

**140. Review and appeals from decisions of Authority.**

(1) Unless otherwise expressly provided under this Act, where this Act empowers the Authority or any of its organs to make a decision, the decision shall be subject to review within the structure of the Authority in accordance with administrative procedures established for the purpose.

(2) Nothing provided for in this section shall limit court in the exercise of its jurisdiction.

*Financial Security.***141. Financial security.**

(1) The Authority may require a developer to take out financial security for a project or activity likely to have a deleterious effect on human health or the environment.

(2) The form of financial security referred to in subsection (1) may include—

- (a) on-demand bank guarantees;
- (b) performance bonds;
- (c) escrow agreements;
- (d) trust funds;
- (e) insurance; and
- (f) any other financial security as the Authority may determine.

(3) The purpose of the financial security is to enable the Authority to access the security in the event that—

- (a) environmental liability is not covered in general liability policies;
- (b) there is need for environmental response action to an emergency occasion by the project or activity;
- (c) the cost of environmental remediation is likely to be substantial;
- (d) the developer fails to comply with an order issued under this Part; or
- (e) there is a risk of the developer becoming insolvent.

(4) The type and amount of financial security for each project shall be determined by the Authority.

(5) For the avoidance of doubt, a financial security does not replace the responsibility and liability of the developer for the project or activity under this Act and any other applicable law.

### PART XIII—JUDICIAL PROCEEDINGS

#### **142. Immunity of officials.**

No suit, prosecution or other legal proceedings may be brought against members of the Policy Committee on Environment, the Executive Director, members of the Board, an environmental inspector, an authorised officer, an analyst or officer or member of staff of the Authority in their personal capacity for anything done in good faith in the discharge of their functions under this Act or regulations, guidelines or standards made under this Act.

#### **143. Forfeiture, cancellation of permits, community service and other orders.**

The court before which a person is prosecuted for an offence under this Act may, in addition to any other order imposed upon the conviction of the accused, make an order—

- (a) for the forfeiture of any funds, documents, substance, premises, facility, equipment or appliance used in the commission of the offence;
- (b) for the forfeiture of any material or substance obtained or recovered at the site of the offence or seized as a result of an offence committed under this Act;
- (c) for the payment by that person to the Government of an amount equal to the proceeds received from the sale of the material or substance obtained or recovered under paragraph (b);
- (d) that the cost of disposing of the substance, equipment or appliance referred to in paragraph (a) be borne by the convicted person;
- (e) requiring the convicted person to do community work which promotes the protection or improvement of the environment; or requiring the convicted person to restore the environment in accordance with this Act.

**144. Power of court to order compensation.**

The court may, where a person is convicted of an offence under this Act, order the person to—

- (a) pay to the Government, in addition to any penalty imposed on him or her by the court for the offence, an amount of compensation for the loss or damage not exceeding five times the value of the loss or damage caused by the convicted person; or
- (b) pay up to ten times the amount of any fees, royalties or other payments which, had the act constituting the offence been authorised, would have been payable in respect of the authorised act.

**145. Further powers of court.**

A court on convicting any person—

- (a) for an offence under this Act, may order that person, within a time specified in the order, to do any act the person had failed, refused or neglected to do;
- (b) for offences related to fragile ecosystems, may, in addition to any other penalty it may impose, order that person, within a time to be specified in the order—
  - (i) to vacate the fragile ecosystem;
  - (ii) to restore the fragile ecosystem to its original state and function; or
  - (iii) to remove from the fragile ecosystem anything that he or she may have placed in the fragile ecosystem.

PART XIV — ENVIRONMENTAL INFORMATION  
AND LITERACY

**146. Right of access to environmental information.**

(1) Every person shall have a right of access to environmental information relating to the implementation of this Act, subject to the Constitution and the Access to Information Act, 2005.

(2) A person desiring information under subsection (1) shall request the Authority or a lead agency in writing, for the information and may be granted access on payment of the prescribed fee.

(3) For the avoidance of doubt, the right to access to environmental information under subsection (1) shall not extend to proprietary or confidential information.

**147. Management of environmental information.**

(1) The Authority may—

- (a) gather, document, evaluate and disseminate information on the environment and natural resources, including associated indigenous knowledge and practices;

- (b) carry out public education and awareness on the environment;
- (c) foster environmental information exchange with other ministries, departments, agencies of government, foreign agencies, international and nongovernmental agencies;
- (d) coordinate and support lead agencies in the management of environmental information;
- (e) advise Government on environmental information gaps and needs;
- (f) in consultation with lead agencies, establish guidelines and principles for the gathering, documentation, evaluation and dissemination of environmental information; and
- (g) require a lead agency or any person to submit environmental information to the Authority.

(2) The Authority shall establish a national environment information resource centre to standardize environmental information and to act as the central depository for environmental information.

(3) The Authority may publish any environmental information as it considers necessary for public education and awareness.

#### **148. Integration of environmental education into educational curricula and programmes.**

(1) The Authority shall, in collaboration with the Ministry responsible for education, ensure that environmental and sustainable development concerns are integrated into the national education system, including academic and non-academic programmes.

(2) The Authority may provide technical support to the lead agency responsible for educational curriculum development to mainstream environment and sustainable development concerns in the national curricula.

(3) The Authority shall, in collaboration with the relevant lead agency, initiate, promote and support nationwide environmental literacy campaigns through education, training and other forms of community engagement in the manner prescribed in guidelines issued by the Authority.

**149. National environment day.**

(1) The Minister shall designate a special day to be known as the national environment day to pursue and undertake activities related to environmental conservation and management.

(2) Every person shall endeavour to participate in events which support the spirit and objectives of the national environment day.

PART XV—INTERNATIONAL OBLIGATIONS.

**150. Assessment of environmental implications of a treaty.**

(1) The President or a person authorised by the President may, before signing a treaty, convention, agreement or other arrangement between Uganda and any other country or between Uganda and any international organisation or body, with environmental implications, consult the Authority and the relevant lead agency.

(2) Where Uganda is a party to an international treaty, convention or agreement concerning the management of the environment, the Minister shall, with the approval of Cabinet, and in consultation with the Authority and relevant lead agencies—

- (a) initiate legislative proposals for purposes of giving effect to such treaty, convention or agreement in Uganda or for enabling Uganda to perform her obligations; or
- (b) identify other appropriate measures necessary for the national implementation of such treaty, convention or agreement.

**151. Cooperation in environmental management.**

(1) The Minister shall create mechanisms for close collaboration with the regional and international community to contribute towards a peaceful, healthier and better global environment for the present and future generations.

(2) The Minister may, subject to the Constitution, collaborate with the Ministry responsible for foreign affairs, sector ministries and agencies, to initiate, coordinate and implement transboundary environmental management programmes with other countries.

(3) Without prejudice to subsection(2), the Minister may, in liaison with the Authority and relevant lead agencies, establish a national focal point for the coordinated implementation of multilateral environmental agreements to enable effective preparation for negotiations, reporting, feedback and national implementation.

PART XVI—OFFENCES, PENALTIES, FEES, FINES  
AND OTHER CHARGES.

**152. Conflict of interest.**

(1) An employee of the Authority, an authorised person or an employee of a lead agency in the exercise of any function or duty under this Act, shall not, in his or her private capacity, knowingly, directly or indirectly, acquire, attempt to acquire or hold—

- (a) a licence or an interest as an environmental practitioner;  
or
- (b) a direct or indirect economic interest, participation, interest or share in an entity authorised under this Act to practice as an environmental practitioner.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five thousand currency points or imprisonment not exceeding five years or both.

**153. Offences committed by body corporate.**

(1) Where an offence committed by a body corporate under this Act is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he or she, as well as the body corporate, commits that offence.

(2) A person who commits an offence under subsection (1) is liable, on conviction, to a fine or imprisonment prescribed by the relevant section.

**154. Bribing an officer.**

(1) An officer who—

- (a) directly or indirectly asks for, takes or accepts, in connection with any of his or her duties, any payment or other reward whatsoever, whether pecuniary or otherwise, or any promise or security for any such payment or reward, not being a payment or reward which he or she is lawfully entitled to claim or receive; or
- (b) enters into or acquiesces in any agreement to do, abstain from doing, permits, conceals, or connives in, any act or thing which is contrary to this Act or the proper execution of his or her duty,

commits an offence and is liable, on conviction, to a fine not exceeding ten thousand currency points or imprisonment not exceeding ten years or both.

(2) A person who—

- (a) directly or indirectly offers or gives to any officer any payment or reward, whether pecuniary or otherwise, or any promise or security for any such payment or reward; or

- (b) proposes or enters into any agreement with any officer, in order to induce him or her to do, abstain from doing, permits, conceals, or connives in, any act or thing which is contrary to this Act or the proper execution of the duty of such officer,

commits an offence and is liable, on conviction, to a fine not exceeding ten thousand currency points or imprisonment not exceeding ten years, or both.

**155. Obstruction of environmental inspector or authorised officer.**

A person who—

- (a) fails to comply with a lawful order or requirement issued by an environmental inspector or authorised officer in accordance with this Act;
  - (b) refuses an environmental inspector or authorised officer entry upon any land, water, premises, facility, vehicle or vessel, which he or she is empowered to enter by this Act;
  - (c) obstructs, intimidates, molests, hinders or wilfully delays an environmental inspector or authorised officer in the exercise or performance of the inspector's or authorised officer's powers and functions under this Act;
  - (d) refuses an environmental inspector or authorised officer access to records, including electronic records, kept in accordance with this Act;
  - (e) knowingly or negligently misleads or gives wrongful or false information to an environmental inspector or authorised officer under this Act;
  - (f) knowingly makes a statement or produces a document that is false or misleading in a material particular to an environmental inspector or authorised officer engaged in carrying out his or her duties and functions under this Act;
- or

- (g) fails to state or wrongly states his or her name or address to an environmental inspector or authorised officer in the course of his or her duties under this Act,

commits an offence and is liable, on conviction, to a fine not exceeding three thousand currency points or imprisonment not exceeding two years, or both.

### **156. Impersonation of environmental inspector or authorised officer.**

A person, not being an environmental inspector, authorised person, or employee of the Authority or lead agency, who takes or assumes the name, designation, character or appearance of an environmental inspector, authorised person, or employee of the Authority or lead agency for the purpose of—

- (a) obtaining admission to any premises;
- (b) doing or causing to be done any act which he or she is not entitled to do; or
- (c) doing any unlawful act,

commits an offence and is liable, on conviction, to a fine not exceeding three thousand currency points or imprisonment not exceeding two years or both, in addition to any other punishment to which he or she may be liable for the commission of any unlawful act.

### **157. Offences relating to environmental and social impact assessments and environmental risk assessments.**

A person who—

- (a) undertakes an activity which requires an environmental and social impact assessment or environmental risk assessment to be conducted before obtaining a certificate of approval or other approval required in accordance with the applicable law;

- (b) makes a false or misleading statement in the environmental and social impact statement or project brief;
  - (c) fraudulently alters a project brief or an environmental and social impact statement contrary to this Act;
  - (d) prepares and uses an environmental and social management and monitoring plan in place of an environmental and social impact assessment;
  - (e) under-declares the cost or value of the proposed project on submission of a project brief or environment impact statement;
  - (f) fails to comply with the conditions stipulated in the certificate of approval of a project brief of environmental and social impact assessment or the approval required in accordance with the applicable law;
  - (g) forges or alters a certificate of approval of a project brief or environmental and social impact assessment,
- commits an offence and is liable on conviction—
- (i) in the case of an individual, to a fine not exceeding one hundred thousand currency points or imprisonment not exceeding fifteen years or both; or
  - (ii) in the case of a body corporate, to a fine not exceeding five hundred thousand currency points.

### **158. Failure to establish environmental management system.**

An operator who fails to establish, maintain and implement an environmental management system commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand currency points or imprisonment not exceeding ten years, or both.

### **159. Seizures.**

A person who—

- (a) takes, or causes or permits to be taken, anything seized under this Act otherwise than in accordance with this Act;

- (b) fails or neglects to deliver to the Authority anything subject to seizure;
- (c) breaks, destroys or throws overboard from any facility, aircraft, vessel or vehicle, anything for the purpose of preventing its seizure or for the purpose of preventing it from being secured after it has been seized; or
- (d) destroys or damages anything that is seized under this Act, otherwise than in circumstances provided for in this Act or regulations made under this Act,

commits an offence and is liable, on conviction, to a fine not exceeding three thousand currency points or imprisonment not exceeding five years, or both.

#### **160. Removing or defacing Authority's seals.**

A person who—

- (a) removes a seal of the Authority from any premises, facility or package without the authority of an authorised officer or environmental inspector; or
- (b) wilfully alters, defaces, obliterates or imitates, any mark placed by an authorised officer or environmental inspector on any premises, facility or package,

commits an offence and is liable, on conviction, to a fine not exceeding two thousand currency points or to imprisonment not exceeding three years, or both.

#### **161. Unlawful dealings in hazardous chemicals.**

(1) Any person who—

- (a) imports, exports, transports, stores, manufactures, formulates, distributes, sells or offers for sale any prohibited chemical;
- (b) gives false or misleading information in an application for the registration of a hazardous chemical;

- (c) imports, exports, transports, stores, manufactures, formulates, distributes, sells or offers for sale any regulated chemical without a licence issued under this Act;
- (d) fails to package, label or mark chemicals, hazardous waste or other material required to be packaged, labelled or marked under this Act; or
- (e) carries on the business of a commercial hazardous chemical applicator without a licence,

commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand currency points or imprisonment not exceeding fifteen years, or both.

(2) A person who—

- (a) supplies or misuses chemicals, including acid, to harm any person or the environment, or
- (b) imports, exports, transports, stores, manufactures, formulates, distributes, sells or offers for sale any chemical which has been adulterated, or which has decomposed or deteriorated so as to be ineffective for its purpose or which is packed in containers which have deteriorated or have been damaged rendering them hazardous to store, handle or use safely,

commits an offence and is liable, on conviction, to a fine not exceeding thirty thousand currency points or imprisonment not exceeding twelve years or both.

### **162. Illegal management of waste.**

A person who—

- (a) imports, exports or transits through Uganda, any hazardous waste in contravention of this Act or regulations made under this Act;
- (b) engages in illegal transboundary movement of waste;

- (c) aids or abets the illegal transboundary movement of hazardous waste;
- (d) mislabels hazardous waste;
- (e) disposes of any waste in contravention of this Act or of any condition specified in a licence or permit;
- (f) fails to manage waste in accordance with this Act; or
- (g) withholds information about the management of hazardous waste,

commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand currency points or imprisonment not exceeding fifteen years or both.

### **163. Pollution.**

- (1) A person who—
- (a) engages in activities that result in or aggravate pollution in contravention of this Act;
  - (b) pollutes the environment contrary to conditions contained in a pollution control licence or permit;
  - (c) discharges or emits any pollutant into the environment contrary to approved standards;
  - (d) fails to take measures required under this Act to prevent or manage pollution;
  - (e) causes emissions to escape into the air in any manner contrary to this Act; or
  - (f) fails to notify the relevant authorities of pollution as required under this Act,

commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand currency points or imprisonment not exceeding fifteen years, or both.

(2) In addition to any sentence that the court may impose upon a polluter under subsection (1), court may direct that person to—

- (a) pay the full cost of cleaning up the polluted environment and of removing the pollution;
- (b) clean up the polluted environment and remove the effects of pollution to the satisfaction of the Authority.

(3) Without prejudice to the provisions of subsections (1) and (2), court may direct the polluter to meet the cost of the pollution to any third party through adequate compensation, restoration or restitution.

#### **164. Failure to comply with orders, notices and environmental easements.**

A person who fails or refuses to comply with an environmental restoration order, prohibition order, stop notice, improvement notice, compliance notice, environmental easement or any decision issued or granted under this Act, commits an offence and is liable, on conviction—

- (a) in the case of an individual, to a fine not exceeding ten thousand currency points or imprisonment not exceeding seven years or both; or
- (b) in the case of a body corporate, to a fine not exceeding five hundred thousand currency points.

#### **165. Failure to comply with environmental standards.**

A person who contravenes any environmental standards prescribed under this Act commits an offence and is liable, on conviction, to a fine not exceeding ten thousand currency points or imprisonment not exceeding seven years, or both.

#### **166. Failure to keep records, reports and other documentation.**

A person who—

- (a) fails to keep records required to be kept under this Act;

- (b) fraudulently alters, damages or impairs any records required to be kept under this Act;
- (c) fails to make a report or present documents or other materials as required under this Act;
- (d) fails to furnish to the Authority or a lead agency, with documents required under this Act, or to enter pertinent matters in the said documents; or
- (e) makes a false report or presents false or misleading information,  
commits an offence and is liable on conviction—
  - (i) in the case of an individual, to a fine not exceeding five thousand currency points or imprisonment not exceeding five years or both; or
  - (ii) in the case of a body corporate, to a fine not exceeding fifty thousand currency points.

**167. Alerting offender.**

A person who, with intent to obstruct an environmental inspector, an authorised person, an employee of the Authority or lead agency in the execution of his or her duty, alerts, or does any act for the purpose of alerting any person engaged in the commission of an offence under this Act, whether or not that person is in a position to take advantage of such alert or act, commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or imprisonment not exceeding one year, or both.

**168. Conspiracy to commit an offence.**

A person who conspires with another person to contravene any of the provisions of this Act commits an offence and is liable, on conviction, to a fine not exceeding five thousand currency points or imprisonment not exceeding five years.

**169. Continuing or subsequent offences.**

(1) A person convicted of an offence under this Act and continues to contravene any of the provisions of this Act commits an offence and is liable to an additional penalty—

- (a) in the case of an individual, to a fine not exceeding ten thousand currency points or imprisonment not exceeding seven years, or both; or
- (b) in the case of a body corporate, to a fine not exceeding fifty thousand currency points.

(2) A person who commits a second or subsequent offence is liable to pay an additional penalty—

- (a) in the case of an individual, to a fine not exceeding fifty thousand currency points or imprisonment not exceeding ten years, or both; or
- (b) in the case of a body corporate, to a fine not exceeding one hundred thousand currency points.

**170. General penalty.**

A person who contravenes any provision of this Act for which no penalty is specifically provided, commits an offence and is liable on conviction—

- (a) in the case of an individual, to a fine not exceeding five thousand currency points or imprisonment not exceeding seven years, or both; or
- (b) in the case of a body corporate, to a fine not exceeding fifty thousand currency points.

*Administrative Fees, Fines, Penalties and Charges.***171. Fees, fines, penalties and charges.**

(1) The Authority may, in the performance of its functions under this Act, levy fees, fines, penalties and charges.

(2) Without prejudice to the general effect of subsection (1), the Authority may levy the following fees, fines, penalties and charges—

- (a) environmental and social impact assessment fees;
- (b) environmental audit fees;
- (c) environment monitoring fees;
- (d) pollution emission charges;
- (e) administrative fines;
- (f) express penalties;
- (g) coercive fines; and
- (h) charges for services offered by the Authority under this Act or regulations made under this Act.

(3) The fees, fines, penalties and charges referred to under this section shall be prescribed by the Authority by statutory instrument.

(4) Where a person does not make a payment under this Act on or before the time when the amount is payable, the person shall pay, as a penalty, a surcharge of five percent of the amount in default for each day of default.

### **172. Administrative fines.**

(1) Where the Authority, an authorised officer or environmental inspector has reasonable grounds to believe that a person has contravened the provisions of this Act, the Authority, authorised officer or environmental inspector may impose an administrative fine and serve a notice on that person.

(2) The Authority may require the person served with a notice under subsection (1) to pay the administrative fine within a time prescribed in the notice.

(3) The notice issued under this section shall—

- (a) specify the date and nature of the alleged contravention;

- (b) contain a summary of the facts which the Authority or authorised officer alleges;
- (c) be endorsed with a statement setting out the provisions of the law contravened;
- (d) specify the penalty payable; and
- (e) state the bank details of the bank account of the Authority in which the payment is to be made.

(4) The person on whom a notice has been served under subsection (1) shall pay the fine specified in the notice in the time prescribed in the notice.

(5) The Authority may issue guidelines setting out the criteria for issuing and payment of administrative fines.

### **173. Coercive fine.**

(1) The Authority may impose a coercive fine on any person who contravenes this Act or decision made under this Act.

(2) A coercive fine imposed under subsection (1) shall become effective when the person responsible fails to meet the deadline set by the Authority for remedying the matter.

(3) The Authority may determine whether the coercive fine is a one-off payment or is continuous for as long as the non-compliance persists.

(4) Where the non-compliance occurs on the part of a corporate body, an association or other entity, the coercive fine shall be imposed on that corporate body or entity.

### **174. Express penalty.**

The Authority shall, with the approval of the Minister, by regulations prescribe an express penalty scheme for contravention of any provision of this Act.

**175. Cancellation of approval granted under this Act.**

The Authority may cancel or suspended a certificate, licence or other approval granted under this Act for contravention of any provision of this Act.

## PART XVII—GENERAL PROVISIONS.

**176. Record keeping.**

(1) A person who carries on an activity listed in schedules 4, 5 or 10, shall keep records relating to environmental management, including—

- (a) the amount of waste and by-products generated by the activity, if any;
- (b) the amount of emissions and discharges;
- (c) the utilisation of environmental resources;
- (d) the mitigation measures and residual impacts of the activity on the environment;
- (e) environmental monitoring of the activity;
- (f) audits of the compliance of the activity with the conditions stipulated in the certificate of approval of environmental and social impact assessment, licences, permits or approvals or with the provisions of this Act and any other applicable law;
- (g) incidents, including acute pollution, which cause or are likely to cause harm to human health or damage to the environment; and
- (h) any other records as the Authority may require.

(2) Notwithstanding subsection (1), the Authority may require any other person carrying out an activity likely to have an impact on human health or the environment to keep records.

(3) All records, including electronic records, kept under subsection (1) shall be made available to the Authority, an environmental inspector, an environment officer or an authorised person, on request.

**177. Submission of annual report to Authority.**

(1) A person engaged in an activity listed in Schedules 4, 5 or 10 shall submit to the Authority an annual report as may be prescribed by the Authority.

(2) The annual report under subsection (1) shall contain information on—

- (a) discharges and emissions;
- (b) incidents resulting in environmental impact;
- (c) resource use, including chemicals, water and natural biomass;
- (d) environmental monitoring;
- (e) waste management, including types and quantities of waste generated;
- (f) compliance with the Act and non-compliance and corrective action taken; and
- (g) any other environmental concern the Authority deems necessary.

(3) The Authority may use the annual report submitted under subsection (1) for monitoring purpose and as a basis for the preparation of the state of the environment report required under this Act.

**178. Service of documents.**

(1) A document or notice required or permitted to be served on or given to a person under this Act, may be served—

- (a) in the case of an individual, by serving it personally upon the individual or his or her agent or by sending it by registered post to him or her at his or her usual or last known place of abode or business or to his or her agent;
- (b) in the case of a body corporate—
  - (i) by leaving it at the registered or principal office of the body corporate;
  - (ii) by sending it by registered post to the body corporate at the registered or principal office of the body corporate; or
  - (iii) by delivering it to an individual in the employment of or acting on behalf of the body corporate that is authorised by the body corporate to accept service of or to receive the document;
- (c) in the case of an activity that is the subject matter of the service, it shall be sufficient to serve the document or notice on any adult person found at the premises or activity site appearing to have a level of command on the activity.

(2) For the purpose of subsection (1)(b), the principal office of a body corporate incorporated outside Uganda is its place of business as established under the Companies Act, 2012.

(3) Any notice or document may be served on the Authority by delivering it at the office of the Authority and obtaining a stamp of acknowledgement of receipt, or by sending it by registered post to the office of the Authority.

### **179. Regulations.**

(1) The Minister may, in consultation with the Authority, make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or which are necessary or convenient to be prescribed, for giving full effect to the provisions of this Act.

(2) Without limiting the general effect of subsection (1), the Minister may make regulations relating to—

- (a) strategic environmental assessments;
- (b) the registration, certification, conduct and discipline of environmental practitioners;
- (c) environmental and social impact assessments, including offset and compensation mechanisms;
- (d) environmental audits;
- (e) special conservation areas;
- (f) protection of riverbanks and lakeshores;
- (g) protection of wetlands;
- (h) management of soil quality;
- (i) discharge of effluent;
- (j) noise and vibration;
- (k) air quality;
- (l) environmental emergency preparedness; including oil spills preparedness;
- (m) the management of hazardous chemicals;
- (n) the management of plastics and plastic products;
- (o) the management of hazardous waste and other waste;
- (p) the protection of the ozone layer;
- (q) environmental management and monitoring systems;
- (r) the management of environmental information;
- (s) the management of mercury
- (t) the Environmental Tribunal;
- (u) generally, for the better carrying out of the purposes of this Act and the prescription of anything required or authorised to be prescribed under this Act.

(3) Regulations made under subsection (1) may, in respect of any contravention—

- (a) provide for enforcement of the powers of an environmental inspector;
- (b) provide for the use of administrative measures;
- (c) provide for the forfeiture of anything used in the commission of an offence;
- (d) prescribe a penalty of a fine not exceeding fifty thousand currency points or imprisonment not exceeding ten years, or both;
- (e) in the case of a continuing contravention, prescribe an additional penalty not exceeding five thousand currency points in respect of each day on which the offence continues; and
- (f) prescribe a higher penalty not exceeding sixty thousand currency points or imprisonment not exceeding twelve years or both in respect of a second or subsequent contravention.

### **180. Supremacy of this Act.**

(1) This Act takes precedence over all existing laws relating to environmental management, and where there is a conflict between this Act and any other written law other than the Constitution, this Act shall prevail.

(2) Anything duly done under the authority of this Act for the purpose of giving effect to the Government's policy on environmental management shall have effect notwithstanding any other enactment.

### **181. Amendment of Schedules.**

(1) The Minister may, with the approval of Cabinet, by statutory instrument amend Schedule 1.

(2) The Minister may, by statutory instrument, amend Schedules 2, 3, 4, 5, 6, 7, 8, 10 and 11.

(3) The Minister may, with the approval of Parliament, by statutory instrument amend Schedule 9.

**182. Repeal and savings.**

(1) The National Environment Act, Cap. 153 is repealed.

(2) Any statutory instrument made under the National Environment Act, Cap.153 repealed under subsection (1) and which is in force immediately before the commencement of this Act, shall remain in force, so far as it is not inconsistent with this Act, until it is revoked by a statutory instrument made under this Act and until that revocation, shall be deemed to have been made under this Act.

(3) A licence, permit, certificate or authorisation issued under the National Environment Act, Cap. 153 repealed by subsection (1) and which is in force immediately before the commencement of this Act—

- (a) shall have effect from the commencement of this Act as if granted under this Act; and
- (b) in the case of a licence, permit, certificate or authorisation issued for a specified period, shall remain in force, subject to this Act, for so much of that period as falls after the commencement of this Act.

(4) The terms and conditions including the rights and obligations under a licence, permit, certificate or authorisation in force immediately before the commencement of this Act, shall not be less favourable than those that applied immediately before the commencement of this Act.

(5) On the commencement of this Act—

- (a) all persons who were employed by the Authority immediately before the commencement of this Act, shall continue in the employment of the Authority;

- (b) the terms and conditions, including the salary, on which a person referred to in paragraph (a) was employed immediately before the commencement of this Act, shall not be less favourable than those that applied to that person's office immediately before the commencement of this Act; and
- (c) there shall be no break or interruption in the employment of those persons because of this Act.

(6) Subject to subsection (5)(b), the terms and conditions of any employment referred to in subsection (5) may be varied after the commencement of this Act.

(7) For the avoidance of doubt and notwithstanding the repeal of the National Environment Act referred to in subsection (1)-

- (a) all property, assets, rights and interests of the Authority under the repealed Act shall continue to be the property, assets, rights and interests of the Authority; and
- (i) all obligations and liabilities subsisting against the Authority under the repealed Act shall continue to subsist against the Authority.

(8) Section 3 of the Finance Act, 2009 is repealed.

**SCHEDULES**

**SCHEDULE 1**

**CURRENCY POINT**

*Section 2 and 181 (1).*

One currency point is equivalent to twenty thousand shillings.

**SCHEDULE 2.***Section 6(5) and 181 (2).***PROCEEDINGS OF THE POLICY COMMITTEE ON ENVIRONMENT.****1. Meetings.**

(1) The Prime Minister shall preside at all meetings of the Committee and in his or her absence, the Minister responsible for environment shall preside.

(2) Where both the Prime Minister and the Minister responsible for environment are absent, the other members of the Committee shall elect one of the members to preside.

**2. Procedure.**

(1) Five members of the Committee shall form a quorum at every meeting of the Committee.

(2) The Committee shall, as much as possible, arrive at its decisions by consensus.

(3) Where there is need to vote at meetings of the Committee, questions shall be determined by a simple majority vote of members present and voting.

(4) Where there is an equality of votes under subparagraph (3), the chairperson shall have a casting vote.

(5) The Committee may co-opt a technical person or expert to attend its meeting, and a person so co-opted shall participate at the deliberations of the Committee but shall have no right to vote.

(6) The Committee shall meet at least once in every three months at such time and place as the chairperson may determine.

(7) The Executive Director shall take and keep minutes of the meetings of the Committee.

(8) The minutes kept under subparagraph (7) shall be confirmed by the Committee at the next meeting and signed by the chairperson of that meeting.

**3. Decision by circulation of papers.**

(1) Subject to subparagraph (2), decisions of the Committee may be made by the circulation of the relevant papers among the members and the expression of their views in writing, but any member is entitled to request that any such decision shall be deferred until the subject matter has been considered at a meeting of the Committee.

(2) A decision made by circulation of papers under this paragraph is not valid unless it is supported by not less than five members.

**4. Disclosure of interest.**

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

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

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

(3) For purposes of determining whether there is a quorum, a member withdrawing from a meeting or who is not taking part in a meeting shall be treated as being present.

**SCHEDULE 3.**

*Sections 19, 21 (4) and 181 (2).*

**MEETINGS OF THE BOARD.****1. Meetings of the Board.**

(1) The Chairperson shall convene every meeting of the Board at times and places as the Board may determine, and the Board shall meet for the discharge of business at least once in every three months.

(2) The Chairperson may, at any time, convene a special meeting of the Board and shall also call a meeting within fourteen days, if requested to do so in writing by at least five members of the Board.

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

(4) The Chairperson shall preside at every meeting of the Board and in the absence of the Chairperson; the members present shall appoint a member from among themselves to preside at that meeting.

**2. Quorum.**

(1) The quorum for a meeting of the Board is 5 members.

(2) All decisions at a meeting of the Board shall be by a majority of the votes of the members present and voting and in case of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.

**3. Minutes of meetings.**

(1) The Board shall cause to be recorded and kept, minutes of all meetings of the Board in a form approved by the Board.

(2) The minutes kept under subparagraph (1) shall be confirmed by the Committee at the next meeting and signed by the Chairperson of that meeting, unless a different procedure is adopted by the Board.

**4. Decision by circulation of papers.**

(1) Subject to paragraph 2, decisions of the Board may be made by the circulation of the relevant papers among the members and the expression of their views in writing, but any member is entitled to request that any such decision be deferred until the subject matter has been considered at a meeting of the Board.

(2) A decision made by circulation of papers under this paragraph is not valid unless it is supported by not less than five members.

**5. Power to co-opt.**

(1) The Board may co-opt any person who, in the opinion of the Board, has expert knowledge concerning the functions of the Board, to attend and take part in the proceedings of the Board.

(2) A person co-opted under this paragraph may take part in any discussion at the meeting of the Board on which his or her advice is required but shall not have any right to vote at that meeting.

**6. Validity of proceedings not affected by vacancy.**

The validity of any proceedings of the Board shall not be affected by a vacancy in its membership or by any defect in the appointment or qualification of a member or by reason that a person not entitled, took part in its proceedings.

**7. Disclosure of interest of members.**

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

(2) A disclosure made under subparagraph (1) shall be recorded in the minutes of that meeting.

(3) A member who makes a disclosure under subparagraph (1) shall not—

- (a) be present during any deliberation of the Board with respect to that matter; or

- (b) take part in any decision of the Board with respect to that matter.

(4) For purposes of determining whether there is a quorum, a member withdrawing from a meeting or who is not taking part in a meeting under subparagraph (3) shall be treated as being present.

**8. Board may regulate its procedure.**

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

**SCHEDULE 4**

*Sections 49(1) & (2), 112 (1), (2) & (3),  
176 (1), 177(1) and (2).*

**PROJECTS FOR WHICH PROJECT BRIEFS ARE REQUIRED.****PART 1—PROJECT BRIEFS TO BE SUBMITTED TO THE  
AUTHORITY.**

- 1. Transport, transportation equipment and related infrastructure.**
  - (a) Rehabilitation of public roads and airstrips not passing through fragile ecosystems.
  - (b) Construction of community access roads.
  - (c) Construction of private roads of more than 6 meters in width, including private roads joining national roads, except those passing through fragile ecosystems.
  - (d) Temporary roads for access to infrastructure facilities, being roads of more than 10km.
  - (e) Construction of parking lots for public use with capacity to hold at least 50 vehicles.
  - (f) Construction of tourism tracks in protected areas.
  - (g) Water transport facilities using small vessels such as barges.
  - (h) Creation of access waterways of less than 10 kilometres.
  - (i) Rehabilitation of existing structures within ports or harbours; excluding development and construction of new structures.
  - (j) Support facilities for activities under paragraphs (a) to (i).
  
- 2. Communications facilities.**

Repair and upgrade of communications installations, equipment and related facilities.
  
- 3. Exploration and power generation, transmission and distribution infrastructure.**
  - (a) Generation of power from solar PV power plants of at least 2 megawatts for commercial purposes.

- (b) Hydropower generation plants up to 1 megawatt where—
  - (i) impacts are low and can readily be mitigated;
  - (ii) footprint of construction works has limited area;
  - (iii) limited amounts of water are to be abstracted;
  - (iv) labour requirements are low;
  - (v) duration of construction works is less than 2 years;
  - (vi) the site is not in an environmentally sensitive area or fragile ecosystem.
  - (vii) the requirement for associated infrastructure such as camps, access roads and dump sites is limited.
- (c) Electricity distribution lines of a voltage above 11kV upto a maximum of 33kV.
- (d) Power transmission lines and other means of electrification of between 10 kilometres to 15 kilometres in length where—
  - (i) the lines do not pass through an environmentally sensitive area.
  - (ii) the labour requirement is low; up to 20 persons per tower spot.
  - (iii) the duration of construction works is less than 1 year.
  - (iv) the line is not in an environmentally sensitive area.
- (e) Support facilities to paragraph (a) to (d).

#### **4. Utilisation of water resources and water supply.**

- (a) Abstraction or utilisation of surface water for agricultural, industrial or urban use of more than 400 m<sup>3</sup>/day but less than 1000 m<sup>3</sup>/day.
- (b) Abstraction or utilisation of ground water of less than 1000 m<sup>3</sup>/day.
- (c) Construction of gravitational water scheme of between 400 m<sup>3</sup>/day and 1000 m<sup>3</sup>/day, except where the water source is too small to sustain the gravity water scheme or the ecosystem is fragile and sensitive.
- (d) Diversion of water from a river or stream, where the water discharged is less than 400m<sup>3</sup>/day.
- (e) Support facilities to (a) to (d).

**5. Housing and urban development.**

- (a) Construction of planned settlements or housing estates covering at least 2.5 acres but not more than 5 acres.
- (b) Construction and expansion of public health centres III and IV, private health centres and clinics or their equivalent.
- (c) Establishment of cemeteries of 2,500 m<sup>2</sup>/more or up to 2 acres.
- (d) Places of worship.
- (e) Recreation centres; including playgrounds, tennis courts and football pitches to be located near wetlands or sensitive ecosystems.
- (f) Washing bays outside environmentally sensitive areas.
- (g) Support facilities to paragraphs (a) to (f).

**6. Agriculture, livestock, range management and fisheries.**

- (a) Irrigation of between 5 to 20 hectares.
- (b) Small scale livestock rearing of between 10 to 50 heads of livestock when situated in an urban area.
- (c) Construction of feedlots in densities of between 500 and 999 cattle livestock units and 1000 units for other livestock.
- (d) Installations for the intensive rearing of birds or pigs with—
  - (i) 1,000 or more birds per facility situated within an urban area and 5,000 poultry per facility situated outside an urban area or in a peri – urban area; or
  - (ii) 100 or more pigs per facility situated within an urban area and 200 pigs per facility situated outside an urban area or in a peri – urban area.
- (e) Installations for the intensive rearing of dogs with—
  - (i) 50 or more dogs per facility situated within an urban area; or
  - (ii) 100 or more dogs per facility situated outside an urban area.
- (f) Support facilities to (a) to (e).

**7. Food and beverage industry.**

- (a) Brewing, distilling or malting of beer, wine, waragi and other spirits for commercial purposes of a capacity of between 500 litres and 1000 litres per day.

- (b) Production of non-alcoholic drinks of 500 litres and 1000 litres per day.
- (c) Confectionery or bakeries for commercial purposes.
- (d) Manufacture of herbal and food supplements, employing more than 50 people.
- (e) Any other small-sized food and beverage processing facilities.

**8. Nature conservation areas.**

- (a) Creation of wildlife protected area buffer zones and corridors.
- (b) Creation of buffer zones for environmentally sensitive areas.
- (c) Creation of community wildlife conservation areas in situ.
- (d) Creation of wildlife sanctuaries.
- (e) Creation of community conservation areas outside protected areas.
- (f) Support facilities to (a) to (e).

**9. Hotel, tourism and recreational development.**

- (a) Establishment of community tourism areas.
- (b) Development of tourism or recreational facilities in an area of less than one hectare.
- (c) Permanent racing and test tracks for motorized vehicles in an area of less than half an hectare.
- (d) Bandas, tents and campsites for touristic purposes.
- (e) Access gates and entrances to protected areas.
- (f) Construction of administration, educational and research infrastructure in protected areas of a capacity of less than 50 persons.
- (g) Support facilities to (a) to (f).

**10. Metallurgy.**

Foundry and forging.

**11. Mining industry and mineral processing.**

- (a) Reconnaissance and geophysical surveys.
- (b) Geochemical sampling, pitting and trenching.
- (c) Support facilities to (a) to (b).

**12. Extraction of non-mineral products.**

- (a) Extraction of sand, murrum and clay of between  $2\text{m}^3$  and  $5\text{m}^3$  per day.
- (b) Stone extraction and quarrying of less than  $5\text{m}^3$  per day.

**13. Petroleum activities and operations.**

- (a) Upstream:
  - (i) Reconnaissance.
  - (ii) Well appraisal.
  - (iii) Geophysical and geo-technical surveys except for seismic surveys.
  - (iv) Well testing, if not covered under the Environmental Impact Statement.
  - (v) Plug and abandonment activities.
- (b) Midstream:  
Rehabilitation of facilities.
- (c) Downstream:  
Construction of not more than 2 fuel pumps and ancillary facilities.

**14. General.**

- (a) An activity out of character with its surroundings.
- (b) A structure of a scale not in keeping with its surroundings.
- (c) Minor land use changes in areas with slopes of more than 20%; including housing construction.
- (d) Other activities as advised by the Authority in liaison with the lead agency.

**PART 2—PROJECTS BRIEFS TO BE SUBMITTED TO THE  
LEAD AGENCY.**

Screening checklist for projects to be handled by lead agencies in consultation with the Authority.

**1. Transport, transportation equipment and related infrastructure.**

- (a) Opening up of community access and feeder roads.
- (b) Construction of drainage channels.
- (c) Upgrading of community access and feeder roads to bitumen standards.
- (d) Temporary roads for access to infrastructure facilities, being roads of less than 10km.
- (e) Construction of walkways and cycle-ways if done separate from road construction plans

- (f) Small bridge construction.
- (g) Swamp road improvement which involves installation of culverts.
- (h) Construction of parking lots for public use with capacity to hold between 30 to 50 vehicles.
- (i) Support facilities to (a) to (h).

**2. Exploration and power generation, transmission and distribution infrastructure.**

- (a) Electricity distribution lines of a voltage of less than 11kV.
- (b) Infrastructure at anchoring sites for electricity distribution lines.
- (c) Support facilities to (a) to (b).

**3. Utilisation of water resources and water supply.**

- (a) Construction of community water points.
- (b) Construction of small scale gravitational flow schemes.
- (c) Extension of piped water in town councils.
- (d) Support facilities to (a) to (c).

**4. Housing and urban development.**

- (a) Construction of planned settlements or housing estates that cover at least 1 acres but not more than 2.5 acres.
- (b) Land allocation for change of land use.
- (c) Construction of district, urban council and sub-county administrative blocks.
- (d) Construction of public facilities, including schools and functional adult learning centres.
- (e) Construction of Health Centre II.
- (f) Establishment of recreational facilities; including green spaces and tree planting.
- (g) Construction and expansion of day-care facilities and nurseries located near sensitive ecosystems.
- (h) Support facilities to (a) to (g).

**5. Agricultural investments, livestock, range management and fisheries.**

- (a) Construction of agro-processing facilities.
- (b) Construction of watering points and treatment facilities.
- (c) Establishment of farming demonstration sites.

- (d) Construction of livestock slaughter slabs.
- (e) Establishment of community markets.
- (f) Construction of biomass energy conservation projects.
- (g) Support facilities to (a) to (f).

**6. Forestry.**

- (a) Selective removal of single tree species over an area of 4 acres.
- (b) Firewood extraction and harvest of non-wood forest products.
- (c) Establishment of plantations of between 250ha and 500 ha.
- (d) Support facilities to (a) to (c).

**7. Metallurgy.**

- (a) Artisanal mechanical workshops and mechanical works.
- (b) Blacksmith and fabrication works.

**8. Extraction of non-mineral products.**

Extraction of sand, murrum and clay of less than 2m<sup>3</sup> per day.

**9. Waste management facilities.**

- (a) Construction of sanitary and waste collection facilities at administrative headquarters, academic institutions and health centres.
- (b) Construction of waste bunkers and collection sites.
- (c) Temporary waste storage facilities for garbage.
- (d) Construction of public sanitary facilities.
- (e) Support facilities to (a) to (d).

Note: Any reference to screening reports or project proposal under any law for projects covered by this Part shall be construed to mean a project brief.

**SCHEDULE 5**

*Sections 49(1) & (2), 113 (2) & (3), 176(1),  
177(1), 126(2) & (3) and 181(2).*

**PROJECTS FOR WHICH ENVIRONMENTAL AND SOCIAL  
IMPACT ASSESSMENTS ARE MANDATORY.**

- 1. Transport, transportation equipment and related infrastructure.**
  - (a) Construction of public roads not being community access roads, including—
    - (i) Enlargement or upgrade of existing public roads.
    - (ii) Construction of flyovers.
    - (iii) Construction of terminals.
    - (iv) Construction of parking facilities, including bus and taxi parks.
  - (b) Construction of roads to aid specific projects, including petroleum in-field roads.
  - (c) Construction of private roads of more than 6 meters in width, including private roads joining national roads that pass through fragile ecosystems or involve re-settlement.
  - (d) Construction of inland container ports.
  - (e) Construction of large mechanical workshop and vehicle inspection centres, with a capacity of 50 or more vehicles.
  - (f) Construction of commercial public roadside resting facilities.
  - (g) Construction of new railway lines and related facilities or improvement works to existing railway lines and related facilities.
  - (h) Construction of underground and other tunnels for transportation purposes.
  - (i) Construction of tramways and cable cars.
  - (j) Air transport facilities including—
    - (i) Construction, expansion or upgrade of aerodromes, airports or airfields.
    - (ii) Construction, expansion or upgrade of heliports or helipads.

- (k) Water transport facilities including—
  - (i) Construction of new, or expansion of shipyards, ports and harbour facilities, jetty and pier development for loading and unloading connected to land.
  - (ii) Creation of access waterways of more than 10 kilometres.
  - (iii) Facilities used in building and repairing all types of ships above 4,000 tonnes displacement.
  - (iv) Marinas.
- (l) Support facilities to (a) to (j).

**2. Communications facilities.**

- (a) Construction of communications installations, equipment and related facilities.
- (b) Construction and expansion of communications towers; including satellite stations.
- (c) Construction of light houses and watch towers.
- (d) Support facilities to (a) to (c).

**3. Exploration and power generation, transmission and distribution infrastructure.**

- (a) Generation of power from solar PV power plants of more than 2 megawatts.
- (b) Exploration and generation of geothermal resources.
- (c) Thermal power generation and other combustion installations.
- (d) Wind power generation farms of a capacity of at least 10 megawatts.
- (e) Generation of power from peat.
- (f) Generation, storage or distribution of electricity from gas and steam energy.
- (g) Hydro-power generation facilities; including dams with an installed capacity of more than 1 megawatt, or where conditions in Schedule 6 Part 1 paragraph 3(b) have not been met.
- (h) High voltage electricity transmission lines.

- (i) Power transmission lines and other means of electrification of more than 15 kilometers in length.
- (j) Electricity distribution lines of a voltage of more than 33kV or where conditions in Schedule 5 Part 1 paragraph 3(c) have not been met.
- (k) Electrical substations.
- (l) Construction of facilities or infrastructure for nuclear reaction, including—
  - (i) energy generation.
  - (ii) production, enrichment, processing and re-processing.
  - (iii) storage or disposal of nuclear fuels or radioactive products.
  - (m) Support facilities to (a) to (l).

**4. Utilisation of water resources and water supply.**

- (a) Abstraction or utilisation of surface water for agricultural, industrial or urban use of more than 1000 m<sup>3</sup>/day.
- (b) Abstraction or utilisation of ground water of more than 1000m<sup>3</sup>/day.
- (c) Diversion of water from a river or stream, where the water discharged is more than 400m<sup>3</sup>/day or 30% of Internal Renewable Water Resources over the river catchment.
- (d) Dredging of a river or lake.
- (e) Underground storage of water of 10,000m<sup>3</sup> or more.
- (f) Bulk water transfer from one catchment or water body to another.
- (g) Flood control schemes.
- (h) Construction of valley dams and valley tanks where the threshold is 1,000,000 m<sup>3</sup> or more.
- (i) Construction of water pipelines of more than 20 kilometers in length or with a capacity of more than 500,000 m<sup>3</sup> per day of water.
- (j) Construction of large scale gravitational water schemes of more than 1000 m<sup>3</sup>/day or where the ecosystem is fragile and sensitive.
- (k) Support facilities to (a) to (j).

**5. Housing and urban development.**

- (a) Construction of planned settlements or housing estates covering at least 5 acres.
- (b) Establishment or expansion of development zones, industrial estates and industrial parks.
- (c) Construction and expansion of public and private hospitals.
- (d) Construction and expansion of educational and research institutions.
- (e) Shopping centres and other commercial complexes covering a floor area of 2500/10,000m<sup>2</sup> or more.
- (f) Construction of warehouses.
- (g) Support facilities to (a) to (f).

**6. Agricultural investments, livestock, range management and fisheries.**

- (a) Large scale cultivation of 20 hectares and more.
- (b) New biological pest and disease control measures.
- (c) Large scale application of agro-chemicals for disease and pest control.
- (d) Large scale irrigation of more than 20 hectares.
- (e) Construction of feedlots in densities that exceed 1000 cattle livestock units and 2000 units for other livestock.
- (f) Construction of facilities for commercial aquaculture of 200,000 kilos per year or of an area of one hectare.
- (g) Establishment of industrial or commercial fish processing plants.
- (h) Establishment of fish cages for commercial production.
- (i) Establishment of aquaculture parks.
- (j) Support facilities to (a) to (i).

**7. Food and beverage industry.**

- (a) Brewing, distilling or malting of beer, wines, waragi and other spirits for commercial purposes of a capacity of at least 1000 litres per day.
- (b) Production of non-alcoholic drinks of at least 1000 litres per day.
- (c) Milling facilities with a capacity of at least 1000kilograms per day, including for grains, cereals, pulse feeds and other agro-products.
- (d) Manufacture and refining of vegetable and animal oils and fats.

- (e) Processing of dairy products.
- (f) Abattoirs /slaughter – houses and meat processing plants.
- (g) Production of canned foods.
- (h) Sugar factories and jaggeries.
- (i) Support facilities to (a) to (h).

**8. Nature conservation areas.**

- (a) Creation of wildlife protected areas.
- (b) Upgrades to protected areas of community wildlife conservation areas or community conservation areas outside protected areas.
- (c) Introduction of new or alien wildlife species; including microorganisms to local ecosystems.
- (d) Degazettement of wildlife protected and management areas.
- (e) Commercial exploitation of wild fauna and flora within and outside protected areas, including setting of extractive off take quotas for trade and sport hunting.
- (f) Establishment of hunting blocks and areas for sport hunting.
- (g) Re-introduction, introduction and translocation of wildlife.
- (h) Wildlife farming, including ranching and breeding.
- (i) Creation of zoos and other captive wildlife management facilities.
- (j) Habituating wild animals for tourism and other purposes.
- (k) Support facilities to (a) to (j).

**9. Forestry.**

- (a) Gazetting or degazetting of forest reserves.
- (b) Conversion of forested land to other land uses within catchments and watersheds.
- (c) Introduction of new tree species.
- (d) Commercial charcoal production.
- (e) Extraction of rubber and resins.
- (f) Establishment of plantations of more than 500 ha.
- (g) Support facilities to (a) to (f).

**10. Hotel, tourism and recreational development.**

- (a) Construction of luxury tented camps, lodges, hotels, resort and beach front facilities, subject to buffer zones protected by law.
- (b) Development of tourism or recreational facilities in areas of more than one hectare.

- (c) Construction of accommodation similar to paragraph (a) other than bandas, tents and campsites and construction of other tourism or recreation facilities in wildlife or forest protected areas or near wetlands or other ecologically sensitive areas.
- (d) Development of golf courses and associated facilities, provided that golf courses will not be constructed in protected areas.
- (e) Establishment of zip lines, canopy walks, cable cars, hot air balloons, paragliding, bungee jumping or related infrastructure.
- (f) Demolition or significant change of historic buildings, archaeological sites, national monuments and related tourism sites.
- (g) Establishment of water-based tourism or recreational facilities, including houseboats, cruises or related facilities.
- (h) Permanent racing and test tracks for motorized vehicles in an area of more than half an hectare.
- (i) Construction of administration, educational and research infrastructure in protected areas of a capacity of more than 50 persons.
- (j) Support facilities to (a) to (i).

**11. Wood industries.**

- (a) Manufacture of veneer and plywood.
- (b) Manufacture of furniture and medium density fibre products.
- (c) Stationary sawmill and shingle mill products industries.
- (d) Wood preservation facilities.
- (e) Manufacture of pulp, paper and sand-board mills.

**12. Textile industry.**

- (a) Pre-treatment or dyeing of fibres and textiles.
- (b) Filature fabric, ginning or carpet mills using dyes (by utilizing chemical or vegetable dyes and bleaching agents).
- (c) Denim or garment industry products and washing facilities.
- (d) Industrial type facilities where wool or angora is wrapped, de-oiled and bleached.
- (e) Manufacture of all fibre garments.

**13. Tanning and leather industry.**

- (a) Establishment and expansion of hides and skins processing facilities (tanneries).
- (b) Manufacture of leather and leather products.

**14. Chemical industry.**

- (a) Manufacture, formulation or re-packaging of industrial chemicals.
- (b) Manufacture, formulation or re-packaging of agro-chemicals.
- (c) Manufacture, formulation or re-packaging of public health chemicals and products.
- (d) Manufacture, formulation or re-packaging of pharmaceutical products.
- (e) Battery manufacture and re-cycling.

**15. Metallurgy.**

- (a) Manufacture and assembly of motorised and non-motorised transport products.
- (b) Boiler-making and manufacture of reservoirs, tanks and other sheet containers.
- (c) Manufacture of non-ferrous products.
- (d) Manufacture of aluminium, iron, steel and related products.
- (e) Electroplating.

**16. Electrical and electronics industry.**

Manufacture and assembly of electrical and electro-mechanical products.

**17. Mining industry and mineral processing.**

- (a) Mineral exploration.
- (b) Mining of metal and non-metal minerals.
- (c) Processing of minerals, including smelting and refining of ores.

**18. Manufacturing of non-metallic products.**

- (a) Manufacture of rubber products.
- (b) Manufacture of glass, glass-fibre and glass-wool.
- (c) Manufacture of plastic materials.
- (d) Manufacture of tiles and ceramics.
- (e) Production of kaolin and vermiculite.
- (f) Manufacture of bricks and brick products for commercial purposes.

**19. Assembling plants.**

- (a) Assembling of motor vehicles, motor cycles and bicycles.
- (b) Assembling of other equipment for commercial purposes.

**20. Extraction of non-mineral products.**

- (a) Extraction of sand, murrum and clay of at least 5m<sup>3</sup> per day.
- (b) Stone extraction and quarrying of more than 5m<sup>3</sup> per day.

**21. Petroleum operations.**

- (a) Upstream—
  - (i) Geophysical and geo-technical surveys for seismic activities.
  - (ii) Exploration, including drilling, construction, installation and operation of drilling rigs and related facilities.
  - (iii) Field development and production activities, including—
    - (aa) Construction of onshore drilling pads.
    - (bb) Development of drilling construction, installation and operation of onshore drilling rigs and their facilities.
    - (cc) Construction, installation and operation of central processing facilities.
    - (dd) Construction, installation and operation of in-field pipelines and flow-lines.
    - (ee) Construction, installation and operation of fixed platforms and mobile platforms.
  - (iv) Construction of facilities, including storage facilities, central processing facilities and, pipelines.
  - (v) Construction, installation and operation of accommodation and materials bases, including extension of camps.
  - (vi) Offshore platforms for petroleum and natural gas.
  - (vii) Construction and installation of water abstraction facilities.
  - (viii) Decommissioning of petroleum facilities and activities.
  - (ix) Any other facility or activity for exploration, development, production, transportation, storage and cessation of activities or decommissioning of facilities.
- (b) Midstream—
  - (i) Construction of petroleum refinery, conversion plants and other petroleum processing plants.

- (ii) Storage facilities for petroleum and petroleum products.
- (iii) Construction and installation of facilities, including pipelines, storage facilities and camps.
- (iv) Transmission of chemicals, petrochemicals and petroleum in bulk.
- (v) Decommissioning of midstream facilities and operations.
- (c) Downstream—
  - (i) Construction or major modification of installations or facilities of the petroleum supply chain including—
    - (aa) Petroleum product depots.
    - (bb) Fuel filling stations and fuel service stations.
    - (cc) Facilities for refilling and storage of liquefied petroleum and natural gas.
  - (ii) Petrochemical plants; including asphalt plants.
  - (iii) Transmission of petrochemicals and petroleum products.
  - (iv) Construction of other facilities for the transportation, processing, supply, storage, distribution, wholesale, retail sale and sale to industrial consumers of petroleum products and related activities.
  - (v) Decommissioning of installations and facilities used in the petroleum supply chain.

**22. Waste management facilities.**

- (a) Transportation of hazardous waste.
- (b) Hazardous waste storage and treatment facilities.
- (c) Construction of waste management facilities, including—
  - (i) Landfills.
  - (ii) incineration plants.
  - (iii) recovery/re-cycling plants.
  - (iv) composting plants.
  - (v) waste water/effluent treatment plant.
  - (vi) sewage treatment plants.

- (d) Facilities for the disposal of asbestos.
- (e) Storage or disposal of nuclear and radioactive waste.
- (f) Sewage treatment plants.

**23. General.**

- (a) Installations for the capture of carbon dioxide streams for the purposes of geological storage from installations covered by this Schedule, or where the total yearly capture of carbon dioxide is 1.5 megatonnes or more.
- (b) Tobacco processing and storage.
- (c) Facilities for manufacture of medical and veterinary equipment.
- (d) Aerial spraying using chemicals.

**SCHEDULE 6**

*Sections 54(9), 55(2) and 181(2).*

**REGULATED ACTIVITIES IN WETLANDS**

1. Brick making.
2. Recreational activities, including spot fishing and maintenance of green spaces.
3. Cultivation.
4. Sand and clay mining.
5. Drainage.
6. Commercial exploitation of wetland resources.
7. Sewerage filtration.
8. Fishing; using fishing gear and weirs, fish farming and other aquaculture.
9. Construction of transport and communication facilities, including roads, railways and telephone lines.
10. Burning.
11. Any exploitative activity which is of a commercial or trade nature, including harvesting of papyrus for commercial purposes.

**SCHEDULE 7***Section 59***ITEMS FOR CONSIDERATION FOR THE INVENTORY OF  
BIOLOGICAL DIVERSITY**

1. Ecosystems and habitats containing high diversity, large numbers of endemic or threatened species, or wilderness; required by migratory species of social, economic, cultural or scientific importance: or, which are representative, unique or associated with key evolutionary or other biological processes.
2. Species and communities which are threatened wild relatives of domesticated or cultivated species; of medicinal, agricultural or other economic value; or social, scientific or cultural importance: or importance for research into the conservation and sustainable use of biological diversity, such as indicator species.
3. Described genomes and genes of social, scientific or economic importance.

**SCHEDULE 8***Section 70(1) and 181(2).*

## PROHIBITED AND RESTRICTED CHEMICALS.

**PART I—CHEMICALS PROHIBITED UNDER  
THE STOCKHOLM CONVENTION ON PERSISTENT  
ORGANIC POLLUTANTS**

<i>Chemical and CAS Number</i>	<i>Activity</i>	<i>Specific exemption</i>
Aldrin CAS No: 309-00-2	Production	None
	Use	local ectoparasiticide insecticide
Alpha hexachlorocyclohexane CAS No: 319-84-6	Production	None
	Use	None
Beta hexachlorocyclohexane CAS No: 319-85-7	Production	None
	Use	None

Chlordane CAS No: 57-74-9	Production	None
	Use	local ectoparasiticide insecticide  Termiticide  Termiticide in build- ings and dams  termiticide in roads  Additive in plywood adhesives
Chlordecone CAS No: 143-50-0	Production	None
	Use	
Dieldrin CAS No: 60-57-1	Production	None
	Use	in agricultural oper- ations
Endosulfan CAS No: 115-29-7	Production	None
	Use	None
Endrin CAS No: 72-20-8	Production	None
	Use	None

Heptachlor CAS No: 76-44-8	Production	None
	Use	Termiticide  Termiticide in structures of houses  Termiticide (subterranean)  Wood treatment in use in underground cable boxes.
Hexabromobiphenyl CAS No: 36355-01-8	Production	None
	Use	None

Hexabromobiphenyl CAS No: 36355-01-8	Production	None
	Use	None
Hexabromocyclododecane (HBCD)	Production	None
	Use	None
Hexabromodiphenyl ether and heptabromodiphenyl ether	Production	None
	Use	As specified in accordance with the provisions of part IV of Annex 1 of the Stockholm Convention.
Hexachlorobenzene CAS No: 118-74-1	Production	None
	Use	intermediate solvent in pesticide closed system site limited intermediate.
Lindane CAS No: 58-89-9	Production	None
	Use	Human health pharmaceutical for control of head lice and scabies as second line treatment
Mirex CAS No: 2385-85-5	Production	None
	Use	Termiticide
Pentachlorobenzene CAS No: 608-93-5	Production	None
	Use	None

Polychlorinated biphenyls (PCB) - to be eliminated by 2025	Production	None
	Use	Articles in use in accordance with Part II of Annex A of the Stockholm Convention.
Tetrabromodiphenyl ether and pentabromodiphenyl ether	Production	None
	Use	Articles in accordance with Part V of Annex A of the Stockholm Convention
Toxaphene CAS No: 8001-35-2	Production	None
	Use	None

**PART II—CHEMICALS PROHIBITED OR RESTRICTED  
UNDER THE MONTREAL PROTOCOL ON SUBSTANCES  
THAT DEplete THE OZONE LAYER**

<i>Chemical and CAS Number</i>	<i>Activity</i>	<i>Specific exemption</i>
Hydrobromofluorocarbons (HBFCs)	Import, export, production and use	None
Chlorofluorocarbons (CFCs) CFC-11 CFC-113 CFC-12 CFC-13 CFC-114 CFC-115	Import, export, production and use	
Halons  HALON 1211 (CF <sub>2</sub> BrCl) HALON 1301 (CF <sub>3</sub> Br) HALON 2402 (C <sub>2</sub> F <sub>4</sub> Br <sub>2</sub> )	Import, ex- port, production and use	None
Other fully halogenated  Chlorofluorocarbons (CFCs) CFC-11 (CFC13) CFC-12 (CFC2Cl <sub>2</sub> ) CFC-113 (C <sub>2</sub> F <sub>3</sub> Cl <sub>3</sub> ) CFC-114 (C <sub>2</sub> F <sub>4</sub> Cl <sub>2</sub> ) CFC-115 (C <sub>2</sub> F <sub>5</sub> Cl) CFC-122	Import, ex- port, production and use	None

CFC-212		
CFC-213		
CFC-214		
CFC-215		
CFC-216		
Carbon tetrachloride	Import, export, production and use	None
1,1, 1 - trichloroethane (methyl chloroform)	Import, export, production and use	None
Hydrochlorofluorocarbons (HCFCs)	Import, ex- port, production and use	None
HCFC-21 (CHFC12)		
HCFC-22 (CHF2Cl)		
HCFC-31 (CH2FCl)		
HCFC-123** (CHCl2CF3)		
HCFC-124** (CHFClCF3)		
HCFC-133 (C2H2F3Cl)		
HCFC-141b** (CH3CFCl2)		
HCFC-142b** (CH3CF2Cl)		
HCFC-225 (C3HF5Cl2)		
HCFC-225ca(CF3CF2CHCl2)		
HCFC-225cb(CF2ClCF2CH- ClF)		
Prohibition date is 2030 onwards.		
Methyl bromide	Import, export, production and use	None

**SCHEDULE 9***Section 76(1) and 181(3)***CATEGORIES OF PERMITTED PLASTICS OR PLASTIC PRODUCTS MADE OF POLYMERS OF ETHENE, POLYPROPYLENE**

<b>A</b>	<b>Industrial Use</b>
	Polyethene for packaging of napkins (All varieties)
	Polyethene for packaging and manufacture of sanitary pads
	Polyethene for packaging and manufacture of baby diapers
	Polyethene for packaging and manufacture of wet wipes (adults. Baby, feminine)
	Polyethene for packaging of facial tissues
	Polyethene for packaging of pocket tissues
	Polyethene for packaging ESST Kitchen towels
	Polyethene for packaging C-Fold towels
	Polyethene for packaging of Toilet Paper
	Shrink sleeves made of PVC (Polyvinyl chloride) for labeling water bottles, cosmetic bottles and jars
	OPP (Oriented Polypropylene) films used in labeling water bottles
	CPP (Cast Polypropylene) used in twist wrapping of candles
	Shrink sleeves of PVC used as tamper evident seals in water and cosmetic products
	Printed Polyester film used as substrate for transfer printing of cosmetic bottles and jars
	Polyethene bags used for the packaging of candy sweets, biscuits, pasta, sugar, salt, rice, candles, soap, detergents and any other food or cosmetic product requiring moisture barrier properties.
	Polyethene films used for shrinks wrapping of water, soaps, and cosmetic products
	Cling film for value addition of tea and coffee

	Polyethene paper used for wrapping mattresses while in the warehouse
<b>B</b>	<b>Agricultural Use</b>
	Polyethene used for plants nurturing in nurseries
	Polyethene covering green houses
	Polyethene bags used for packaging fertilizers into small units for export
<b>C</b>	<b>Medical Use</b>
1	Polyethene used for conditioning and packaging of drugs, vaccines and other medical and pharmaceutical products
<b>D</b>	<b>Research and Science</b>
1	Polyethene used for the conditioning of laboratory reactants and other laboratory products
<b>E</b>	<b>Sanitation</b>
1	Polyethene used for the collection and transportation of wastes
<b>F</b>	<b>Construction</b>
1	Polyethene used for insulation, roofing and damp proofing in construction

**SCHEDULE 10**

*Section 113(2) & (3), 126(2), (3) 176(1), 177(1) and 181(2).*

**PROJECTS WHICH MAY REQUIRE ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENTS.**

- 1. Projects not listed in schedule 6 and planned to be located in or near environmentally sensitive areas such as—**
  - (a) areas protected by international law;
  - (b) areas declared by national law as protected areas;
  - (c) community forests, forests in former public land and private forests;
  - (d) community wildlife conservation areas;
  - (e) wetlands, lakeshores, riverbanks and other fragile ecosystems;
  - (f) areas supporting populations of rare and endangered species;
  - (g) zones prone to soil erosion or desertification;
  - (h) areas of historical, archaeological and scientific interest;
  - (i) areas of cultural and religious significance;
  - (j) areas used extensively for recreation and aesthetic reasons;
  - (k) areas prone to bushfires;
  - (l) areas prone to natural disasters, including geological hazards, floods, rainstorms and volcanic activity;
  - (m) hilly and mountainous areas with critical slopes;
  - (n) recharge areas of aquifers;
  - (o) water catchments and watersheds containing or supporting major sources of water;
  - (p) water bodies characterized by one or any combinations of the following conditions—
    - (i) water tapped for domestic purposes;
    - (ii) water within controlled or protected areas;
    - (iii) water which supports wildlife outside protected areas and fishery activities.
  - (q) areas which act as natural buffers against agents of erosion;
  - (r) areas of human settlement and areas set aside for infrastructure development, including sewer lines, storm-water drains and underground cables.

**SCHEDULE 11**

*Section 113 (3) and 182 (2).*

**PROJECTS OR ACTIVITIES EXEMPTED FROM  
ENVIRONMENT ASSESSMENTS.**

1. Emergency situations reported to the appropriate authority within 24 hours of occurrence, including disasters.
2. Clearing of land for subsistence farming, unless cumulative impacts are adverse.
3. Construction or repair of individual houses.
4. Minor land use changes in areas with slopes of less than 20% including housing construction.
5. Environmental enforcement actions.
6. Emergency repairs to facilities within the character of the facility's surroundings.
7. Health programmes, including nutrition and family planning.
8. Electricity distribution lines of voltage of 415V and below.
9. Construction of tourism trails in protected areas.
10. Change of forest reserve to wildlife protected area and vice versa, or any other protected area system.
11. Construction of fish ponds of size 10m by 20m.
12. Establishment of no fishing zones, such as fish breeding or nursery areas.

**Cross References**

Access to Information Act, 2005, Act 6 of 2005.

Agricultural Chemicals Control Act, 2007, Act 1 of 2007.

Atomic Energy Act, 2008, Act 24 of 2008. Civil Procedure Act, Cap. 71.

Civil Procedure Rules, SI 71-1 Criminal Procedure Code Act, Cap. 84. Constitution of 1995.

Income Tax Act, Cap. 340. Finance Act, 2009, Act 14 of 2009. Land Act, Cap. 227

Land Acquisition Act, Cap. 226

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