

**BILLS SUPPLEMENT**

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**Bill No. 12 Accreditation for Conformity Assessment Bill 2018**

**THE ACCREDITATION FOR CONFORMITY ASSESSMENT  
BILL, 2018**

**MEMORANDUM**

**1. Policy and principles of the Bill**

The policy behind the Bill is to provide for an internationally recognised and effective accreditation system in Uganda; to provide for the Uganda National Accreditation System; to provide for accreditation of conformity assessment and calibration; and for related matters.

**2. Defects in the existing law**

At present, there is no legislation in respect of accreditation in Uganda. It is, therefore, imperative that Uganda puts in place an accreditation law that complies with international best practices and also establishes a national accreditation system.

**3. Remedies proposed in the Bill**

The intention of the Bill is to establish an accreditation body as the sole body in Uganda responsible for carrying out accreditation in respect of conformity assessment and calibration; to ensure an internationally recognised accreditation system; to promote accreditation as a means of facilitating international trade and enhancing economic performance and transformation; and to promote competence and equivalence of accredited bodies.

**4. Provisions of the Bill**

The Bill comprises eight Parts.

**Part I of the Bill—Preliminary**

Part I deals with preliminary matters including the purpose of the Act and interpretation.

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According to clause 1, the purpose of the Bill is to establish the Uganda National Accreditation System which shall be responsible for carrying out accreditation in respect of conformity assessment and calibration.

Clause 2 provides for definitions used in the Bill. In clause 2, “accreditation” means third party attestation related to conformity assessment and calibration conveying formal demonstration of competence to carry out tasks against specified criteria including criteria in international guides and standards.

Also in clause 2, “calibration” is defined to mean a set of operations that establish, under specified conditions, the relationship between values of quantities indicated by a measuring instrument or measuring system, or values represented by a material measure or reference material, and corresponding values realised by standards.

## **Part II of the Bill—Uganda National Accreditation System**

This Part deals with the Uganda National Accreditation System.

Clause 3 establishes the Uganda National Accreditation System which is a body corporate. According to clause 3, the Uganda National Accreditation System will be responsible for carrying out accreditation including accreditation of calibration bodies, testing bodies, verification laboratories, certification bodies, inspection bodies and medical laboratories.

## **Part III—Board of Uganda National Accreditation System**

This Part deals with the Board of the Uganda National Accreditation System. According to clause 6 the Board comprises representatives of the ministries of trade, health, agriculture among others.

## **Part IV—Staff of Uganda National Accreditation System**

Clause 14 establishes a secretariat which will be responsible for the day to day operations of the Uganda National Accreditation System and implementing the decisions of the Board.

According to clause 14(2) the secretariat shall be headed by an Executive Director who shall be appointed by the Minister on the recommendation of the Board in consultation with the Public Service Commission.

Clause 17 provides that the Board may appoint other staff to perform the functions set out in the Act. In addition, under clause 18, the Board may appoint assessors to carry out any assessments required under the Act.

### **Part V—Financial Provisions**

This Part deals with matters such as the funds and sources of revenue of the Uganda National Accreditation System (clause 19), the duty to operate on sound financial principles (clause 20), power to open and operate bank accounts (clause 21).

### **Part VI—Accreditation**

This Part deals with such matters as application for accreditation (clause 27), renewal of accreditation (clause 28).

The Bill also recognises foreign accreditation. In clause 31, a person resident in Uganda seeking accreditation from a foreign accreditation body shall comply with requirements specified by the Minister in regulations.

### **Part VII—Offences**

This Part provides for offences and penalties.

Clause 34 provides for offences relating to giving false information whereas clause 35 provides proscribes the use of accreditation for uncertified purposes

### **Part VIII—Miscellaneous**

This Part deals with miscellaneous matters.

Clause 38 provides for the making of regulations by the Minister, in consultation with the Board, for the better carrying into effect the provisions of this Act.

Clause 39 provides for amendment of Schedules to the Act.

**AMELIA KYAMBADDE, (MP)**  
*Minister of Trade, Industry and Cooperatives.*

**THE ACCREDITATION FOR CONFORMITY  
ASSESSMENT BILL, 2018.**

**ARRANGEMENT OF CLAUSES**

*Clause*

**PART I—PRELIMINARY**

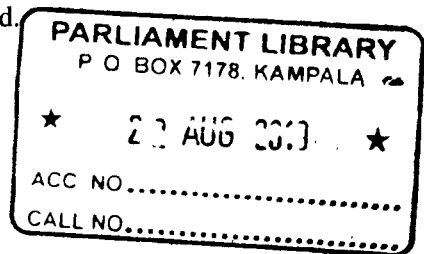
1. Purpose of Act
2. Interpretation

**PART II—UGANDA NATIONAL ACCREDITATION SYSTEM**

3. Establishment of Uganda National Accreditation System
4. Functions of Uganda National Accreditation System

**PART III—BOARD OF UGANDA NATIONAL  
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7. Tenure of office of members of Board.
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NATIONAL ACCREDITATION SYSTEM**

13. Secretariat of Uganda National Accreditation System.
14. Executive Director
15. Functions of Executive Director.
16. Other officers and staff of secretariat.
17. Assessors

*Clause*

PART V—FINANCIAL PROVISIONS

18. Funds and sources of revenue of Uganda National Accreditation System
19. Duty to operate on sound financial principles.
20. Power to open and operate bank accounts.
21. Borrowing powers.
22. Estimates
23. Financial year of Uganda National Accreditation System
24. Accounts and audit.
25. Investment of funds

PART VI—ACCREDITATION

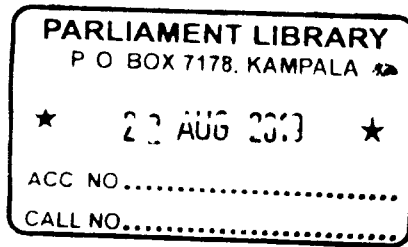
26. Application for accreditation
27. Renewal of accreditation.
28. Powers to establish technical committees
29. Revocation of accreditation
30. Accredited person to comply with requirements of accreditation
31. Applications by persons resident in Uganda to foreign accreditation bodies
32. Register of accredited persons
33. Appeal.

PART VII—OFFENCES

34. Giving false information
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PART VIII—MISCELLANEOUS

36. Protection from liability of members and officers of the Uganda National Accreditation System
37. Duty not to disclose information
38. Regulations.
39. Amendment of Schedules.



A Bill for an Act

ENTITLED

**THE ACCREDITATION FOR CONFORMITY ASSESSMENT  
ACT, 2018**

**An Act to provide for an internationally recognised and effective accreditation system in Uganda; to provide for the Uganda National Accreditation System; to provide for accreditation of conformity assessment and calibration; and for related matters.**

BE IT ENACTED by Parliament as follows:

**PART I—PRELIMINARY**

**1. Purpose of Act.**

The purpose of this Act is—

- (a) to establish the Uganda National Accreditation System which shall be responsible for carrying out accreditation in respect of conformity assessment and calibration;
- (b) to provide for an internationally recognised national accreditation system as a crucial element of a well-functioning technical infrastructure that is aligned with international best practice;

- (c) to provide a supportive legal environment for accreditation of conformity assessment and calibration;
- (d) to promote the competence and equivalence of accredited persons;
- (e) to ensure that the national accreditation system supports the needs of Uganda's enterprises competing in the global economy; and
- (f) to promote accreditation as a means of facilitating international trade, enhancing economic performance and transformation and support public policy objectives in terms of health and safety matters.

## **2. Interpretation.**

In this Act, unless the context otherwise requires—

“accreditation” means third party attestation related to conformity assessment and calibration conveying formal demonstration of competence to carry out tasks against specified criteria specified in this Act;

“accredited person” means—

- (a) a person who has been accredited by the Uganda National Accreditation System in accordance with this Act; or
- (b) a person who is not resident in Uganda who has obtained approval from the Uganda National Accreditation System to operate in Uganda and is a member of the recognition arrangements of the International Laboratory Accreditation Co-operation (ILAC) or the International Accreditation Forum (IAF);

“accreditation logo” means a logo used by an accredited person for purposes of identification of the accredited person;

“accreditation symbol” means a symbol issued by the Uganda National Accreditation System to an accredited person to be used by the accredited person to indicate that the person has been accredited in accordance with this Act;

“calibration body” means a body that performs a set of operations that establish, under specified conditions, the relationship between values of quantities indicated by a measuring instrument or measuring system, or values represented by a material measure or reference material, and corresponding values realised by standards;

“certification body” means a body that certifies other bodies for compliance to specifications or standards specified in this Act and includes specifications and standards relating to management systems, schemes or products;

“conformity assessment” means the procedure used to determine, directly or indirectly, that the relevant requirements in technical regulations, standards or validated documentation has been fulfilled;

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

“inspection body” means a body that examines product designs, product services, processes or plants and determines their conformity to requirements specified in this Act;

“laboratory” means any specialised confined environment used for the performance of scientific work and includes medical, testing, calibration and verification laboratories;

“Minister” means the Minister responsible for trade;

“verification laboratory” means a body established by law to verify measuring equipment or instruments in order to establish that the equipment or instruments comply with all legal requirements pertaining to such equipment or instruments.

**PART II—UGANDA NATIONAL ACCREDITATION SYSTEM**

**3. Establishment of Uganda National Accreditation System.**

(1) There is established the Uganda National Accreditation System.

(2) The Uganda National Accreditation System shall be a body corporate with perpetual succession and an official seal and may, for the discharge of its functions under this Act—

- (a) acquire, hold and dispose of moveable and immovable property;
- (b) sue and be sued in its corporate name; and
- (c) do all acts and things as a body corporate may lawfully do.

**4. Functions of Uganda National Accreditation System.**

(1) The functions of the Uganda National Accreditation System are—

- (a) to carry out accreditation including accreditation of—
  - (i) calibration bodies;
  - (ii) testing bodies;
  - (iii) verification laboratories;
  - (iv) certification bodies;

- (v) inspection bodies;
- (vi) medical laboratories;
- (vii) any other body that the Minister may, by statutory instrument, designate;
- (b) to encourage and promote the accreditation of calibration, testing and verification laboratories;
- (c) to encourage and promote the accreditation of certification bodies, inspection bodies, and any other bodies designated by the Minister by regulations;
- (d) to promote its activities among accredited persons in Uganda and outside Uganda;
- (e) to promote the use of accredited persons to facilitate trade;
- (f) to promote and protect regional and international arrangement logos including the logos of the International Laboratory Accreditation Cooperation and the International Accreditation Forum;
- (g) to initiate, negotiate, conclude and maintain mutual recognition arrangements;
- (h) to advise national, regional and international organisations on the conditions for accreditation and on other issues related to accreditation;
- (i) to formulate and implement national guidelines and standards to facilitate the accreditation process;
- (j) to protect the use of and promote the recognition of the Uganda National Accreditation System's logo nationally and internationally;

- (k) to promote the recognition of accredited persons by users of conformity assessment systems;
- (l) to advise the Minister on accreditation matters.

(2) The Uganda National Accreditation System shall, in the performance of its functions—

- (a) comply with international accreditation standards and criteria;
- (b) co-operate with any established body under the East African Community Treaty and laws to promote and regulate accreditation in the East African Community;
- (c) liaise with other national regulators in respect of any matter related to accreditation;
- (d) obtain and maintain membership of national and international organisations that may assist the Uganda National Accreditation System to achieve its objects and to actively participate in such organisations;
- (e) participate in formulating international and regional guidelines and standards to facilitate the accreditation process in Uganda; and
- (f) investigate methods of facilitating trade through accreditation.

### **PART III—BOARD OF UGANDA NATIONAL ACCREDITATION SYSTEM**

#### **5. Board of Uganda National Accreditation System.**

(1) The Uganda National Accreditation System shall be governed by a Board.

(2) The Board shall consist of the following members—

- (a) the Permanent Secretary of the Ministry responsible for trade or his or her representative;
- (b) the Permanent Secretary of the Ministry responsible for health or his or her representative;
- (c) the Permanent Secretary of the Ministry responsible for agriculture or his or her representative;
- (d) a representative of conformity assessment bodies in Uganda;
- (e) a representative of the academia;
- (f) a representative of consumers;
- (g) the Executive Director of the Uganda National Accreditation System, who shall have no right to vote.

(3) The Executive Director shall be the secretary to the Board.

(4) The members of the Board shall be appointed by the Minister, in consultation with the Public Service Commission, and with the approval of Cabinet.

(5) The Minister shall ensure—

- (a) that a member of the Board is a person of high moral character and proven integrity with knowledge and experience in accreditation, standardisation or technical regulatory matters, business management, finance, marketing; and
- (b) there is a balance of skills and gender on the Board.

(6) The Minister shall appoint one of the members of the Board to be the chairperson of the Board but not the Executive Director.

**6. Disqualification from appointment to 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 or outside Uganda;
- (b) has been convicted of an offence and sentenced to imprisonment for six months or more, without the option of a fine, by a competent court in or outside Uganda; or
- (c) is an undischarged bankrupt, or has made any assignment or arrangement with his or her creditors;
- (d) is a Member of Parliament, a Minister or a member of a local government council; or
- (e) is a public officer except those stated under section 6(2)(a) (b) and (c).

**7. Tenure of office of members of Board.**

(1) A member of the Board shall hold office for three years and is eligible for re-appointment for one further term.

(2) A member of the Board may, at any time, resign his or her office by letter addressed to the Minister, giving notice of not less than one month.

(3) The Minister may, at any time, remove a member of the Board—

- (a) for inability to perform the functions of his or her office arising from infirmity of body or mind;

- (b) for misbehavior or misconduct;
- (c) for incompetence;
- (d) for absence, without prior permission of the chairperson, or 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;
- (e) for bankruptcy or insolvency;
- (f) for being convicted of a criminal offence, in Uganda or outside Uganda, in respect of which the maximum penalty exceeds six months imprisonment without the option of a fine; or
- (g) where information relating to the conduct of a member, is brought to the attention of the Minister, which could have precluded his or her appointment if it had been made available to the Minister.

(4) A member representing an institution or body may be withdrawn from the Board by that institution or body in accordance with the laws and regulations that govern the institution or body.

## **8. Filling of vacancies on Board.**

(1) The chairperson of the Board shall notify the Minister of a vacancy that occurs in the membership of the Board within one month after the vacancy occurs.

(2) The Minister shall, in accordance with the provisions on appointment of members of the Board, appoint another person to hold office for the unexpired duration of the member's term of office.

(3) Where the vacancy referred to in subsection (1) is of the chairperson of the Board, the secretary of the Board shall notify the Minister of the vacancy and the Minister shall appoint another person to be the chairperson for the unexpired duration of the chairperson's term of office.

**9. Remuneration of members of Board.**

The members of the Board shall be paid allowances as the Board may, with the approval of Cabinet, determine.

**10. Functions of Board.**

(1) The Board shall be responsible for ensuring efficiency, effectiveness, transparency and propriety in—

- (a) the utilisation of public funds under this Act;
- (b) the conduct of its business; and
- (c) the operations and activities of the Uganda National Accreditation System.

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

- (a) oversee the operations of the Uganda National Accreditation System;
- (b) advise the Minister on accreditation related policy and strategic issues;
- (c) review and approve business and operating plans, budgets, reports and audited financial statements of the Uganda National Accreditation Service;
- (d) determine the objectives and general performance of the Uganda National Accreditation System as set out in the business plan of the Uganda National Accreditation System, the strategic plan of the Uganda National Accreditation System and its annual;
- (e) establish and approve rules and procedures for the appointment, promotion, termination, discipline;
- (f) approve terms and conditions of service of the staff of the Uganda National Accreditation System; and

- (g) provide policy guidance to the Executive Director and staff of the Uganda National Accreditation System.

(3) In the performance of its functions, the Board is accountable to the Minister.

(4) The Minister may, in writing, give policy directions to the Board regarding the performance of its functions.

#### **11. Meetings of Board.**

(1) The Board shall meet at least once every three months for the purposes of discharging its functions.

(2) The meetings of the Board shall be conducted in accordance with Schedule 2.

#### **12. Committees of Board.**

(1) The Board may, in the performance of its functions, appoint committees of the Board—

- (a) to inquire into and advise the Board on any matter concerning the functions of the Uganda National Accreditation System as the Board may refer to the committee; or
- (b) to exercise such powers or perform such functions of the Uganda National Accreditation System as the Board may delegate or refer to the committee.

(2) A committee appointed under subsection (1) shall consist of a chairperson and other persons, whether members of the Board or not, as the Board may determine.

(3) Members of a committee appointed under this section may be paid such allowances as the Board may, with the written approval of the Minister, determine.

(4) Subject to any direction given by the Board, a committee appointed under this section may regulate its own procedure.

**PART IV—STAFF OF UGANDA NATIONAL ACCREDITATION SYSTEM**

**13. Secretariat of Uganda National Accreditation System.**

(1) The Uganda National Accreditation System shall have a secretariat which shall be responsible for the day to day operations of the Uganda National Accreditation System and implementing the decisions of the Board.

(2) The secretariat shall be headed by an Executive Director.

**14. Executive Director.**

(1) The Executive Director shall be appointed by the Minister, on the recommendation of the Board, and in consultation with the Public Service Commission.

(2) A person shall not be appointed Executive Director unless that person has qualifications and experience in accreditation, standardisation, technical regulatory matters, business management or marketing.

(3) The Executive Director shall hold office for five years and is eligible for re-appointment for one further term.

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

- (a) he or she resigns;
- (b) he or she is declared or becomes bankrupt or insolvent or has made an arrangement with his or her creditors;
- (c) he or she is convicted of a criminal offence, in Uganda or elsewhere, in respect of which the maximum penalty exceeds six months imprisonment without the option of a fine.

(5) The Executive Director may be removed from office by the Minister on the recommendation of the Board for—

- (a) inability to perform the functions of his or her office arising from infirmity of body or mind;
- (b) misbehavior or misconduct; or
- (c) incompetence.

**15. Functions of Executive Director.**

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

- (a) the implementation of the policies and programmes of the Board and reporting on them to the Board;
- (b) ensuring that the agreed purposes, targets and service standards are met;
- (c) the proper management of the funds and property of the Uganda National Accreditation System;
- (d) the organisation, supervision and control of the staff of the Uganda National Accreditation System;
- (e) the development of an operating plan to guide the Uganda National Accreditation System in achieving its purposes;
- (f) co-ordination and co-operation with other lead agencies and organisations in the accreditation and conformity assessment sector;
- (g) the development of an economic, efficient and cost effective internal management structure;
- (h) providing advice as required on all matters which fall within the area of the Board's responsibility; and

- (i) performing any other duty necessary for the implementation of this Act as may be assigned to him or her by the Board.

(2) The Executive Director is, in the performance of his or her functions, accountable to the Board.

**16. Other officers and staff of secretariat.**

(1) The Board may, on the advice of the Executive Director, appoint other officers and staff of the Uganda National Accreditation System as may be necessary for the effective performance of its functions.

(2) The employees appointed under this section shall hold office on such terms and conditions as the Board, in consultation with the Public Service Commission, may determine.

**17. Assessors**

(1) The Uganda National Accreditation System may, with the approval of the Board, appoint assessors from amongst the staff of the Uganda National Accreditation System and such other persons who are not staff but are suitably qualified, to function as assessors for the purpose of making the assessments required under this Act.

(2) The Minister shall, by regulations, prescribe the functions, duties, powers of assessors and any other matter related to assessors.

(3) Without prejudice to the general effect of subsection (2), an assessor may for the purposes of carrying out an assessment—

- (a) enter into any premises and make any enquiry or inspection in respect of the assessment related activities;
- (b) require any person to produce any records regarding the assessment related activities;

- (c) require any person to answer questions related to the matter under assessment or investigation; or
- (d) require a person to furnish such information or returns as may be necessary to ascertain whether that person is complying with the provisions of this Act or the terms of the certificate issued the person.

**PART V—FINANCIAL PROVISIONS**

**18. Funds and sources of revenue of Uganda National Accreditation System**

The funds and sources of revenue of the Uganda National Accreditation System shall consist of—

- (a) money appropriated by Parliament for the purposes of the Uganda National Accreditation System;
- (b) grants, gifts or donations from the Government or other sources made with the approval of the Minister and the Minister responsible for finance;
- (c) revenue earned from activities of the Uganda National Accreditation System under this Act;
- (d) fees charged and civil fines and penalties recovered by the Uganda National Accreditation System; and
- (e) any other funds received by the Uganda National Accreditation System in the performance of its functions under this Act.

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

In the performance of its functions under this Act, the Uganda National Accreditation System shall have due regard to sound financial principles.

**20. Power to open and operate bank accounts.**

The Board of the Uganda National Accreditation System shall, with the authority of the Accountant General, open and maintain such accounts as are necessary for the performance of the functions of the Uganda National Accreditation System.

**21. Borrowing powers.**

Subject to Article 159 of the Constitution, the Board may with the approval of Parliament borrow money as may be required for meeting its obligations or for the discharge of the functions of the Uganda National Accreditation System under this Act.

**22. Estimates.**

(1) The Executive Director shall, within three months before the end of each financial year, cause to be prepared and submitted to the Board for its approval, estimates of the income and expenditure of the Uganda National Accreditation System for the next financial year.

(2) The Board shall, within two months of receipt of the estimates referred to in subsection (1), cause to be submitted to the Minister for his or her approval, the estimates of income and expenditure as approved by the Board.

**23. Financial year of Uganda National Accreditation System.**

The financial year of the Uganda National Accreditation System shall be same as the financial year of Government.

**24. Accounts and audit.**

(1) The Uganda National Accreditation System shall keep proper books of accounts and all records relating to the transactions and affairs of the Uganda National Accreditation System.

(2) The Auditor General or an auditor appointed by the Auditor General shall, in each financial year, audit the accounts of the Uganda National Accreditation System.

(3) The Auditor General or an auditor appointed by the Auditor General shall within three months after receipt of the accounts submit to Parliament a report on the audited accounts of the Uganda National Accreditation System.

(4) The Auditor General shall submit the audited accounts of the Uganda National Accreditation System to Parliament in accordance with the Public Finance Management Act, 2015.

## **25. Investment of funds**

(1) The Board shall declare to the Minister any surplus funds that the Uganda National Accreditation System may have at the end of the financial year.

(2) Any funds of the Uganda National Accreditation System not immediately required for any purpose under this Act may be invested—

- (a) on a fixed deposit account with a bank approved by the Board;
- (b) in treasury bills and securities of the Government;
- (c) in a project approved by the Minister; or
- (d) in any other manner determined by the Board other than in a business regulated under this Act.

## **PART VI—ACCREDITATION**

### **26. Application for accreditation**

(1) A person seeking accreditation shall apply to the Uganda National Accreditation System in the manner and form prescribed by the Minister by regulations.

(2) The Uganda National Accreditation System shall evaluate every application for accreditation in accordance with procedures and criteria prescribed by the Minister by regulations.

(3) An application under subsection (1) shall be accompanied by the fee prescribed by the Minister by regulations.

(4) An applicant who satisfies the requirements of this section shall be issued a certificate of accreditation.

(5) The certificate issued under subsection (4) may specify conditions applicable to the accreditation.

(6) A certificate granted under this section shall set out the duration of the accreditation.

(7) Where an applicant is refused a certificate of accreditation, the Uganda National Accreditation System shall give written reasons for the refusal to the applicant.

**27. Renewal of accreditation.**

An accredited person may apply for renewal of the accreditation in such manner and form as may be prescribed by the Minister by regulations.

**28. Powers to establish technical committees.**

The Uganda National Accreditation System may establish appropriate technical committees to evaluate applications for accreditation.

**29. Revocation of accreditation**

(1) The Uganda National Accreditation System may revoke the accreditation of an accredited person under this Act where—

- (a) the accredited person has failed to comply with any obligation imposed under this Act;
- (b) the accredited person has contravened any provision of this Act or any other written law;
- (c) the accredited person, either in connection with the application for accreditation or at any time after the grant of accreditation, provides the Uganda National Accreditation System with false, misleading or inaccurate information, document or declaration.

(2) Before revoking accreditation, the Uganda National Accreditation System shall give the accredited person notice in writing of the intention to revoke the accreditation and require the accredited person to show cause, within thirty days, as to why the accreditation should not be revoked.

**30. Accredited person to comply with requirements of accreditation.**

An accredited person shall comply with the accreditation requirements in respect of that accreditation including the specific competencies specified in the certificate of accreditation.

**31. Applications by persons resident in Uganda to foreign accreditation bodies.**

A person resident in Uganda seeking accreditation by a foreign accreditation body shall, before making such an application, comply with requirements specified in regulations made by the Minister in respect of applications for accreditation of persons resident in Uganda by foreign accreditation bodies.

**32. Register of accredited persons.**

The Uganda National Accreditation System shall establish and maintain a register of accredited persons.

**33. Appeal.**

(1) A person who is aggrieved—

- (a) by the refusal to grant accreditation;
- (b) by the refusal to renew accreditation;
- (c) by the revocation of accreditation,

by the Uganda National Accreditation System may apply for review of the decision, in writing, to the Minister in a manner and form prescribed by the Minister by regulations.

(2) A person who is dissatisfied with the decision of the Minister may appeal to the High Court.

**PART VII—OFFENCES**

**34. Giving false information**

A person who knowingly—

- (a) makes or assists in the making of a certificate, report, return, notice or any other document to be sent to any other person, as required by this Act, that contains an untrue statement of a material fact; or
- (b) omits to state a material fact in or on any of the documents referred to in paragraph (a),

commits an offence and is liable on conviction to a fine not exceeding one hundred currency points or imprisonment not exceeding four years or both.

**35. Use of accreditation for uncertified purposes**

An accredited person who—

- (a) uses his or her accreditation for purposes other than that for which the accreditation was granted;
- (b) uses an accreditation symbol for purposes other than for purposes for which the symbol was given,

commits an offence and is liable on conviction to a fine not exceeding one hundred currency points or imprisonment not exceeding four years or both.

**PART VIII—MISCELLANEOUS**

**36. Protection from liability of members and officers of the Uganda National Accreditation System.**

An officer or member of the Board of the Uganda National Accreditation System or a person acting on the directions of the Uganda National Accreditation System is not personally liable for any act or omission done or omitted to be done in good faith in the exercise of functions under this Act.

**37. Duty not to disclose information.**

(1) An officer or member of the Board of the Uganda National Accreditation System shall not disclose any information, which he or she may have obtained in the course of discharging his or her duties under this Act.

(2) A person who ceases to be an officer or member of the Board of the Uganda National Accreditation System shall not disclose any information, which he or she may have obtained in the course of his or her employment for a period of ten years from the date he or she ceases to be an officer or member of the Board of the Uganda National Accreditation System.

(3) A person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding one hundred currency points or imprisonment not exceeding four years or both.

**38. Regulations.**

(1) The Minister shall, in consultation with the Board, by statutory instrument, make regulations for the better carrying into effect the provisions of this Act.

(2) Without prejudice to the general effect of subsection (1), regulations made under this section may—

- (a) prescribe the form and manner for applications for accreditation;
- (b) provide for the particulars to be supplied by a person applying for accreditation;
- (c) prescribe the fees and charges payable under this Act;
- (d) prescribe the conditions or restrictions that may be imposed on accredited persons;
- (e) provide for the conditions for the use of the name, accreditation logo or accreditation symbol of the Uganda National Accreditation System;

- (f) prescribe the scope of activities within which the Uganda National Accreditation System may grant accreditation;
- (g) provide for the form and manner of reviews and appeals under this Act;
- (h) specify the responsibilities of accredited persons;
- (i) provide for the conditions for the use of regional and international logos; and
- (j) prescribe any other matter necessary for giving full effect to this Act.

(3) Regulations made under this section may, in respect of any contravention of any of its provisions—

- (a) prescribe a penalty of a fine not exceeding seventy-five currency points or imprisonment for a term not exceeding one year or both;
- (b) in the case of a continuing contravention, prescribe an additional penalty not exceeding fifty currency points in respect of each day on which the offence continues; and
- (c) prescribe a higher penalty not exceeding one hundred and fifty currency points in respect of a second or subsequent contravention.

### **39. Amendment of Schedules.**

The Minister may, by statutory instrument—

- (a) with the approval of Cabinet, amend Schedule 1;
- (b) in consultation with the Board, amend Schedule 2.

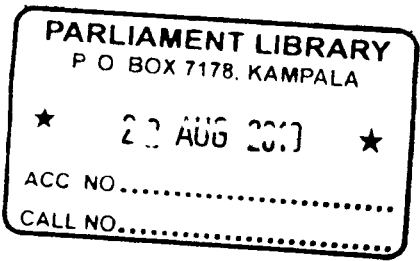
**SCHEDULES**

**SCHEDULE 1**

section 1

**CURRENCY POINT**

One currency point is equivalent to twenty thousand shillings.



**SCHEDULE 2**

section 12

**MEETINGS OF THE BOARD AND RELATED MATTERS**

**1. Meetings of the Board.**

(1) The chairperson shall convene every meeting of the Board at a time and place 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 two thirds of the members of the Board.

(3) Notice of a meeting of the Board 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 his or her absence the members present shall elect from among themselves, a chairperson to preside at the meeting.

**2. Quorum.**

(1) The quorum for a meeting of the Board is two thirds of the members, at least two of whom shall be from the public sector and two from the private sector.

(2) All decisions at a meeting of the Board shall be by 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 secretary shall record and keep, minutes of all meetings of the Board in a form approved by the Board.

(2) The minutes recorded under this paragraph shall be submitted to the Board for confirmation at its next meeting following that to which the minutes relate and where they are confirmed, shall be signed by the chairperson and the secretary in the presence of the members present at the meeting.

**4. Power to co-opt.**

(1) The Board may invite any person who, in the opinion of the Board, has expert knowledge concerning the functions of the Board, to attend and take part in a meeting of the Board.

(2) A person attending a meeting of the Board under this section may take part in any discussion at the meeting on which his or her advice is required, but shall not have a right to vote at that meeting.

**5. 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.

**6. 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 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) A member who fails to disclose his or her interest under this paragraph shall be removed from the Board.

(5) 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.

**7. Official seal of the Uganda National Accreditation System**

(1) The official seal of the Uganda National Accreditation System shall be in a form determined by the Board.

(2) The official seal shall, when affixed to any document, be authenticated by the signatures of the chairperson and one other member of the Board.

(3) In the absence of the chairperson, the person performing the functions of the chairperson shall sign.

(4) An instrument or contract which if executed or entered into by a person other than a body corporate would not require to be under seal may be executed or entered into on behalf of the Board by the chairperson, or by any member of the Board or any other person if that member of the Board or that other person has been duly authorised by resolution of the Board to execute or enter into the instrument or contract as the case may be.

(5) Every document purporting to be an instrument or contract executed or issued by or on behalf of the Board shall be deemed to be so executed or issued until the contrary is proved.

**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.

