

LEGAL NOTICES SUPPLEMENT

to The Uganda Gazette No. 68 Volume CVIII dated 20th November, 2015.

Printed by UPPC, Entebbe, by Order of the Government.

Legal Notice No. 13 of 2015.

**THE REGISTRATION OF PERSONS (IDENTIFICATION AND
REGISTRATION COMMITTEE) (PRACTICE AND PROCEDURE)
NOTICE, 2015.**

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SCHEDULE—Form

The Registration of Persons (Identification and Registration Committee) (Practice and Procedure) Notice, 2015.

*(Under section 83 of the Registration of Persons Act, 2015,
Act No. 4 of 2015)*

IN EXERCISE of the powers conferred upon the National Identification and Registration Authority Board under section 83 of the Registration of Persons Act, this Notice is made this 8th day of October, 2015.

1. Title.

This Notice may be cited as the Registration of Persons (Identification and Registration Committee) (Practice and Procedure) Notice, 2015.

2. Application of Notice.

This Notice applies to the adjudication of all matters arising or related to registration of persons under the Registration of Persons Act, 2015.

3. Objectives of Notice.

The objectives of this Notice are—

- (a) to establish rules and principles of fairness, natural justice and equity in proceedings and matters concerning and relating to decision making, and dispute resolution by the identification and registration committee, arising under the Registration of Persons Act, 2015;
- (b) to establish a harmonised framework for the identification and registration committee proceedings and consistent decision making processes, procedures and practices based on the rule of law, natural justice, equity and fair hearing.

4. Interpretation.

In this Notice, unless the context otherwise requires—

“Act” means the Registration of Persons Act, 2015;

“Authority” means the National Registration and Identification Authority;

“Board” means the Board of the Authority established under the Act;

“Committee” means the identification and registration committee established under this Notice;

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

“Register” means the National Identification Register established under the Act.

5. Establishment of the Identification and Registration Committee.

(1) There is established the Identification and Registration Committee in accordance with section 83 of the Act.

(2) The Committee shall consist of a chairperson and four other members.

(3) The Board shall appoint the members of the Committee.

(4) A person qualifies to be appointed to the Committee if that person has the relevant qualifications and experience in law, registration and identification of persons.

(5) A person is not qualified to be appointed to the Committee who—

- (a) has been convicted of an offence under the 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 the Board; or
- (e) is an employee of the Authority.

(6) A member of the Committee shall hold office for three years and is eligible for appointment for one further term.

(7) The terms and conditions of a member of the Committee shall be stated in the instrument of appointment.

(8) A member of the Committee shall cease to hold office where—

(a) he or she resigns;

(b) 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;

(c) he or she is removed from office by the Board for inability to perform the functions of his or her office arising from infirmity of body or mind; or

(d) he or she is removed from office for misbehaviour, misconduct or incompetence.

6. Function of the Committee.

The function of the Committee is to adjudicate all matters arising or related to registration of persons under the Act.

7. Adjudication of matters arising or related to registration of persons.

(1) Where a person is dissatisfied with any decision made under the Act, the person shall apply to the Committee for the review of the decision.

(2) An application for review shall be in the Form in the Schedule and shall be accompanied by the prescribed fee.

(3) The application shall be addressed to the Executive Director of the Authority for the attention of the Committee.

(4) The Executive Director shall, upon receipt of the application, immediately direct the secretary to the Authority to arrange for the Committee to adjudicate the matter contained in the application.

(5) The Executive Director shall, as soon as practicable after receipt of the application, direct the secretary to the authority to prepare a written summary of the facts of the application for the benefit of the Committee.

(6) The Committee shall meet at least once every three months at such places and at such times as may be decided upon by the Committee.

(7) The Committee shall, through the Executive Director, inform the applicant in writing or in any other appropriate form, of the date of the hearing of the application and invite the applicant to attend the proceedings.

8. Rules to guide the adjudication of applications.

(1) The Committee shall hear and decide every application as expeditiously as possible.

(2) The Committee may consider any matter and evidence which appears to the Committee to be relevant to the application, notwithstanding the omission of any reference to such matter in the application and may receive and consider any evidence which appears to it to be relevant to the matter in the application.

(3) An applicant may be represented by an advocate or such other representative authorised by the applicant.

(4) For the purpose of facilitating the adjudication of a matter, the Committee may summon or require any person to attend as a witness at the hearing, and such a person may be required to give evidence on oath or affirmation.

(5) Subject to paragraph (6), the Committee shall hear the application in the presence of the applicant.

(6) The Committee may hear an application in the absence of the applicant where—

- (a) the applicant refuses or declines to appear when given an opportunity to do so;
- (b) the Committee is satisfied that by any reason including illness or absence from the country, the applicant can't attend the hearing;
- (c) the applicant is represented by an advocate, or such other representative, authorised by the applicant and the Committee is satisfied that it would be proper in all circumstances to proceed in the absence of the applicant.

9. Burden and standard of proof.

(1) The applicant shall have the burden of proving his or her case.

(2) Where any party asserts any fact or claim, he or she shall prove that fact or claim.

(3) An issue before the Committee shall be proved on the balance of probabilities.

10. Decision of Committee.

(1) The decision of the Committee may be unanimous or determined by the majority verdict.

(2) The decision of the Committee shall be written by the Chairperson or the Secretary.

(3) The decision of the Committee shall contain the following—

- (a) the nature of the application;
- (b) the number of the application;
- (c) the names of the parties;
- (d) a summary of all the relevant evidence produced before the Committee and all witnesses and the reasons for accepting or rejecting the evidence;

- (e) the decision and the reasons for the decision; and
- (f) the relief or remedy to which the parties are entitled.

(4) The members of the Committee, with the exception of any dissenting member, shall sign the decision prepared.

(5) Where, before the Committee renders a decision on the application, the parties reach an agreement that wholly or partially disposes of the application, the Committee shall record the agreement reached as a consent decision and the parties to the agreement or their advocate shall sign the agreement.

11. Committee not to be bound by technicalities.

The Committee is, in the adjudication of matters arising or related to registration of persons under the Act, not bound by technicalities or legal rules of procedure and may waive any rules or procedural requirements.

12. Application of Civil Procedure Rules.

Where an issue is not provided for under these Rules, the Civil Procedure Rules shall apply with such modifications as the Committee may consider necessary.

13. Immunity of Committee.

A member of the Committee is not liable to be sued in any civil court or Tribunal for any act done or ordered to be done by him or her in the discharge of his or her functions.

14. Record of proceedings of the Committee.

(1) The Committee ensure that all its proceedings are recorded and kept.

(2) The Chairperson of the Committee shall submit a record of the proceedings of the Committee to the Board every three months.

15. Duty to keep records.

The Committee shall keep records of all the matters handled by the Committee in such manner as the Committee may consider appropriate.

SCHEDULE

Regulation 7(2)

FORM

THE REPUBLIC OF UGANDA

THE REGISTRATION OF PERSONS ACT, 2015

**THE REGISTRATION OF PERSONS (IDENTIFICATION AND
REGISTRATION COMMITTEE) (PRACTICE AND PROCEDURE)
NOTICE, 2015.**

APPLICATION

PARTICULARS OF APPLICANT

Name
Postal address
Physical address Plot No
Street Town/City
Telephone No Fax No
Email

PARTICULARS OF RESPONDENT

Name
Postal address
Physical address Plot No
Street Town/City
Telephone No Fax No
Email

**PARTICULARS OF APPLICATION (STATEMENT OF FACTS AND
REASONS IN SUPPORT OF THE APPLICATION).....**

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(If space provided is not sufficient, attach as many additional pages as needed for the statement)

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ISSUES ON WHICH A DECISION(S) IS/ARE SOUGHT

- 1.
- 2.
- 3.
- 4.
- 5.

LIST OF BOOKS, DOCUMENTS OR OTHER THINGS TO BE PRODUCED BEFORE THE COMMITTEE

(Give brief description of each, use additional pages if necessary)

- 1.
- 2.
- 3.
- 4.
- 5.

LIST OF WITNESSES, IF ANY, AND THEIR ADDRESSES

- 1.
- 2.
- 3.
- 4.
- 5.

DECLARATION

I/We the above mentioned applicant (s), declare that what is stated in this application is true to the best of my/our knowledge and belief.

Dated this Day of 20

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Signature of applicant

JAMES BABA,
Minister of State for Internal Affairs.