

## The National Environmental Act, Cap 153.

Commencement 19 May, 1995.

An Act to provide for sustainable management of the environment; to establish an authority as a coordinating, monitoring and supervisory body for that purpose; and for other matters incidental to or connected with the foregoing.

PART I: INTERPRETATION.

### 1. Interpretation.

In this Act, unless the context otherwise requires -

"air quality" means the concentration prescribed under this Act of a pollutant in the atmosphere at the point of measurement;

"ambient air" means the atmosphere surrounding the earth but does not include the atmosphere within a structure or within any underground space;

"analysis" means the testing or examination of any matter, substance or process for the purpose of determining its composition or qualities or its effect (whether physical, chemical or biological) on any segment of the environment or examination of emissions or recording of noise or subsonic vibrations to determine the level or other characteristics of the noise or subsonic vibration or its effect on any segments of the environment;

"analyst" means an analyst designated under section 83;

"authority" means the National Environment Management Authority established under section 4;

"beneficial use" means a use of the environment or any element or segment of the environment that is conducive to public health, welfare or safety and which requires protection from the effects of wastes, discharges, emissions and deposits;

"benefited environment" means that environment which has benefited through the imposition of one or more obligations on the burdened land;

"biological diversity" means the variability among living organisms from all sources, including, inter alia, terrestrial ecosystems and aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;

"burdened land" means that land which is in the vicinity of a benefited environment;

"chemical" means a chemical substance in any form whether by itself or in a mixture or preparation whether manufactured or derived from nature and for the purposes of this Act includes industrial chemicals, pesticides, fertilisers and drugs;

"developer" means a person who is developing a project which is subject to an environmental impact assessment process;

"district environment action plan" means the district environment action plan established under section 18;

"effluent" means waste water or other fluid of domestic agricultural trade or industrial origin, treated or untreated and discharged directly or indirectly into the aquatic environment;

"element" in relation to the environment means any of the principal constituent parts of the environment, including water, atmosphere, soil, vegetation, climate, sound, odour, aesthetics, fish and wildlife;

"environment" means the physical factors of the surroundings of human beings, including land, water, atmosphere, climate, sound, odour, taste, the biological factors of animals and plants and the social factor of aesthetics and includes both the natural and the built environment;

"environmental audit" means the systematic, documented, periodic and objective evaluation of how well environmental organisation, management and equipment are performing in conserving the environment and its resources;

"environmental education" includes the process of recognizing values and clarifying concepts in order to develop skills and attitudes necessary to understand and appreciate the interrelatedness among a person, his or her culture and his or her biophysical surroundings;

"environmental impact assessment" means a systematic examination conducted to determine whether or not a project will have any adverse impact on the environment;

"environmental impact statement" means the statement described in section 20;

"environmental inspector" means any environmental inspector designated under section 79;

"environmental monitoring" means the continuous determination of actual and potential effects of any activity or phenomenon on the environment, whether short term or long term;

"environmental planning" means both short-term and longterm planning that takes into account environmental issues;

"environmental resources" means the resources of the air, land and water, including their aesthetical qualities;

"environmental restoration order" means an order provided for under section 67;

"ex situ" means conservation outside the natural habitat of the biological organism;

"executive director" means the executive director of the authority appointed under section 11;

"fund" means the National Environment Fund established under section 88;

"genetic resources" means genetic material of actual or potential value;

"good environmental practice" means practice that is in accordance with the provisions of this Act and any other law;

"hazardous substance" means any chemical, waste, gas, medicine, drug, plant, animal or micro-organism which is injurious to human health or the environment;

"hazardous waste" means any waste which has been determined by the authority to be a hazardous waste or to belong to any other category of waste provided for in section 53;

"in situ" means conservation within the natural ecosystem and habitat of the biological organism;

"lead agency" means any Ministry, department, parastatal agency, local government system or public officer in which or in whom any law vests functions of control or management of any segment of the environment;

"local environmental committee" means a committee on the environment appointed under section 16 at the municipal, town, division, county and subcounty local government council level or such other lower level of local council as the local government system may determine;

"Minister" means the Minister to whom the President has assigned responsibility for this Act;

"mixture containing oil" means a mixture with such oil content as may be specified by the Minister or, if such oil content is not specified, a mixture with an oil content of one hundred parts or more in one million parts of the mixture;

"national environment action plan" means the plan described in section 17;

"noise" means any undesirable sound that is intrinsically objectionable or that can cause adverse effects on human health or the environment;

"occupational air quality" means the concentration prescribed under or pursuant to this Act of a pollutant in the atmosphere within a structure or underground space in which human activities take place;

"occupier" means a person in occupation or control of premises, and in relation to premises different parts of which are occupied by different persons, means the respective persons in occupation or control of each part;

"oil" includes -

(i) crude oil, diesel oil, fuel oil and lubricating oil; and

(ii) any other description of oil which may be prescribed;

"owner" in relation to any premises means -

(i) the registered proprietor of the premises;

(ii) the lessee, including a sublessee of the premises;

(iii) the agent or trustee of any of the owners described in subparagraphs (i) and (ii) of this interpretation or where such owner as described in subparagraphs (i) and (ii) cannot be traced or has died, his or her legal personal representative;

(iv) the person for the time being receiving the rent of the premises whether on his or her own account or as agent or trustee for any other person or as receiver of or who would receive the rent if such premises were let to a tenant, and

in relation to any ship means the person registered as the owner of the ship or in the absence of registration, the person owning the ship, except that in the case of a ship owned by any country and operated by a company which in that country is registered as the ship's operator, "owner" shall include such country;

"ozone layer" means the layer of the atmospheric zone above the plenary boundary layer as defined in the Vienna Convention for the Protection of the Ozone Layer, 1985;

"policy committee" means the policy committee on the environment established under section 7;

"pollutant" includes any substance whether liquid, solid or gaseous which directly or indirectly -

(i) alters the quality of any segment or element of the receiving environment so as to affect any beneficial use adversely; or

(ii) is hazardous or potentially hazardous to health, and objectionable odours, radioactivity, noise, temperature change or physical, chemical or biological change to any segment or element of the environment;

"pollution" means any direct or indirect alteration of the physical, thermal, chemical, biological or radioactive properties of any part of the environment by discharging, emitting or depositing wastes so as to affect any beneficial use adversely, to cause a condition which is hazardous or potentially hazardous to public health, safety or welfare, or to animals, birds, wildlife, fish or aquatic life, or to plants or to cause a contravention of any condition, limitation or restriction which is subject to a licence under this Act;

"pollution licence" means a pollution licence issued under section 58;

"practicable" means reasonably practicable having regard, among other things, to local conditions and circumstances and to the current state of technical knowledge, and the term "practicable means" includes the provision and the efficient maintenance of plants and the proper use thereof, and the supervision by or on behalf of the occupier of any process or operation;

"premises" includes messuages, buildings, lands, and hereditaments in every tenure and machinery, plants or vehicles used in connection with any trade carried on at any premise;

"prescribed" means prescribed by or under this Act or continued in operation by this Act or under regulations, standards and guidelines made pursuant to this Act;

"project" includes both project and policy that leads to projects with an impact on the environment;

"project brief" means a summary statement of the likely environmental effects of a proposed development referred to in section 19;

"proprietary information" means information relating to any manufacturing process, trade secret, trademark, copyright, patent or formula protected by law or by international treaties to which Uganda is a party;

"radiation" includes ionising radiations and any other radiation likely to have adverse effects on human health and the environment;

"regulations" means regulations made under section 107;

"segment" in relation to the environment means any portion or portions of the environment expressed in terms of volume, space, area, quantity, quality or time or any combination thereof;

"ship" includes every description of vessel or craft or floating structure;

"soil" includes earth, sand, rock, shales, minerals, vegetation, and the soil flora and fauna in the soil and derivatives thereof such as dust;

"standard" means the limits of pollution established under Part VI of this Act or under regulations made under this Act or any other law;

"sustainable development" means development that meets the needs of this generation without compromising the rights of future generations;

"sustainable use" means present use which does not compromise the right to use the same resource by future generations;

"technical committee" means a technical committee appointed under section 10;

"trade" means any trade, business or undertaking whether originally carried on at fixed premises or at varying places which results in the discharge of waste and includes any activity prescribed to be a trade, business or undertaking for the purposes of this Act;

"Uganda Revenue Authority" means the Uganda Revenue Authority established under the Uganda Revenue Authority Act;

"waste" includes any matter prescribed to be waste and any matter, whether liquid, solid, gaseous or radioactive, which is discharged, emitted or deposited in the environment in such volume, composition or manner as to cause an alteration of the environment;

"water" includes drinking water, river, stream, watercourse, reservoir, well, dam, canal, channel, lake, swamp, open drain or underground water;

"wetland" means areas permanently or seasonally flooded by water where plants and animals have become adapted.

## **PART II: GENERAL PRINCIPLES.**

### **2. Principles of environment management.**

(1) The authority shall ensure that the principles of environment management set out in subsection (2) are observed.

(2) The principles of environment management referred to in subsection (1) are -

(a) to assure all people living in the country the fundamental right to an environment adequate for their health and well-being;

(b) to encourage the maximum participation by the people of Uganda in the development of policies, plans and processes for the management of the environment;

(c) to use and conserve the environment and natural resources of Uganda equitably and for the benefit of both present and future generations, taking into account the rate of population growth and the productivity of the available resources;

(d) to conserve the cultural heritage and use the environment and natural resources of Uganda for the benefit of both present and future generations;

(e) to maintain stable functioning relations between the living and nonliving parts of the environment through preserving biological diversity and respecting the principle of optimum sustainable yield in the use of natural resources;

(f) to reclaim lost ecosystems where possible and reverse the degradation of natural resources;

(g) to establish adequate environmental protection standards and to monitor changes in environmental quality;

(h) to publish relevant data on environmental quality and resource use;

(i) to require prior environmental assessments of proposed projects which may significantly affect the environment or use of natural resources;

(j) to ensure that environmental awareness is treated as an integral part of education at all levels;

(k) to ensure that the true and total costs of environmental pollution are borne by the polluter;

(l) to promote international cooperation between Uganda and other states in the field of the environment.

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

(1) Every person has a right to a healthy environment.

(2) Every person has a duty to maintain and enhance the environment, including the duty to inform the authority or the local environment committee of all activities and phenomena that may affect the environment significantly.

(3) In furtherance of the right to a healthy environment and enforcement of the duty to maintain and enhance the environment, the authority or the local environment committee so informed under

subsection (2) is entitled to bring an action against any other person whose activities or omissions have or are likely to have a significant impact on the environment to -

- (a) prevent, stop or discontinue any act or omission deleterious to the environment;
- (b) compel any public officer to take measures to prevent or to discontinue any act or omission deleterious to the environment;
- (c) require that any ongoing activity be subjected to an environmental audit in accordance with section 22;
- (d) require that any ongoing activity be subjected to environmental monitoring in accordance with section 23;
- (e) request a court order for the taking of other measures that would ensure that the environment does not suffer any significant damage.

(4) The authority or the local environment committee proceeding under subsection (3) is entitled to bring an action notwithstanding that the person cannot show that the defendant's act or omission has caused or is likely to cause any personal loss or injury.

### **PART III: INSTITUTIONAL ARRANGEMENTS.**

The Authority.

#### **4. Establishment of the National Environment Management Authority.**

- (1) There is established a body to be called the National Environment Management Authority.
- (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 bodies corporate may lawfully do or suffer.
- (4) The authority shall be under the general supervision of the Minister.

#### **5. Powers of the authority.**

The authority shall be the principal agency in Uganda for the management of the environment and shall coordinate, monitor and supervise all activities in the field of the environment.

#### **6. Functions of the authority, relationship with lead agencies and delegation.**

- (1) The functions of the authority are -
  - (a) to coordinate the implementation of Government policy and the decisions of the policy committee;

- (b) to ensure the integration of environmental concerns in overall national planning through coordination with the relevant Ministries, departments and agencies of the Government;
- (c) to liaise with the private sector, intergovernmental organisations, nongovernmental agencies and governmental agencies of other States on issues relating to the environment;
- (d) to propose environmental policies and strategies to the policy committee;
- (e) to initiate legislative proposals, standards and guidelines on the environment in accordance with this Act;
- (f) to review and approve environmental impact assessments and environmental impact statements submitted in accordance with this Act or any other law;
- (g) to promote public awareness through formal, nonformal and informal education about environmental issues;
- (h) to undertake such studies and submit such reports and recommendations with respect to the environment as the Government or the policy committee may consider necessary;
- (i) to ensure observance of proper safeguards in the planning and execution of all development projects, including those already in existence that have or are likely to have significant impact on the environment determined in accordance with Part V of this Act;
- (j) to undertake research and disseminate information about the environment;
- (k) to prepare and disseminate a state of the environment report once in every two years;
- (l) to mobilise, expedite and monitor resources for environmental management;
- (m) to perform such other functions as the Government may assign to the authority or as are incidental or conducive to the exercise by the authority of any or all of the functions provided for under this Act.

(2) The authority may in the performance of its functions under subsection (1) delegate, by statutory instrument, any of those functions to a lead agency, a technical committee, the executive director or any other public officer.

(3) In the exercise by the authority of its coordinating, monitoring and supervisory function in the field of the environment, a lead agency shall not be released from performing its duties as prescribed by law.

(4) Each lead agency charged with the management of any segment of the environment under any law shall submit to the authority -

(a) within two months after the expiry of every two years, a report on its operation during that period;



(b) such other reports as may be prescribed by the policy committee and at such times as may be so prescribed, on the state of that segment of the environment and the measures taken by the lead agency to maintain or improve the environment.

Policy Committee on the Environment.

#### **7. Policy committee on the environment.**

(1) There shall be a policy committee on the environment consisting of the members set out in the First Schedule to this Act.

(2) The functions of the policy committee on the environment shall be-

(a) to provide policy guidelines and to formulate and coordinate environmental policies for the authority;

(b) to liaise with the Cabinet on issues affecting the environment;

(c) to identify obstacles to the implementation of environmental policies and programmes and ensure implementation of those policies and programmes;

(d) to perform any other function that may be assigned to it by the Government.

(3) The chairperson of the board and the executive director shall be ex officio members of the policy committee.

(4) The First Schedule to this Act shall have effect so far as the meetings of the policy committee and other matters specified in that Schedule are concerned.

(5) The Minister may, on the advice of the policy committee, by statutory instrument, amend the First Schedule.

#### **8. Establishment and membership of the board.**

(1) There shall be a board of directors of the authority.

(2) The board shall be appointed by the Minister with the approval of the policy committee.

(3) The board shall consist of a chairperson, vice chairperson and seven other members drawn from the bodies specified in the Second Schedule to this Act.

(4) The members of the board referred to in subsection (3) shall serve for three years and be eligible for reappointment for a further term.

(5) The members appointed under subsection (2) shall be persons who qualify by virtue of their knowledge and experience in environmental management.

(6) The executive director shall be an ex officio member of the board.

## **9. Functions and meetings of the board.**

(1) The functions of the board shall be -

(a) to oversee the implementation and successful operation of the policy and functions of the authority;

(b) to review the policy and strategic plan of the authority;

(c) to provide guidance to the executive director and staff;

(d) to approve the annual budget and plans of the authority;

(e) to monitor and evaluate the performance of the authority against budgets and plans;

(f) to establish and approve rules and procedures for the appointment, discipline, termination and terms and conditions of service of the staff, administrative matters and financial matters;

(g) any other duties assigned to it by this Act.

(2) The policy committee may, from time to time, give directions to the board on matters of policy, and the board shall comply with those directions.

(3) The Second Schedule to this Act shall have effect so far as meetings of the board and other matters specified in that Schedule are concerned.

(4) The Minister may, on the advice of the board, by statutory instrument, amend the Second Schedule.

## **10. Technical committees.**

(1) The board shall, on the advice of the executive director, appoint as many technical committees as it considers necessary to give advice on such subjects relating to the environment.

(2) Without prejudice to the general effect of subsection (1), the board shall appoint, under that subsection -

(a) a technical committee on soil conservation;

(b) a technical committee on the licensing of pollution;

(c) a technical committee on biodiversity conservation;

(d) a technical committee on environmental impact assessment.

(3) The board shall specify in writing the terms of reference of each technical committee appointed by it under subsection (1).

(4) A person appointed to serve on a technical committee shall serve in his or her personal capacity and shall have such qualifications and experience as may be prescribed.

(5) The terms and conditions of service of the members of a technical committee shall be specified in the instruments of appointment.

(6) Each technical committee shall adopt its own rules of procedure.

Staff of the Authority.

#### **11. Executive director and deputy executive director.**

(1) There shall be an Executive Director and a Deputy Executive Director appointed by the Minister on the recommendation of the Board with the approval of the Policy Committee.

(2) The executive director and the Deputy Executive Director shall each serve for a period of five years and shall be eligible for reappointment.

(3) The Executive Director or the Deputy Executive Director shall cease to hold office if -

(a) he or she resigns; or

(b) is removed from office by the Minister on the advice of the Board with the approval of the policy committee for -

(i) gross misconduct;

(ii) inability to discharge the functions of his or her office.

#### **12. Functions of the Executive Director and the Deputy Executive Director**

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

(2) Subject to this Act and the general supervision and control of the board, the Executive Director shall be responsible for the management of the funds, property and business of the authority and for the administration, organisation and control of the staff of the Authority.

(3) The Executive Director shall, from time to time, keep the Board and the Policy Committee informed of the progress and activities of the Authority

(4) The Deputy Executive Director shall assist the Executive Director in the performance of his or her functions.

(5) The Executive Director and the Deputy Executive Director shall be responsible to the board.

#### **13. Other staff of the Authority.**

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

(2) The board, on the advice of the Executive Director, shall, from time to time, determine the terms and conditions of service of the officers and employees of the Authority.

#### **14. District Environment Committee.**

(1) The Authority shall, in consultation with the district council, provide guidelines for the establishment of a committee on the environment for each district, in this Act referred to as a District Environment Committee.

(2) When established, the functions of the District Environment Committee may include the following -

(a) to coordinate the activities of the district council relating to the management of the environment and natural resources;

(b) to ensure that environmental concerns are integrated in all plans and projects approved by the district council;

(c) to assist in the development and formulation of byelaws relating to the management of the environment;

(d) to promote the dissemination of information about the environment through education and outreach programmes;

(e) to coordinate with the authority on all issues relating to environment management;

(f) to coordinate the activities of local environment committees in the management of the environment;

(g) to receive reports from the local environment committees and advise the local environment committees; and

(h) to prepare a district state of the environment report every year.

(3) The district environment committee shall follow such procedure at its meetings as may be prescribed by the district council.

#### **15. District Environment Officer.**

(1) The Authority shall, on the advice of the District Service Committee, provide guidelines for the appointment of District Environment Officers for each district.

(2) When appointed, the functions of a District Environment Officer may include the following -

(a) to advise the district environment committee on all matters relating to the environment;

- (b) to liaise with the authority on all matters relating to the environment;
- (c) to make such reports to the authority as may be prescribed;
- (d) to promote environmental awareness through public educational campaigns;
- (e) to assist local environment committees in the performance of their functions as provided for in this Act;
- (f) to gather and manage information on the environment and the utilisation of natural resources in the district;
- (g) to serve as the secretary to the district environment committee; and
- (h) such other functions as may be prescribed by the district council in consultation with the authority.

**16. Local environment committee.**

(1) A local government system shall, on the advice of the District Environment Committee, appoint local environment committees.

(2) When appointed, the functions of the Local Environment Committee shall include the following -

(i) to prepare a local environment work plan which shall be consistent with the national environment action plan and the district environment action plan;

(ii) to carry out public environmental education campaigns;

(iii) to mobilise the people within its local jurisdiction to conserve natural resources through self-help;

(iv) to mobilise the people within its local jurisdiction to restore degraded environmental resources through self-help;

(v) to mobilise the people within its local jurisdiction to improve their natural environment through voluntary self-help;

(vi) to monitor all activities within its local jurisdiction to ensure that such activities do not have any significant impact on the environment;

(vii) to report any events or activities which have or are likely to have significant impacts on the environment to the District Environment Officer, or to the appropriate executive committee, local council or such other person as the district council may direct;

(viii) to carry out such other duties as may be prescribed by the district council or urban council in consultation with the authority.

## **PART IV: ENVIRONMENTAL PLANNING.**

### **17. Environmental planning at the national level.**

(1) The authority shall prepare a national environment action plan to be reviewed after every five years or such other lesser period as may be considered necessary by the authority.

(2) The plan shall -

(i) cover all matters affecting the environment of Uganda and shall contain guidelines for the management and protection of the environment and natural resources as well as the strategies for preventing, controlling or mitigating any deleterious effects;

(ii) take into account district plans as provided for under section 18;

(iii) be binding upon all persons and all Government departments, agencies and organs;

(iv) without prejudice to subsection (1), be reviewed and modified from time to time to take into account emerging knowledge and realities;

(v) be in such a form and contain such other matters as may be prescribed;

(vi) be subject to approval by the Cabinet and after approval be laid before Parliament;

(vii) be disseminated to the public.

### **18. Environmental planning at a district level.**

(1) Every district environment committee shall, in consultation with the authority, prepare a district environment action plan to be revised every three years or such other lesser period as may be considered necessary by the authority.

(2) The district environment action plan shall -

(a) be in conformity with the national environment action plan;

(b) be binding on all the district agencies, local committees and persons within the district;

(c) be in such a form and contain such matters as may be prescribed;

(d) be subject to approval by the district council; and

(e) be disseminated to the public.

## **PART V: ENVIRONMENTAL REGULATION.**

### **19. Project brief and environmental impact assessment.**

(1) A developer of a project described in the Third Schedule to this Act shall submit a project brief to the lead agency, in the prescribed form and giving the prescribed information.

(2) The Minister may, on the advice of the board, by statutory instrument, amend the Third Schedule.

(3) An environmental impact assessment shall be undertaken by the developer where the lead agency, in consultation with the executive director, is of the view that the project -

(a) may have an impact on the environment;

(b) is likely to have a significant impact on the environment; or

(c) will have a significant impact on the environment.

(4) An environmental impact assessment shall be undertaken by experts whose names and qualifications are approved by the authority.

(5) An environmental impact assessment required in subsection (3) shall be appropriate to the scale and possible effects of the project, and accordingly -

(a) where the project may have an impact on the environment, an environmental impact review shall be conducted;

(b) where the project is likely to have an impact on the environment, an environmental impact evaluation shall be conducted; or

(c) where the project will have a significant impact on the environment, an environmental impact study shall be conducted.

(6) Where the lead agency, in consultation with the authority, is satisfied that an environmental impact review or an environmental impact evaluation conducted in accordance with subsection(5)(a) or (b) does not disclose possible significant impact on the environment, it may approve the environmental aspects of the project.

(7) Where the lead agency, in consultation with the authority, is satisfied, after considering the environmental impact review or the environmental impact evaluation, that the project will lead to significant impact on the environment impact study be conducted.

(8) The Authority shall, in consultation with a lead agency, adopt guideline with respect to environmental impact reviews, environmental impact evaluations and environmental impact studies on -

(a) their format and contents;

- (b) the procedure for conducting the assessments;
- (c) the participation of the public, especially those most affected by the project in the assessment;
- (d) any other matter the authority considers relevant.

(9) The conduct of an environmental impact assessment under this section shall be published in such a manner as may be prescribed.

#### **20. Environmental impact statement.**

(1) Where a project has been determined under section 19(7) as requiring an environmental impact study, the developer shall, after completing the study, make an environmental impact statement in the prescribed form and in the prescribed manner.

(2) An environmental impact statement shall be made according to guidelines established by the Authority.

(3) The environmental impact statement shall be made to the Authority, the lead agency or any other person requesting it.

(4) In any case where the statement is not requested by a lead agency, a copy of the statement shall be forwarded to the relevant lead agency and the authority.

(5) The environmental impact statement shall be a public document and may be inspected at any reasonable hour by any person.

#### **21. Consideration of the statement by the lead agency; obligation of the developer.**

(1) The lead agency which receives an environmental impact statement under section 20 shall, in consultation with the authority, study it and if it considers it to be complete shall deal with it in the manner prescribed.

(2) In executing the project, the developer shall take all practicable measures to ensure that the requirements of the environmental impact statement are complied with.

#### **22. Environmental audit.**

(1) The authority shall, in consultation with the lead agency, be responsible for carrying out an environmental audit of all activities that are likely to have significant effect on the environment.

(2) An environmental inspector appointed under section 79 may enter any land or premises for the purpose of determining how far the activities carried out on that land or premises conform with the statements made in the environmental impact statement.

(3) The owner of the premises or the operator of a project for which an environmental impact statement has been made shall keep records and make annual reports to the authority describing how far the project conforms in operation with the statements made in the environmental impact statement.



(4) The owner of premises or the operator of a project shall take all reasonable measures to mitigate any undesirable effects not contemplated in the environmental impact statement and shall report on those measures to the authority annually or as the authority may, in writing, require.

### **23. Environmental monitoring.**

(1) The Authority shall, in consultation with a lead agency, monitor

(a) all environmental phenomena with a view to making an assessment of any possible changes in the environment and their possible impacts;

(b) the operation of any industry, project or activity with a view to determining its immediate and long-term effects on the environment.

(2) An environmental inspector appointed under section 79 may enter upon any land or premises for the purpose of monitoring the effects upon the environment of any activities carried out on that land or premises.

## **PART VI: ESTABLISHMENT OF ENVIRONMENTAL STANDARDS.**

### **24. Air quality standards.**

The authority shall, in consultation with the lead agency -

(a) establish criteria and procedures for the measurement of air quality;

(b) establish -

(i) ambient air quality standards;

(ii) occupational air quality standards;

(iii) emission standards for various sources;

(iv) criteria and guidelines for air pollution control for both mobile and stationary sources;

(v) any other air quality standard prescribed;

(c) take measures to reduce existing sources of air pollution by requiring the redesign of plants or the installation of new technology or both to meet the requirements of standards established under this section;

(d) make guidelines to minimise emissions of greenhouse gases and identify suitable technologies to minimise air pollution.

### **25. Water quality standards.**

The authority shall, in consultation with the lead agency, establish -

- (a) criteria and procedures for the measurement of water quality;
- (b) minimum water quality standards for all the waters of Uganda;
- (c) minimum water quality standards for different uses, including –
  - (i) drinking water;
  - (ii) water for industry;
  - (iii) water for agricultural purposes;
  - (iv) water for recreational purposes;
  - (v) water for fisheries;
  - (vi) water for wildlife; and
  - (vii) any other water use prescribed,

**26. Standards for the discharge of effluent into water.**

The authority may, in consultation with the lead agency -

- (a) establish standards for the discharge of any effluent into the waters of Uganda;
- (b) prescribe measures for the treatment of any effluent before discharge into the sewage system;
- (c) require that the operator of a plant undertake such works as it considers necessary for the treatment of effluent before it is discharged into the water.

**27. Standards for the control of noxious smells.**

The Authority shall, in consultation with the 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;
- (c) guidelines for measures leading to the abatement of obnoxious smells, whether from human activities or from naturally occurring phenomena.

**28. Standards for the control of noise and vibration pollution.**

The Authority shall, in consultation with the lead agency, establish -

- (a) criteria and procedures for the measurement of noise and vibration pollution;

(b) minimum standards for the emission of noise and vibration pollution into the environment;

(c) guidelines for the abatement of unreasonable noise and vibration pollution emitted into the environment from any source.

**29. Standards for subsonic vibrations.**

The authority shall, in consultation with the lead agency, establish -

(a) criteria and procedures for the measurement of subsonic vibrations;

(b) standards for the emission of subsonic vibrations which are likely to have a significant impact on the environment;

(c) guidelines for the minimisation of the subsonic vibrations referred to in paragraph (b) from existing and future sources.

**30. Soil quality standards.**

(1) The authority shall, in consultation with the lead agency, establish -

(a) criteria and procedures for the measurement and determination of soil quality;

(b) minimum standards for the management of the quality of the soil.

(2) For the purposes of subsection (1), the authority shall issue guidelines for -

(a) the disposal of any substance in the soil;

(b) the identification of the various soils;

(c) the optimum manner for the utilisation of any soil;

(d) the practices that will conserve the soil;

(e) the prohibition of practices that will degrade the soil.

**31. Standards for minimisation of radiation.**

(1) The authority may, in consultation with the lead agency, establish -

(a) criteria and procedures for the measurement of ionising and other radiation;

(b) standards for the minimisation of ionising and other radiation in the environment,

(2) For the purpose of subsection (1), the authority may, in consultation with the lead agency, issue guidelines for -

- (a) monitoring radiation;
- (b) 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;
- (e) safe practices to protect persons involved in activities prone to radiation exposure.

(3) The authority shall, in consultation with the Uganda Revenue Authority, maintain a register of all radioactive substances imported into Uganda in such form and in such manner and containing such information as may be prescribed.

### **32. Other standards.**

(1) The authority shall, in consultation with the lead agency, establish standards for -

- (a) buildings and other structures;
- (b) industrial products;
- (c) materials used in industry, agriculture and for domestic uses;
- (d) solid waste disposal;
- (e) such other matters and activities that may affect the environment.

(2) The authority shall, in consultation with the lead agency, establish such criteria and procedures as they consider necessary for the determination of the standards referred to in subsection (1).

## **PART VII: MANAGEMENT OF THE ENVIRONMENT.**

### **33. Scope of Part VII**

The measures for the management of the environment and natural resources provided for under this Part shall be exercised in conjunction with other measures, incentives, fees and disincentives that may be included in the annual budget proposals by the Minister responsible for finance under section 93.

### **34. Limits on the use of lakes and rivers.**

(1) Subject to subsection (2), no person shall, in relation to a river or lake, 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 bed;

- (b) excavate, drill, tunnel or disturb the bed otherwise;
- (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 river or lake 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 adverse effects on the environment;
- (f) divert or block any river from its normal course;
- (g) drain any lake or river.

(2) The authority may, in consultation with the lead agency, in writing, waive any of the requirements of subsection (1) in respect of any person subject to conditions prescribed by the authority.

(3) For the purposes of this section and section 35 -

(a) "lake" includes natural lakes, artificial lakes, dams, canals, gulfs, bays and inlets; and

(b) "river" includes stream and canal.

(4) The authority shall, in consultation with the lead agency, issue guidelines for the management of the environment of lakes and rivers.

### **35. Management of river banks and lake shores.**

(1) The authority shall, in consultation with the lead agency, take all measures it considers necessary in order to protect the banks of rivers and the shores of lakes in Uganda from human activities that will adversely affect the rivers and the lakes.

(2) Each district environment committee, with the assistance of local environment committees, shall identify the banks of rivers and the shores of lakes 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 banks of rivers and the shores of lakes within such limits as it considers necessary to protect those rivers and lakes from deleterious human activities.

(4) In declaring protected zones on the banks of a river and the shores of a lake under subsection (3), the authority shall take into account -

(a) the size of the river or the lake in determining the area of the protected zone; and

(b) the existing interests in the land covered by the protected zone.

(5) Notwithstanding this section, sustainable uses of the protected zone which do not adversely affect the river or the lake may be permitted by the authority, except that where there is doubt relating to sustainable use, an environmental impact assessment in accordance with section 19 shall be conducted.

### **36. Restrictions on the use of wetlands.**

(1) No person shall

(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;

(f) introduce or plant any exotic or introduced plant or animal in a wetland,

unless he or she has written approval from the authority given in consultation with the lead agency.

(2) The Authority may, in consultation with the lead agency, and upon an application to carry on any activity referred to in subsection (1), make any investigation it considers necessary, including an environmental impact assessment referred to in section 19 to determine the effect of that activity on the wetland and the environment in general.

(3) The Authority shall, in consultation with the lead agency, and by statutory order, specify the traditional uses of wetlands which shall be exempted from the application of subsection (1).

### **37. Management of wetlands.**

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

(2) The authority shall, with the assistance of the local environment committees, district environment committees and the lead agency, identify wetlands of local, national and international importance as ecosystems and habitats of species of fauna and flora and compile a national register of wetlands.

(3) The authority may, in consultation with the lead agency and the district environment committee, declare any wetland to be a protected wetland, thereby excluding or limiting human activities in that wetland.

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

(1) Each district environment committee shall, with the assistance of the local environment committee within the district, identify the hilly and mountainous areas in each district which are at risk from environmental degradation.

(2) A hilly or mountainous area is at risk from environmental degradation if -

(a) it is prone to soil erosion;

(b) landslides have occurred in such an area;

(c) vegetation cover has been removed or is likely to be removed from the area at a rate faster than it is being replaced; or

(d) any other land use activity in such an area is likely to lead to environmental degradation.

(3) Each district environment committee shall notify the authority of the hilly and mountainous areas it has identified as being at risk from environmental degradation.

(4) The authority shall maintain a register of hilly and mountainous areas at risk from environmental degradation.

**39. Reforestation and afforestation of hilltops, hillsides and mountainous areas.**

(1) Each district environment committee shall, in its district environment action plan, under section 18, specify which of the areas identified in accordance with section 38 shall be targeted for afforestation or reforestation.

(2) Each local environment committee shall take measures, through 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 land.

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

(4) Where a holder of an interest in land fails to comply with subsection (3), the local environment committee may mobilise the community to ensure compliance.

**40. Other measures for the management of hillsides, hilltops and mountainous areas.**

(1) The authority shall, in consultation with the lead agency, issue guidelines and prescribe measures for the sustainable use of hillsides, hilltops and mountainous areas.

(2) The guidelines issued and measures prescribed by the authority under subsection (1) shall include those relating to -

(a) appropriate farming methods;

- (b) carrying capacity of the areas described in subsection (1) in relation to animal husbandry;
- (c) measures to curb soil erosion;
- (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 local environment committees shall be responsible for ensuring that the guidelines issued and measures prescribed under subsection (2) are implemented.

(4) A person who contravenes any measure prescribed by the authority under this section or who fails to comply with a lawful direction issued by a local environmental committee under this section commits an offence.

#### **41. Guidelines for conservation of biological diversity.**

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

(2) The authority may, in issuing guidelines 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 ethic in relation to biological diversity in existing government activities and activities of private persons;
- (c) identify, prepare and maintain an inventory of biological diversity of Uganda;
- (d) determine which components of biological diversity are threatened with extinction;
- (e) identify potential threats to biological diversity and devise measures to remove or investigate their effects.

#### **42. Conservation of biological resources in situ.**

The Authority shall, in consultation with the lead agency -

- (a) prescribe measures to ensure the conservation of biological resources in situ;
- (b) the authority shall, in consultation with the lead agency, issue guidelines for -
  - (i) land use methods that are compatible with the conservation of biological diversity;



- (ii) the selection and management of protected areas so as to promote the conservation of the various terrestrial and aquatic ecosystems of Uganda;
- (iii) the selection and management of buffer zones near protected areas;
- (iv) special measures for protection of species, ecosystems, and habitats faced with extinction;
- (v) prohibiting or controlling the introduction of alien species;
- (vi) integrating traditional knowledge for the conservation of biological diversity with mainstream scientific knowledge.

#### **43. Conservation of biological resources *ex situ*.**

The Authority shall, in consultation with the lead agency -

- (a) prescribe measures for the conservation of biological diversity *ex situ*, especially for species threatened with extinction;
- (b) issue guidelines for the establishment and operation of -
  - (i) germ plasm banks;
  - (ii) botanical gardens;
  - (iii) zoos;
  - (iv) animal orphanages;
  - (v) any other facilities the authority considers necessary;
- (c) ensure that species threatened with extinction which are conserved *ex situ* are reintroduced into their native habitats and ecosystems where -
  - (i) the threat to the species has been terminated;
  - (ii) a viable population of the threatened species has been achieved.

#### **44. Access to the genetic resources of Uganda.**

(1) The authority shall, in consultation with the lead agency, issue guidelines and 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 guidelines and measures issued or prescribed under that subsection shall specify -

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

**45. Management of forests.**

- (1) The authority shall, in consultation with the lead agency, issue guidelines and prescribe measures for the management of all forests in Uganda.
- (2) The guidelines and measures issued or prescribed under subsection (1) shall take into account -
  - (a) forests in protected areas, including forest reserves, national parks and game reserves;
  - (b) forests on lands subject to interests held by private persons
- (3) All 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 the optimum sustainable yield as prescribed by section 2(2)(e).
- (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 authority may, in consultation with the lead agency, expressly exclude human activities in any forest area by declaring a forest area a specially protected forest.

**46. Conservation of energy and planting of trees or woodlots.**

- (1) The authority shall, in consultation with the lead agency, promote the use of renewable sources of energy by -
  - (a) promoting research in appropriate renewable sources of energy;
  - (b) creating incentives for the promotion of renewable sources of energy in accordance with subsection (2).
- (2) The authority shall -
  - (a) promote measures for the conservation of nonrenewable sources of energy;
  - (b) take measures to encourage the planting of trees and woodlots by individual landusers, institutions and by community groups.

#### **47. Management of rangelands.**

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

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

- (a) the carrying capacity of the land;
- (b) the conservation of the soil;
- (c) the risk to desertification faced by any rangelands;
- (d) any other factor which the authority considers appropriate.

#### **48. Land use planning.**

(1) The authority shall, in consultation with the lead agency, issue guidelines and prescribe measures for land use planning at the local, district and national levels.

(2) The authority shall, in consultation with the lead agency, be responsible for the preparation of the national land use plan.

(3) The district land use plan, which shall be in conformity with the national land use plan, shall be prepared by the district development committee with the assistance of the authority and approved by the district council.

(4) The local land use plan, which shall be in conformity with the district and national land use plans, shall be prepared by the local environment committee with the assistance of the district environment officer or such other public officer as may be prescribed.

(5) The authority, the district environment committee and the local environment committee shall be responsible for monitoring the implementation of any land use plans prepared in accordance with this section.

#### **49. Protection of natural heritage sites.**

(1) The authority shall, with the assistance of local environment committees, district environment committees and the lead agency, identify those elements, objects and sites in the natural environment which are of cultural importance to the various peoples of Uganda.

(2) The authority shall, in such manner as may be prescribed, maintain a register of all elements, objects and sites identified under subsection (1).

(3) The authority shall, in consultation with the lead agency, issue guidelines and prescribe measures for the management or protection of cultural elements, objects and sites registered under this subsection.

**50. Protection of the ozone layer.**

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

(2) The authority shall, in consultation with the lead agency, make regulations, issue guidelines and institute programmes concerning -

(a) the elimination of substances that deplete the ozone layer;

(b) management practices and activities likely to lead to the degradation of the ozone layer and the stratosphere; and

(c) the reduction and minimisation of risks to human health created by the degradation of the ozone layer and the stratosphere.

**51. Management of dangerous materials and processes.**

(1) The authority shall, in consultation with the lead agency, identify materials and processes that are dangerous to human health and the environment.

(2) The authority shall, in consultation with the lead agency, issue guidelines and prescribe measures for the management of the materials and processes identified under subsection (1).

**52. Duty to manage and minimise waste.**

(1) Every person has the duty to manage any waste generated by his or her activities or the activities of those persons working under his or her direction in such a manner that he or she does not cause ill health to the person or damage to the environment.

(2) No person shall dispose of any waste whether generated within or outside Uganda except in accordance with this Act and as may be prescribed.

(3) Every person whose activities generate waste shall employ measures for the minimisation of waste through treatment, reclamation and recycling.

(4) Any person who contravenes any provision of this section commits an offence.

**53. Management of hazardous waste.**

(1) The authority shall, in consultation with the lead agency, adopt standard criteria for the classification of hazardous wastes with regard to determining -

(a) extremely hazardous waste;

- (b) corrosive waste;
- (c) carcinogenic waste;
- (d) flammable waste;
- (e) persistent waste;
- (f) toxic waste;
- (g) explosive waste;
- (h) radioactive waste;
- (i) wastes reactive otherwise than as described in paragraphs (a) to (h);
- (j) any other category of waste the authority may consider necessary.

(2) The authority shall, in consultation with the lead agency, make regulations and issue guidelines for the management of each category of hazardous waste determined under subsection (1).

(3) Any person who discharges any hazardous waste determined under subsection (1) without a licence issued by the authority or contrary to any regulations made under subsection (2) or to any conditions specified in the licence commits an offence.

#### **54. Illegal traffic in waste.**

(1) No person shall import into Uganda any hazardous waste falling under any category determined under section 53.

(2) No person shall import into Uganda any waste not determined under section 53, except under a licence issued by the authority.

(3) Any person who contravenes this section commits an offence.

(4) A person who imports any hazardous waste or any other waste into the territory of Uganda contrary to subsection (1) or (2) shall be responsible for removal of the waste from Uganda and for its disposal.

(5) A person who withholds, falsifies or otherwise tampers with information relating to illegal traffic in hazardous or other waste commits an offence.

#### **55. Guidelines for management of toxic and hazardous chemicals and materials.**

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

(2) The authority shall, in consultation with the lead agency, on the basis of the criteria established under subsection (1), issue guidelines and prescribe measures for the management of toxic and hazardous chemicals and materials.

(3) The guidelines issued and the measures prescribed by the authority under subsection (2) shall include guidelines and measures on -

- (a) registration of chemicals and materials;
- (b) labelling of chemicals and materials;
- (c) packaging for chemicals and materials;
- (d) advertising of chemicals and materials;
- (e) control of imports and exports of toxic and hazardous chemicals and materials;
- (f) distribution, storage, transportation and handling of chemicals and materials;
- (g) monitoring of the effect of chemicals and their residue on human health and the environment;
- (h) disposal of expired and surplus chemicals and materials;
- (i) restricting and banning of extremely toxic and hazardous chemicals and materials.

**56. Prohibition of discharge of hazardous substances, chemicals, oil, etc. into the environment and spiller's liability.**

(1) No person shall discharge any hazardous substance, chemical, oil or mixture containing oil in any waters or any other segment of the environment except in accordance with guidelines prescribed by the authority in consultation with the lead agency.

(2) A person who discharges a hazardous substance, chemical, oil or a mixture containing oil into any waters or other segment of the environment contrary to subsection (1) commits an offence.

(3) Upon conviction, the person discharging a hazardous substance, chemical, oil or a mixture containing oil into the environment may, in addition to any other sentence imposed by the court -

- (a) pay the cost of the removal, including any costs which may be incurred by any Government agency or organ in the restoration of the environment damaged or destroyed as a result of the discharge; and
- (b) the costs of the third parties in the form of reparation, restoration, restitution or compensation as may, from time to time, be determined by the authority.

(4) The owner or operator of a production or storage facility, motor vehicle or vessel from which a discharge occurs contrary to this section shall mitigate the impact of the discharge by -

- (a) giving immediate notice of the discharge to the authority and other Government officers;

(b) immediately beginning cleanup operations using the best available cleanup methods;

(c) complying with such directions as the authority may, from time to time, prescribe.

(5) Until the owner or operator of a production or storage facility, motor vehicle or vessel has taken the mitigation measures prescribed in subsection (4), the authority may seize the production facility, motor vehicle or vessel.

(6) Where the owner or operator fails to take the necessary measures under subsection (4) after the passage of a reasonable time in all the circumstances, the authority may, upon an order of court, dispose of the production or storage facility, motor vehicle or vessel to meet the costs of taking the necessary measures under subsection (4) and other remedial and restoration measures.

(7) The court in convicting a person of an offence under this section shall take into account the measures taken by that person to comply with subsection (4).

## **PART VIII: CONTROL OF POLLUTION.**

### **57. Prohibition of pollution contrary to established standards.**

(1) No person shall pollute or lead any other person to pollute the environment contrary to any of the standards or guidelines prescribed or issued under Parts VI and VII of this Act.

(2) Notwithstanding subsection (1), a person may exceed the standards and guidelines referred to in subsection (1) if authorised by a pollution licence issued under section 60.

### **58. Pollution licences.**

(1) The technical committee on the licensing of pollution appointed under section 10 shall be composed of such persons as the authority may determine.

(2) The executive director shall be the chairperson of the committee.

(3) The functions of the committee are -

(a) to consider applications for pollution licences;

(b) to issue pollution licences;

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

(4) No person shall carry out any activity which is likely to pollute The air, the water or the land in excess of any standards or guidelines prescribed or issued under this Act except under and in accordance with a pollution licence.

(5) For the avoidance of doubt, subsection (4) applies to any activity described in that subsection whether commenced before or after the coming into force of this Act.

(6) The committee shall not issue a pollution 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 section 2(2)(k).

**59. Application for a pollution licence.**

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

(2) Every application shall be accompanied by the prescribed fee.

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

**60. Consideration of the application by the committee.**

(1) Upon receiving the application, the committee shall -

(a) within sixty 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 relevant Government departments;

(c) consider the application having regard to all the representations received by the committee;

(d) grant or reject the application.

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

(a) require that an environmental impact study be conducted in accordance with Part V of this Act if, having regard to the nature of the activity requested and the pollution likely to result from that activity, it considers it necessary so to do;

(b) request the applicant to furnish further information relating to the plant location, materials or technology design.

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

**61. Conditions in a pollution licence.**

(1) A pollution 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 licence issued under this Act shall remain valid for such period and may be renewed for such further periods as may be prescribed.



**62. Fees for a licence.**

(1) For every issue or renewal of a pollution licence under section 60 or 61, the licensee shall pay to the authority 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 2(2)(k) and accordingly -

(a) the person contributing the greater amount of pollution shall bear the largest burden in paying for cleaning the environment;

(b) the fee shall be used to promote behaviour that conserves the environment by charging smaller fees for activities that reduce pollution.

**63. Renewal of a pollution licence.**

(1) A licensee may apply to the committee for the renewal of his or her pollution licence in the prescribed form and in the prescribed manner.

(2) The committee shall consider each application for renewal of a licence within three months.

(3) The committee may -

(a) grant the pollution licence;

(b) reject the application;

(c) request further information.

(4) In making a decision under subsection (3), the committee shall 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;

(d) any other matter that the committee considers to be reasonably relevant.

**64. Cancellation of a pollution licence.**

The committee may, in writing, cancel any pollution licence -

(a) if the holder of the licence contravenes any provision of this Act or of any statutory instrument made under it;

(b) if the holder fails to comply with any condition specified in the licence;

(c) if the committee considers it in the interest of the environment or in the public interest so to do.

**65. Register of a pollution licence.**

(1) The authority shall maintain a register of all pollution licences issued under this Act in accordance with guidelines issued by the committee.

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

**66. Disaster preparedness.**

(1) The authority shall prepare guidelines or plans for coordinating national responses to environmental disasters.

(2) In preparing guidelines under subsection (1), the authority shall consult the following -

(a) the lead agencies;

(b) the Uganda Peoples' Defence Forces;

(c) the Uganda Police Force;

(d) the Fire Brigade Service;

(e) organisations providing health care, whether nongovernmental or governmental;

(f) any other organisation the authority considers necessary.

(3) District environment committees and local environment committees shall prepare plans for responses to local environmental disasters with specific reference to known possible disasters within their area of jurisdiction.

(4) A specific disaster preparedness plan shall be prepared by -

(a) each employer whose activities are likely to have a significant impact on the environment;

(b) each educational institution;

(c) each hotel or recreational facility; and

(d) each hospital.

(5) A plan prepared under subsection (4) shall take into account the kind of risks faced by the employer or institution preparing it.

(6) Any person who negligently carries out any activity that leads to a disaster has a duty to compensate any person adversely affected by the disaster.

## **PART IX: ENVIRONMENTAL RESTORATION ORDERS AND ENVIRONMENTAL EASEMENTS.**

### **67. Environmental restoration orders.**

(1) Subject to the provisions of this Part, the authority may issue to any person in respect of any matter relating to the management of the environment and natural resources an order in this Part referred to as an environmental restoration order.

(2) An environmental restoration order may be issued under subsection (1) for any of the following purposes -

(a) requiring the person to restore the environment as near as it may be to the state in which it was before the taking of the action which is the subject of the order;

(b) preventing the person from taking any action which would or is reasonably likely to do harm to the environment;

(c) awarding compensation to be paid by that person to other persons whose environment or livelihood has been harmed by the action which is the subject of the order;

(d) levying a charge on that person which represents a reasonable estimate of the cost of any action taken by an authorised person or organisation to restore the environment to the state in which it was before the taking of the action which is the subject of the order.

(3) An environmental restoration order may contain such terms and conditions and impose such obligations on the persons on whom it is served as will, in the opinion of the authority, enable the order to achieve all or any of the purposes set out in subsection (2).

(4) Without prejudice to the general effect of the purposes set out in subsection (2) or the powers of the authority set out in subsection (3), an environmental restoration order may require a person on whom it is served

(a) take such action as will prevent the commencement or continuation of or the cause of pollution;

(b) restore land, including the replacement of soil, the replanting of trees and other flora and the restoration, as far as may be, of outstanding geological, archaeological or historical features of the land or the area contiguous to the land specified in the order;

(c) take such action as will prevent the commencement or continuation of or the cause of an environmental hazard;

(d) cease to take any action which is causing or may cause or may contribute to causing pollution or an environmental hazard;

(e) remove or alleviate any injury to land or the environment or to the amenities of the area;

(f) prevent damage to the land or the environment, aquifers beneath the land and flora and fauna in, on, under or about the land specified in the order or land or the environment contiguous to land specified in the order;

(g) remove any waste or refuse deposited on land specified in the order;

(h) deposit waste in a place specified in the order;

(i) pay such compensation as is specified in the order.

(5) In exercising its powers under this section, the authority shall –

(a) have regard to the principles as set out in section 2;

(b) explain the rights of the person, against whom the order is issued, to appeal to the court against that decision.

#### **68. Service of an environmental restoration order.**

(1) Where it appears to the authority that harm has been or is likely to be caused to the environment by an activity by any person, it may serve on that person an environmental restoration order requiring that person to take such action, in such time being not less than twenty-one days from the date of the service of the order, to remedy the harm to the environment as may be specified in the order.

(2) An environmental restoration order shall specify clearly and in a manner which may be easily understood –

(a) the activity to which it relates;

(b) the person or persons to whom it is addressed;

(c) the time at which it comes into effect;

(d) the action which must be taken to remedy the harm to the environment and the time, being not less than thirty days or such further period as may be prescribed in the order, within which the action must be taken;

(e) the powers of the executive director to enter land and undertake the action specified in paragraph (d);

(f) the penalties which may be imposed if the action specified in paragraph (d) is not undertaken;

(g) the right of the person served with an environmental restoration order to appeal to the court against that order.

(3) The authority may inspect or cause to be inspected any activity to determine whether that activity is harmful to the environment and may take into account the evidence obtained from that inspection in any decision on whether or not to serve an environmental restoration order.

(4) The authority may seek and take into account any technical, professional and scientific advice which it considers to be desirable for a satisfactory decision to be made on an environmental restoration order.

(5) An environmental restoration order shall continue to apply to the activity in respect of which it was served notwithstanding that it has been complied with.

(6) A person served with an environmental restoration order shall, subject to this Act, comply with all the terms and conditions of the order that has been served on him or her.

(7) It shall not be necessary for the authority in exercising its powers under subsection (3) to give any person conducting or involved in the activity the subject of the inspection or residing or working on or developing land on which the activity which is the subject of the inspection is taking place, an opportunity of being heard by or making representations to the person conducting the inspection.

#### **69. Reconsideration of an environmental restoration order.**

(1) At any time within twenty-one days after the service of an environmental restoration order, a person upon whom the order has been served may, by giving reasons in writing, request the authority to reconsider that order.

(2) Where a written request has been made as provided for under subsection (1), the order shall continue in effect until varied, suspended or withdrawn under subsection (3) and, if varied, shall continue in effect in accordance with the variation.

(3) Where a request has been made under subsection (1), the authority shall, within thirty days after the receipt of the request, reconsider the environmental restoration order and notify in writing the person who made the request of his or her decision on the order.

(4) The authority may, after reconsidering the case, confirm, vary, suspend or withdraw the environmental restoration order.

(5) The authority shall give the person who has requested a reconsideration of an environmental restoration order the opportunity to be heard orally before a decision is made.

#### **70. Action by the authority 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, the authority may, with all necessary workers and other officers, enter or authorise any other person to enter any land under the control of the person on whom that order has been served and take all necessary action in respect of the activity to which that order relates and otherwise to enforce that order as may seem fit.

(2) Where the authority exercises the power under subsection (1), it may recover as a civil debt, in any court of competent jurisdiction from the person referred to in subsection (1), the expenses necessarily incurred by it in the exercise of that power.

## **71. Issue of an environmental restoration order by a court.**

(1) Without prejudice to the powers of the authority under sections 67, 68 and 69, the court may, in any proceedings brought by any person, issue an environmental restoration order against a person who has harmed, is harming or is reasonably likely to harm the environment.

(2) For the avoidance of doubt, it shall not be necessary for a plaintiff under this section to show that he or she has a right of, or interest in, the property, in the environment or land alleged to have been harmed or in the environment or land contiguous to such environment or land.

## **72. Environmental easements.**

(1) The court may, on an application made under this Part, grant an environmental easement, subject to this Act.

(2) The object of an environmental easement is to further the principles of environment management set out in section 2 by facilitating 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, in this Act referred to as the burdened land, being land in the vicinity of the benefited environment.

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

(4) Without prejudice to the general effect of subsection (1), an environmental easement may be imposed on burdened land so as to -

(a) preserve flora and fauna;

(b) preserve the quality and flow of water in a dam, lake, river or aquifer;

(c) preserve any outstanding geological, physiographical, ecological, archeological or historical features of the burdened land;

(d) preserve a view;

(e) preserve open space;

(f) permit persons to walk in a defined path across the burdened land;

(g) preserve 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;

(j) create and maintain works on burdened land so as to limit or prevent harm to the environment.

(5) Where an environmental easement is imposed on burdened land on which any person has at the time of the imposition of the easement any existing right or interest to use that land and that environmental easement will restrict that right or interest, there shall be paid to that person, by the applicant for the environmental easement, such compensation as may be determined in accordance with section 76.

(6) An environmental easement may exist in gross; that is to say, the validity and enforceability of the easement shall not be dependent on the existence of a plot of land in the vicinity of the burdened land which can be benefited, or of a person with an interest in that plot of land who can be benefited by the environmental easement.

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

(1) A person or a group of persons may make an application to the court for the grant of an environmental easement.

(2) An application for the grant of an environmental easement shall be in the prescribed form and in the prescribed manner.

(3) The court may impose such conditions on the grant of an environmental easement as it considers to be best calculated to advance the object of an environmental easement.

### **74. Enforcement of an environmental easement.**

(1) Proceedings to enforce an environmental easement may be commenced only by the person in whose name the environmental easement has been registered.

(2) Proceedings to enforce an environmental easement may request the court to -

(a) grant an environmental restoration order;

(b) grant any remedy available under the law relating to easements.

(3) The procedures to enforce an environmental easement shall be -

(a) in the case of proceedings for the grant of an environmental restoration order, the procedures set out in sections 70 and 71;

(b) in the case of proceedings for a remedy available under the law relating to easements, the procedures applicable to such proceedings.

(4) The court shall have a discretion to adapt and adjust, so far as seems necessary to it, the law and procedures relating to the enforcement of easements to the requirements of the enforcement of an environmental easement.

### **75. Registration of an environmental easement.**

(1) Where an environmental easement is imposed on land, the title of which is registered under the Registration of Titles Act, the environmental easement shall be registered in accordance with the provisions of that Act applicable to the registration of easements.

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

(3) In addition to any matter which may be 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 applicant for the environmental easement as the person in whose name the environmental easement is registered.

#### **76. Compensation for environmental easements.**

(1) Any person who has a legal interest in the land which is the subject of an environmental easement shall, in accordance with the provisions of this Act, be entitled to compensation commensurate with the lost value of the use of the land.

(2) A person described in subsection (1) may apply to the authority for compensation stating the nature of his or her legal interest in the burdened land and the compensation sought.

(3) The authority may require that the applicant for the environmental easement bear the cost of compensating the person described in subsection (1).

(4) The authority may, if satisfied that the easement sought is of national importance, recommend that the Government compensate the person described in subsection (1).

(5) The authority, in determining the compensation due under this section, shall take into account the provisions of the Constitution and any other laws relating to compulsory acquisition of land.

(6) Where a person described in subsection (1) is not satisfied with the determination by the authority of the compensation due under this section, he or she may appeal to the court.

### **PART X: RECORDS, INSPECTION AND ANALYSIS.**

#### **77. Record keeping.**

(1) Any person who carries on any activity which has or is likely to have a significant impact on the environment and any person carrying out any other activity prescribed by the authority shall keep records relating to

(a) the amount of waste and by-products generated by the activity;

(b) the extent of his or her activities, indicating the economic value of the activity on the area covered, expressed in the monetary value of the product per year;

(c) the observable effects of the activity on the environment;

(d) how far in the opinion of that person the provisions of this Act have been complied with.



(2) The records kept under subsection (1) shall be made available to environmental inspector appointed under this Act, the district environment committee, the board or the policy committee upon request.

**78. Transmission of records to the authority.**

(1) The records kept under section 77 shall be transmitted to the authority or its designated representative annually to be received not later than one month after the end of each calendar year.

(2) The authority shall keep all the records transmitted under subsection (1).

(3) The records transmitted to the authority shall be used as a basis for the preparation of the state of the environment report required by section 86.

**79. Designation of environmental inspectors.**

The authority may, by notification 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 local limits as may be specified in the notification.

**80. Powers and duties of environmental inspectors.**

(1) An environmental inspector may, in the performance of his or her duties under this Act or any regulations made thereunder, at all reasonable times and without warrant -

(a) enter on any land, premises or vehicle to determine whether the provisions of this Act are being complied with;

(b) require the production of, inspect, examine and copy licences, registers, records and other documents relating to this Act or any other Act relating to the environment and the management of natural resources;

(c) make examinations and inquiries to discover whether this Act is complied with;

(d) take samples of any article or substance to which this Act relates and, as may be prescribed, submit the samples for tests and analyses;

(e) carry out periodic inspections of all 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 a significant impact on the environment, to ensure that the provisions of this Act are complied with;

(f) carry out such other inspections as may be necessary to ensure that the provisions of this Act are complied with;

(g) seize any plant, equipment, substance or any other thing which he or she believes has been used in the commission of an offence against this Act or the regulations made thereunder;

(h) close any manufacturing plant or other activity which pollutes or is likely to pollute the environment contrary to this Act for a period of not more than three weeks;

(i) issue an improvement notice requiring the operator of any manufacturing plant or other activity to cease any activities deleterious to the environment which are contrary to this Act;

(j) cause a police officer to arrest any person whom he or she believes has committed an offence under this Act.

(2) An environmental inspector may, at any time, install any equipment on any land, premise or vehicle for the purpose 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 under subsection (l)(h), he or she may issue an improvement notice under subsection (l)(i).

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

#### **81. Procedure for taking samples for analysis.**

The authority shall, on the advice of the lead agency, prescribe the form and manner in which samples will be taken for analysis.

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

(1) The authority may, by notice in the Gazette, designate as many laboratories as it deems 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.

#### **83. Designation of analysts and reference analysts.**

(1) The authority may, by notice in the Gazette, designate as many persons as deemed necessary and fit to serve as analysts and reference analysts for the purposes of this Act.

(2) A notice under subsection (1) shall specify the specific functions, the subject matter and the local limits within which each analyst or reference analyst shall serve.

#### **84. Certificate of analysis and its effect.**

(1) A laboratory designated as an analytical or reference laboratory under section 82 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 the reference analyst, as the case may be.

(3) A certificate complying with subsections (1) and (2) shall be sufficient evidence of the facts stated in the certificate for all purposes.

## **PART XI: INFORMATION, EDUCATION AND PUBLIC AWARENESS.**

### **85. Freedom of access to environmental information.**

(1) Every person shall have freedom of access to any information relating to the implementation of this Act submitted to the authority or to a lead agency.

(2) A person desiring the information shall apply to the authority or a lead agency and may be granted access on payment of a prescribed fee.

(3) Freedom of access to environmental information does not extend to proprietary information which shall be treated as confidential by the authority and any lead agency.

### **86. Gathering, analysis and management of environmental information.**

(1) The authority shall -

(a) gather information on the environment and natural resources on existing data;

(b) subject to any other law, have access to any data collection on the environment and natural resources;

(c) analyse information;

(d) disseminate information to public and private users;

(e) carry out public information and education campaigns in the field of environment;

(f) exchange information with other Ugandan, foreign, international and nongovernmental agencies;

(g) coordinate the management of environment information in the lead agencies;

(h) advise the Government on existing information gaps and needs;

(i) in consultation with the lead agencies, establish guidelines and principles for the gathering, processing and dissemination of environment information;

(j) liaise with the district environment committees and district environment officers regarding environmental information.

(2) The authority shall publish a state of the environment report every two years.

(3) The state of the environment report shall, in addition to other matters as may be prescribed, specify the main activities of the authority and the lead agencies regarding the protection of the environment.

(4) The authority may publish such other publications as it considers necessary for public education on the environment and other environmental issues.

**87. Integration of environmental education into the school curriculum.**

The authority shall, in collaboration with the Minister responsible for education, take all measures necessary for the integration into the school curriculum of education on the environment.

**PART XII: FINANCIAL PROVISIONS.**

**88. Fund of the authority.**

(1) There is established the National Environment Fund.

(2) The sources of the fund shall consist of -

(a) disbursements from the Government;

(b) all fees charged under this Act;

(c) any fees prescribed for any service offered by the authority;

(d) any fines collected as a result of the breach of the provisions of this Act or any statutory instrument made under this Act;

(e) gifts, donations and other voluntary contributions to the fund made from any source.

**89. Administration of the fund.**

(1) The board shall be responsible for the administration of the fund.

(2) The board may, on the advice of the executive director, provide funding for any Government department involved in the field of environmental conservation and natural resources management.

(3) Subject to any limitations that may be imposed by the policy committee, the fund may borrow money for the implementation of the objects of this Act.

(4) The authority may maintain its own bank accounts in Ugandan currency or in any foreign currency.

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

(1) The board shall perform its functions in accordance with sound financial principles and shall ensure, as far as possible, that its revenue is sufficient to meet expenditure properly charged to revenue.

(2) The board may invest money from the fund in conformity with good commercial practice.

#### **91. Estimates.**

(1) The executive director shall, not later than three 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 and may, at any time before the end of a financial year, prepare and submit to the board for approval, any estimates supplementary to the estimates of a current year.

(2) No expenditure shall be made out of the funds of the authority unless that expenditure is part of the expenditure approved by the board under the estimates for the financial year in which the expenditure is to be made or in the estimates supplementary to it.

#### **92. Accounts, audits and annual report.**

(1) The executive director shall keep proper accounts and records of all transactions and affairs of the fund and shall ensure that all monies received are properly brought to account, all payments out of its monies are correctly made and properly authorised and that adequate control is maintained over its assets and liabilities.

(2) The annual accounts of the fund shall be audited by the Auditor General or an auditor appointed by him or her.

(3) The executive director shall, within thirty days after the end of each financial year, submit -

(a) the board an annual report in respect of that financial year containing -

(i) such financial statements as the board may require;

(ii) a report on the operations of the fund; and

(iii) such other information as the board may direct in writing;

(b) to the Auditor General -

(i) the accounts of the fund for the financial year; and

(ii) the annual report referred to in paragraph (a).

(4) The Auditor General shall audit the accounts of the authority within two months after the receipt by him or her of the accounts and annual report, submit his or her opinion on them to the board.

(5) The Minister shall cause copies of each annual report, together with a copy of the opinion of the Auditor General, to be laid before Parliament within thirty days after he or she has received them.

#### **93. Minister's powers in relation to taxation.**

Notwithstanding the Income Tax Act, the Minister responsible for finance may, on the advice of the board and the policy committee, include in the annual budget -

(a) tax incentives to encourage good environmental behaviour, including the conservation of natural resources and the prevention or abatement of pollution;

(b) user fees to ensure that those who use environmental resources pay the proper value for the utilisation of the resources; and

(c) tax disincentives to deter bad environmental behaviour that leads to depletion of environmental resources or that causes pollution.

#### **94. Refundable performance deposit bonds.**

(1) The authority shall identify and create a register for those activities and industrial plants which have or are most likely to have significant adverse effects on the environment when operated in a manner that in conformity with good environmental practice.

(2) The Minister responsible for finance may, on the advice of the board and the policy committee, prescribe that activities and industrial plants identified under subsection (1) pay such deposit bonds as he or she may determine, to act as security for good environmental practice.

(3) The deposit bond determined in accordance with subsection (2) is refundable to the operator of the activity or industrial plant, after such duration as the Minister may determine where the operator has observed good environmental practice to the satisfaction of the authority.

(4) The authority may, after giving the operator an opportunity to be heard, confiscate the deposit bond if the authority is satisfied that the operator is responsible for environmental practice that is in breach of the provisions of this Act, and the authority may cancel a pollution licence issued under this Act if it is satisfied that the operator has become a habitual offender.

(5) Where the operator is not satisfied with the confiscation of the deposit bond or cancellation of a pollution licence under this section, he or she may appeal to the court.

(6) A refundable deposit bond levied under this section shall be paid into the fund and shall be treated as part of the fund until refunded to the depositor.

(7) Any interest accruing from monies deposited as part of the refundable deposit bond and invested in accordance with section 90(2) shall be for the benefit of the fund.

(8) In refunding the deposit under this section, the authority may take into account inflation and any other factors that may affect the value of the deposit to the benefit of the depositor.

### **PART XIII: OFFENCES AND PENALTIES.**

#### **95. Penalties relating to environmental inspectors.**

Any person who -

(a) hinders or obstructs an environmental inspector in the execution of his or her duties under this Act;

(b) fails to comply with a lawful order or requirement made by an environmental inspector in accordance with this Act;

(c) refuses an environmental inspector entry upon any land or into any premises which he or she is empowered to enter by this Act;

(d) impersonates an environmental inspector;

(e) refuses an environmental inspector access to records kept in accordance with this Act;

(f) fails to state or wrongly states his or her name or address to an environmental inspector in the course of his or her duties under this Act;

(g) misleads or gives wrongful information to an environmental inspector under this Act; or

(h) fails to carry out an improvement order issued by an environmental inspector under this Act,

commits an offence and is liable on conviction to imprisonment for a term of not less than twelve months or to a fine of not less than one hundred and twenty thousand shillings and not more than twelve million shillings or to both.

#### **96. Offences relating to impact assessment.**

Any person who -

(a) fails to submit a project brief contrary to section 19;

(b) fails to prepare an environmental impact assessment contrary to section 19; or

(c) fraudulently makes a false statement in an environmental impact statement submitted under section 20,

commits an offence and is liable on conviction, to imprisonment for a term not exceeding eighteen months or to a fine of not less than one hundred and eighty thousand shillings and not more than eighteen million shillings or to both.

#### **97. Offences relating to records.**

Any person who -

(a) fails to keep records of the activities, products, by-products and wastes required to be kept by this Act; or

(b) fraudulently alters any record required by this Act,

commits an offence and is liable on conviction to imprisonment for a term of not less than twelve months or to a fine of not less than one hundred and twenty thousand shillings and not more than twelve million shillings or to both.

**98. Offences relating to environmental standards and guidelines.**

Any person who -

- (a) contravenes any environmental standard prescribed in Part VI of this Act;
- (b) contravenes a measure prescribed under this Act; or
- (c) uses natural resources in a wasteful manner contrary to measures prescribed under Part VII of this Act,

commits an offence and is liable on conviction to imprisonment for a term not exceeding eighteen months or to a fine of not less than one hundred and eighty thousand shillings and not more than eighteen million shillings or to both.

**99. Offences relating to hazardous waste, materials, chemicals and radioactive substances.**

Any person who -

- (a) fails to manage any hazardous waste in accordance with sections 52 and 53;
- (b) imports any hazardous waste contrary to section 54(1);
- (c) imports waste which has not been determined as hazardous waste without a permit contrary to section 54(2);
- (d) fails to manage any chemical in accordance with section 55;
- (e) fails to manage any radioactive substance in accordance with section 31;
- (f) disposes of any chemical or hazardous waste contrary to this Act;
- (g) knowingly mislabels any waste, chemical or radioactive substance;
- (h) withholds information about the management of wastes, chemicals or radioactive substances; or
- (i) aids or abets the illegal traffic in wastes, chemicals or radioactive substances,

commits an offence and is liable on conviction to imprisonment for a term of not less than thirty-six months or to a fine of not less than three hundred and sixty thousand shillings and not more than thirty-six million shillings or to both.

**100. Offences relating to pollution.**

Any person who -



(a) pollutes the environment contrary to a condition contained in any pollution licence under section 61; or

(b) discharges any pollutant into the environment contrary to Part VIII of this Act,

commits an offence and is liable on conviction to imprisonment for a term of not less than eighteen months or to a fine of not less than one hundred and eighty thousand shillings and not more than eighteen million shillings or to both.

#### **101. Offences relating to restoration orders and easements.**

Any person who -

(a) fails or refuses to comply with an environmental restoration order made under section 67; or

(b) fails to comply with an environmental easement issued under section 72,

commits an offence and is liable on conviction to imprisonment for a term not exceeding twelve months or to a fine of not less than one hundred and twenty thousand shillings and not more than twelve million shillings or to both.

#### **102. General penalty.**

Any person who commits an offence against any provision of this Act or of a statutory instrument made thereunder for which no other penalty is specifically provided is liable on conviction to imprisonment for a term of not less than three months or to a fine of not less than thirty thousand shillings and not more than three million shillings or to both.

### **PART XIV: JUDICIAL PROCEEDINGS.**

#### **103. Immunity of officials.**

No suit, prosecution or other legal proceeding may be brought against the policy committee, the executive director, the board, an inspector, an analyst or other official in their personal capacity for anything done in good faith under this Act or statutory instruments, guidelines and standards made thereunder.

#### **104. Appeal from a decision of the authority.**

Unless otherwise expressly provided in this Act -

(a) where this Act empowers the authority or any of its organs to make a decision, the decision may be subject to appeal within the structure of the authority in accordance with such administrative procedures as may be established for the purpose, and the decision shall not be called into question by any court;

(b) nothing provided for in this section impairs the High Court in the exercise of its supervisory jurisdiction.

**105. Forfeiture, cancellation, community service and other orders.**

(1) The court before which a person is prosecuted for an offence against this Act or any statutory instrument made thereunder may, in addition to any other order –

(a) upon the conviction of the accused; or

(b) if it is satisfied that an offence was committed notwithstanding that no person has been convicted of the offence,

order that the substance, equipment and appliance used in the commission of the offence be forfeited to the State and be disposed of as the court directs.

(2) In making an order under subsection (1), the court may also order that the cost of disposing of the substance, equipment and appliance referred to in that subsection be borne by the accused.

(3) The court may further order that any licence, permit or other authorisation given under this Act and to which the offence relates be cancelled.

(4) The court may, in addition to any fine it may impose upon an accused person, require him or her to do community work which promotes the protection or improvement of the environment.

(5) The court may also issue an environmental restoration order against the accused in accordance with Part IX of this Act.

**PART XV: INTERNATIONAL OBLIGATIONS.**

**106. Conventions and treaties on the environment.**

(1) Where Uganda is a party to any convention or treaty concerning the environment, after the convention or treaty has been ratified under article 123 of the Constitution where such ratification is required, the Minister may, by statutory order, with the approval of Parliament by resolution –

(a) set out the provisions of the convention or treaty;

(b) give the force of law in Uganda to the convention or treaty or any part of the convention or treaty required to be given the force of law in Uganda;

(c) amend any enactment other than the Constitution for the purpose of giving effect to the convention or the treaty;

(d) make such other provision as may be necessary for giving effect to the convention or treaty in Uganda or for enabling Uganda to perform its obligations or exercise its rights under the convention or treaty.

(2) This section applies to any convention or treaty whether adopted before or after the coming into force of this Act and whether Uganda became a party to it before or after the coming into force of this Act.

(3) Without prejudice to the general effect of subsections (1) and (2), a statutory order under this section may make provision for the imposition of penalties not exceeding such fine or imprisonment or both as may be prescribed by the Minister and may prescribe the payment of such fees or charges as the Minister thinks necessary in respect of any service or other thing to be done or given under the order.

(4) The provisions of any convention or treaty set out in any order made under this section shall be evidence of the contents of the convention or treaty in any proceedings or matter in which the provisions of the convention or treaty came into question.

#### **107. Power to make regulations.**

(1) The Minister may, on the recommendation of any Minister, the policy committee or the board, make regulations prescribing all matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed, for giving full effect to the provision of this Act.

(2) Regulations made under subsection (1) may adopt wholly or in part or with modifications any rules, standards, guidelines, regulations, byelaws, codes, instructions, specifications or administrative procedures prescribed by any lead agency either as in force at the time of prescription or publication or as amended, from time to time, thereafter.

#### **108. Existing laws.**

Any law existing immediately before the coming into force of this Act relating to the environment shall have effect subject to such modifications as may be necessary to give effect to this Act; and where any such law conflicts with this Act, the provisions of this Act shall prevail.

### SCHEDULES

#### First Schedule.

##### s.7

Composition and proceedings of the policy committee.

#### **1. Composition of the policy committee.**

The policy committee shall consist of -

- (a) the Prime Minister, who shall be the chairperson;
- (b) the Minister responsible for natural resources;
- (c) the Minister responsible for agriculture, animal industry and fisheries;

- (d) the Minister responsible for finance and economic planning;
- (e) the Minister responsible for education and sports;
- (f) the Minister responsible for health;
- (g) the Minister responsible for land, housing and urban development;
- (h) the Minister responsible for local government;
- (i) the Minister responsible for gender and community development;
- (j) the Minister responsible for tourism, wildlife and antiquities;
- (k) the Minister responsible for trade and industry.

## **2. Meetings.**

The Prime Minister shall preside at the meetings of the committee; in his or her absence, the Minister responsible for natural resources shall preside; in the absence of both the Prime Minister and the Minister responsible for natural resources, the other members of the committee shall elect one of the members to preside.

## **3. Procedure.**

- (1) Five members of the policy committee shall form a quorum.
- (2) Questions proposed at a meeting of the policy committee shall be determined by a simple majority vote of members present and voting.
- (3) Where there is an equality of votes under subparagraph (2), the chairperson shall have a casting vote.
- (4) The policy committee may co-opt a person to attend its meeting, and a person so co-opted shall participate at the deliberations of the policy committee but shall have no right to vote.
- (5) The policy committee shall meet at least once every three months for the transaction of its business at such time and place as the chairperson may determine.
- (6) The executive director shall keep minutes of each meeting of the policy committee.
- (7) The minutes kept under subparagraph (6) shall be confirmed by the policy committee at the next meeting and signed by the chairperson of that meeting.

## **4. Decision by circulation of papers.**

Notwithstanding paragraph 3, where the chairperson so directs, a decision may be made by the policy committee without a meeting by circulation of the relevant papers among all the members and the expression in writing of their views, but any member shall be entitled to require that any

such decision be deferred until the subject matter is considered at a meeting of the policy committee.

#### **5. Disclosure of interest.**

(1) A member of the policy committee who has a direct or indirect personal interest in a matter being considered or about to be considered by the policy 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 policy committee.

(2) A disclosure of interest under subparagraph (1) shall be recorded in the minutes of the meeting of the policy committee, and the member making such disclosure shall not, unless the policy committee otherwise determines in respect of that matter -

(a) be present during any deliberation on the matter by the policy committee;

(b) take part in the decision of the policy committee.

(3) When there is no quorum for the continuation of a meeting only because of the exclusion of a member from the deliberation on a matter in which he or she has disclosed a personal interest, the other members present may -

(a) postpone the consideration of that matter until a quorum, without that member, is realised; or

(b) proceed to consider and decide the matter as if there was a quorum.

Second Schedule.

ss. 8, 9.

Composition and proceedings of the board.

#### **1. Membership of the board.**

The board shall consist of -

(a) a representative of the Ministry responsible for natural resources;

(b) a representative of the Ministry responsible for agriculture, animal industry and fisheries;

(c) a representative of the Ministry responsible for economic planning;

(d) two representatives of academic and research institutions;

(e) two representative of local nongovernmental organisations;

(f) two representatives of the private sector; and

(g) a representative of the Ministry responsible for tourism, wildlife and antiquities.

## **2. Meetings.**

The chairperson shall preside at the meetings of the board; in his or her absence, the vice chairperson shall preside; in the absence of both the chairperson and the vice chairperson, the board shall elect one of the members to preside.

## **3. Procedure.**

(1) Five members of the board shall form a quorum.

(2) Questions proposed at a meeting of the board shall be determined by a simple majority vote of members present and voting.

(3) Where there is an equality of votes under subparagraph (2), the chairperson shall have a casting vote.

(4) The board may co-opt a person to attend its meeting, and a person co-opted shall participate at the deliberations of the board but shall have a right to vote.

(5) The board shall meet at least once every three months for the transaction of its business at such time and place as the chairperson may determine.

(6) The executive director shall keep minutes of each meeting of the board.

(7) The minutes kept under subparagraph (6) shall be confirmed by the board at the next meeting and signed by the chairperson of that meeting.

## **4. Decision by circulation of papers.**

Notwithstanding paragraph 3, where the chairperson so directs, a decision may be made by the board without a meeting by circulation of the relevant papers among all the members and the expression in writing of their views, but any member shall be entitled to require that any such decision be deferred until the subject matter is considered at a meeting of the board.

## **5. Disclosure of interest.**

(1) A member of the board who has a direct or indirect personal interest in a matter being considered or about to be considered by the board 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 board.

(2) A disclosure of interest under subparagraph (1) shall be recorded in the minutes of the meeting of the board and the member making such disclosure shall not, unless the board otherwise determines in respect of that matter -

(a) be present during any deliberation on the matter by the board;

(b) take part in the decision of the board.

(3) When there is no quorum for the continuation of a meeting only because of the exclusion of a member from the deliberation on a matter in which he or she has disclosed a personal interest, the other members present may -

(a) postpone the consideration of that matter until a quorum, without that member, is realised; or

(b) proceed to consider and decide the matter as if there was a quorum.

Third Schedule.

s. 19.

Projects to be considered for environmental impact assessment.

1. General -

(a) an activity out of character with its surroundings;

(b) any structure of a scale not in keeping with its surroundings;

(c) major changes in land use.

2. Urban development, including -

(a) designation of new townships;

(b) establishment of industrial estates;

(c) establishment or expansion of recreational areas;

(d) establishment or expansion of recreational townships in mountain areas, national parks and game reserves;

(e) shopping centres and complexes,

3. Transportation, including -

(a) all major roads;

(b) all roads in scenic, wooded or mountainous areas;

(c) railway lines;

(d) airports and airfields;

(e) pipelines;

(f) water transport.

4. Dams, rivers and water resources, including -

- (a) storage dams, barrages and weirs;
- (b) river diversions and water transfers between catchments;
- (c) flood-control schemes;
- (d) drilling for the purpose of utilising ground water resources, including geothermal energy.

5. Aerial spraying.

6. Mining, including quarrying and open-cast extraction of-

- (a) precious metals;
- (b) diamonds;
- (c) metalliferous ores;
- (d) coal;
- (e) phosphates;
- (f) limestone and dolomite;
- (g) stone and slate;
- (h) aggregates, sand and gravel;
- (i) clay;
- (j) exploration for the production of petroleum in any form.

7. Forestry-related activities, including -

- (a) timber harvesting;
- (b) clearance of forest areas;
- (c) reforestation and afforestation,

8. Agriculture, including -

- (a) large-scale agriculture;
- (b) use of new pesticides;



(c) introduction of new crops and animals;

(d) use of fertilisers.

9. Processing and manufacturing industries, including -

(a) mineral processing, reduction of ores and minerals;

(b) smelting and refining of ores and minerals;

(c) foundaries;

(d) brick and earthenware manufacture;

(e) cement works and lime processing;

(f) glass works;

(g) fertiliser manufacturing or processing;

(h) explosives plants;

(i) oil refineries and petrochemical works;

(j) tanning and dressing of hides and skins;

(k) abattoirs and meat-processing plants;

(l) chemical works and process plants;

(m) brewing and malting;

(n) bulk grain processing plants;

(o) fish processing plants;

(p) pulp and paper mills;

(q) food processing plants;

(r) plants for the manufacture or assembly of motor vehicles;

(s) plants for the construction or repair of aircraft or railway equipment;

(t) plants for the manufacturing or processing of rubber;

(u) plants for the manufacturing of tanks, reservoirs and sheet-metal containers;

(v) plants for the manufacturing of coal briquettes.

10. Electrical infrastructure, including -

(a) electricity generation stations;

(b) electrical transmission lines;

(c) electrical substations;

(d) pumped-storage schemes.

11. Management of hydrocarbons, including the storage of natural gas and combustible or explosive fuels.

12. Waste disposal, including -

(a) sites for solid waste disposal;

(b) sites for hazardous waste disposal;

(c) sewage disposal works;

(d) major atmospheric emissions;

(e) offensive odours.

13. Natural conservation areas, including -

(a) creation of national parks, game reserves and buffer zones;

(b) establishment of wilderness areas;

(c) formulation or modification of forest management policies;

(d) formulation or modification of water catchment management policies;

(e) policies for management of ecosystems, especially by use of fire;

(f) commercial exploitation of natural fauna and flora;

(g) introduction of alien species of fauna and flora into ecosystems.

History: Statute 4/1995; S.I. 78/1995; S.I. 350/1995.

Commissioners' note: Section 8(3) and paragraph 1 of the Second Schedule are inconsistent.

## Cross References

Constitution of 1995.

Income Tax Act, Cap. 340.

Registration of Titles Act, Cap. 230.

Uganda Revenue Authority Act, Cap. 196.

Vienna Convention for the Protection of the Ozone Layer, 1985.