



PARLIAMENT OF THE REPUBLIC OF UGANDA



REPORT OF THE COMMITTEE ON PHYSICAL
INFRASTRUCTURE ON THE VALUATION BILL, 2024

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**OFFICE OF THE CLERK TO PARLIAMENT
JULY, 2025**

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1.0 INTRODUCTION

The Valuation Bill, 2024 was read for the first time on 11th February 2025 and referred to the Committee on Physical Infrastructure for consideration and Report to the House. The Committee considered the Bill in accordance with rule 135 of the Rules of Procedure of Parliament and hereby reports as follows.

2.0 BACKGROUND TO THE BILL

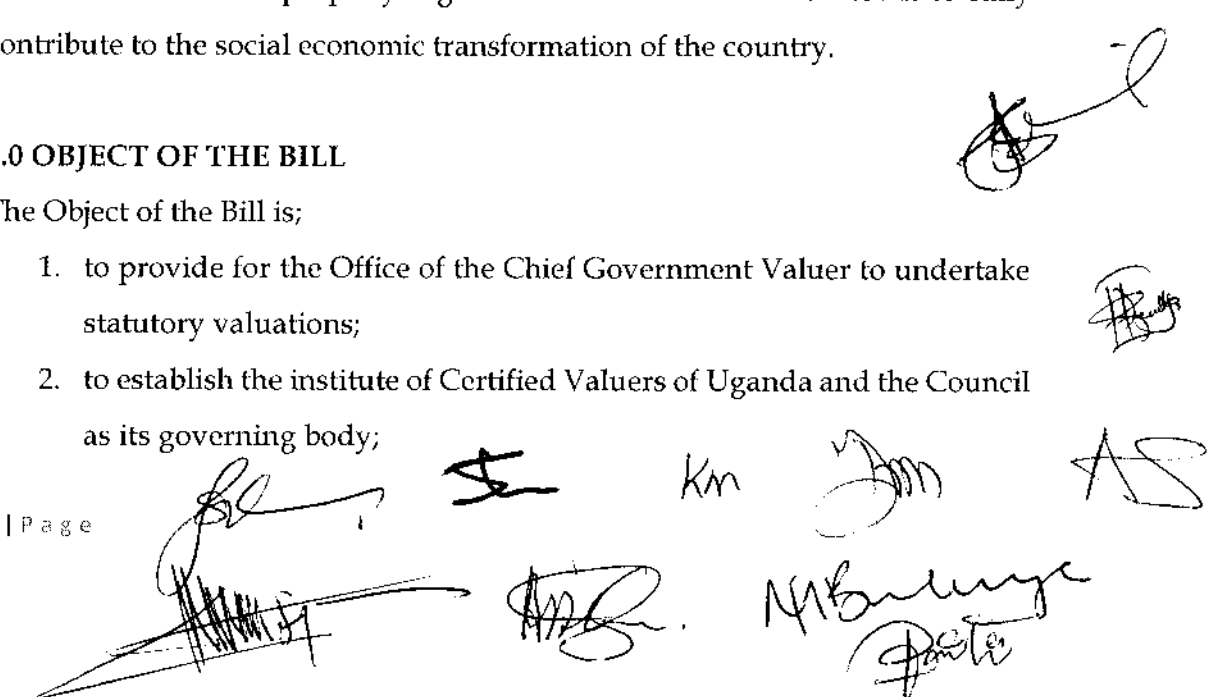
Valuations are used to inform decisions in both the private and public sectors such as real estate and financial markets, infrastructure development, urban development, fiscal regimes, manufacturing and extractives industry and; international trade, among others. Despite this critical role, the valuation function in Uganda is largely limited to land and land developments, with unstreamlined pre and post training curriculum, absence of binding practice standards and an unclear professionalization framework.

The effect of this is evident in unreliable and unrealistic valuations and inadequate valuation professional practices which have led to delayed implementation of public investments and infrastructure projects, financial loss, contestations of Government valuations, increased litigation against Government and hefty court awards, as well as imperfect real estate markets and non-performing loans among others. The aforementioned problems imply that there is need to properly regulate the valuation function for it to fully contribute to the social economic transformation of the country.

3.0 OBJECT OF THE BILL

The Object of the Bill is;

1. to provide for the Office of the Chief Government Valuer to undertake statutory valuations;
2. to establish the institute of Certified Valuers of Uganda and the Council as its governing body;

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3. to provide for membership of the institute;
4. to regulate practicing valuation
5. to provide for professional code of ethics for certified valuers and practicing valuers;
6. to provide for reconciliation of valuations;
7. to provide for offences and penalties relating to valuation;
8. to provide for general rules of valuation including purposes of valuation and valuation standards and;
9. to amend the surveyors Registration Act, Cap 303 and for related matters.

4.0 METHODOLOGY

The Committee held meetings and received memoranda from the following;

1. The Ministry of Lands, Housing and Urban Development
2. The Ministry of Local Government
3. The Uganda Local Government Association
4. Registered Surveyors of Uganda
5. Uganda Bankers Association
6. Uganda Revenue Authority and
7. Institution of Surveyors of Uganda

5.0 COMMITTEE ANALYSIS, OBSERVATIONS AND RECOMMENDATIONS

1. INTERPRETATION

The Bill, in clause 1 defines "asset" to mean a tangible asset or intangible asset owned or controlled by any person from which past, current or future economic benefits are expected to flow to the person.

The Bill also defines "property" to mean a tangible asset or an intangible asset and includes the interest, rights and benefits in the tangible asset or intangible asset, as the case may be.

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The Committee considered the proposals to define the words "asset" and "property" and it is of the considered opinion that the definitions do not reflect the way the words are used in the Bill.

The use of the words "the person" in the definition of the word "assets" leaves a lot of room for interpretation as to the person being referred to in the definition. The Committee is concerned that the use of the words "the person" without specifying which person is being referred to in the definition will create a grey area in the law and will lead to misinterpretation of the provision.

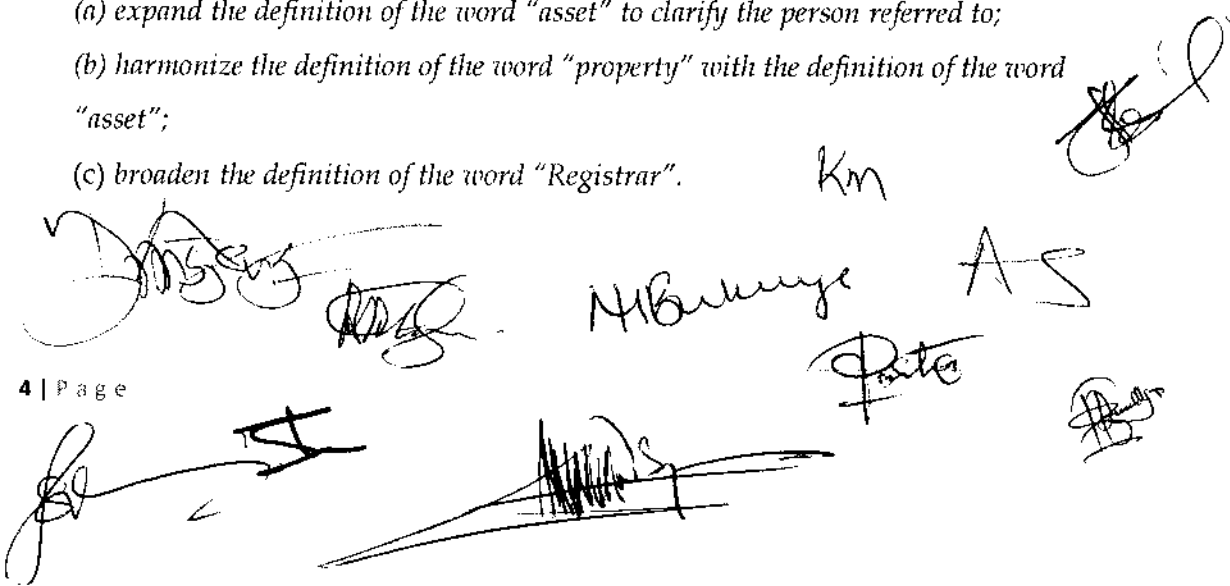
The Committee was also concerned that the use of the words "tangible assets or an intangible asset" in the definition of the word "asset" is redundant considering that the words "tangible asset or intangible asset" have been clearly captured in the definition of the word "asset".

The Bill further defines "Registrar" to mean Chief Executive Officer of the Institute. The Committee was also concerned that the definition of the word "Registrar" is very restrictive given the fact that the Registrar has been given several roles in the Bill including being the Secretary to the Council.

Recommendation

In light of the above, the Committee recommends that clause 1 stands part of the Bill albeit with the amendment to—

- (a) expand the definition of the word "asset" to clarify the person referred to;
- (b) harmonize the definition of the word "property" with the definition of the word "asset";
- (c) broaden the definition of the word "Registrar".



2. CHIEF GOVERNMENT VALUER TO UNDERTAKE STATUTORY VALUATIONS

Clause 2 of the Bill proposes that the Office of the Chief Government Valuer in the public service shall undertake statutory valuations and advise Government on all matters relating to the practice of valuation. The clause further provides for the valuation for which statutory valuation shall be undertaken for Ministries, Departments or Agencies of Government, on the instructions of Government and upon a court order.

Whereas the Committee is agreeable to the provision, the Committee is of the considered opinion that there is need to clarify the orders of court for which statutory valuation shall be undertaken. To achieve clarity, only court orders that are specifically made to the Chief Government Valuer to carryout valuation should fall under the ambit of statutory valuation otherwise it will be implied that all orders of court requiring valuation to be undertaken should be considered under statutory valuation.

Recommendation

In light of the above, the Committee recommends that clause 2 stands part of the Bill, albeit with amendment to clarity on orders of court for which statutory valuation shall be undertaken.

3. FUNCTIONS OF THE INSTITUTE

Clause 5 of the Bill proposes to make provision for functions of the Institute of Certified Valuers of Uganda. The Committee considered the provision and whereas it is in agreement with the provision, the Committee was concerned that the function of the Institute to maintain the standard of the valuation profession in Uganda and; the conduct of certified valuers and practicing valuers embodies two separate functions of the Institute into one which will affect its effectiveness and implementation.

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The Committee noted the need to amend the clause to provide for the Institute's function to regulate the conduct of certified valuers and practicing valuers as opposed to maintaining the conduct of certified valuers and practicing valuers.

Recommendation

In light of the above, the Committee recommends that clause 5 stands part of the Bill albeit with the amendment to separately provide for the function of the Institute to maintain the standard of the valuation profession in Uganda and the function of the Institute to regulate the conduct of certified valuers and practicing valuers.

4. THE COUNCIL OF THE INSTITUTE

Clause 7 of the Bill provides for the Institute to have a governing body called a Council whose membership shall include four persons who shall be practicing valuers elected by members at a meeting of the Institute. The Committee noted that the provision does not specify the years of experience in valuation practice for the four practicing valuers. There is need to close this gap in the Bill by prescribing the experience for the four practicing valuers to have prior to being elected as members of the Council in order to ensure that the practicing valuers have credibility and considerable practical insights into matters concerning valuation practice.

The Committee also noted that whereas the provision proposes that the four practicing valuers shall be elected at a meeting of the Institute, there is no clarity on which meeting of the Institute is being referred to in the provision. There is need to clarify that the four persons shall be elected at the general meeting of the Institute which gives an opportunity to members of the Institute to participate in the election of their representatives to the Council.

The clause also mandates the Minister to appoint the members of the Council including the president and vice president who shall be persons to whom subsection (3) (a) applies. The Committee further noted that this proposal raises

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interpretation issues as to whom the phrase “who shall be persons to whom subsection (3) (a) applies. For purposes of clarity there is need to specifically mandate the Minister to appoint the president and vice president who shall be persons to whom sub clause (3) (a) applies.

The clause further provides for a member who is reappointed to be re-elected by the Council. The Committee observed that under the clause the Minister appoints the president and vice president from the four practicing valuers elected by members at a meeting of the Institute, the appointment comes after the election. Secondly, under the provision, the Council does not elect members, it is only the four practicing valuers who are elected by members at a meeting of the Institute. The proposal hence if maintained, will affect the implementation of the provision.

Recommendation

In light of the above, the Committee recommends that clause 7 stands part of the Bill, albeit with amendments to—

- (a) provide a minimum number of years of experience for the four practicing valuers who are elected by members at a meeting of the Institute;*
- (b) provide for the four practicing valuers to be elected at a general meeting of the Institute;*
- (c) provide for the president and vice president of the Institute to be appointed by the Minister from among the four practicing valuers elected by the members at the general meeting of the Institute;*
- (d) delete the requirement for a member who is reappointed to be re-elected by the Council.*

5. FUNCTIONS OF THE COUNCIL

Clause 8 of the Bill proposes to make provision for functions of the Council. The Committee observed that the provision mandates the Council to register certified valuers and practicing valuers however clause 41 (2) of the Bill

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mandates the Institute to have a register of practicing valuers and a register of valuation firms. Under the Bill, certified valuers are persons who are entered on the roll of members and only get registered when they become practicing valuers, implying that the Bill does not envisage registration of certified valuers. The Committee was concerned that the proposal creates a contradiction in the law and will pose challenges in implementation.

Recommendation

In light of the above, the Committee recommends that clause 8 stands part of the Bill albeit with the amendment to provide for a register of practicing valuers and a register of valuation firms.

6. SEAL OF THE COUNCIL

Clause 9 of the Bill proposes to make provision for a seal of the Council to be in the custody of the secretary and affixed to any document of the Institute. The Committee notes that the Bill, in clause 4 proposes to establish the Institute of Certified Valuers of Uganda which shall be a body corporate with perpetual succession and a common seal.

The Committee was concerned that the corporate status is held by the Institute and not the Council hence the proposal for the Council to have the seal; and yet the bill mandates the Institute to have the seal. This is bound to create a conflict in the law and in the operations of the Institute.

Recommendation

In light of the above, the Committee recommends that clause 9 be deleted with the justification that the provision will result in conflict in the law.

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7. TERMINATION OF OFFICE OF MEMBER OF THE COUNCIL

Clause 10 of the Bill proposes to make provision for circumstances where a member of the Council ceases to be a member of the Council through removal from office or resignation.

Whereas the Committee is agreeable to the provision, the Committee notes that the proposal for a member of the Council being removed from office upon conviction of an offence involving moral turpitude is ambiguous. The phrase "moral turpitude" is incapable of exact definition therefore the proposal is subject to abuse.

The Committee also noted that the provision does not include the circumstance where the member of the Council ceases to hold office by virtue of which he or she is a member of the council. The Committee further observed that some proposed members of the Council under clause 7 of the Bill are representatives of institutions including institutions of higher learning, the Ministry responsible for education and the Chief Government Valuer hence in the event that the said representatives cease to hold their respective offices, they should cease to be members of the Council.

The Committee noted that the provision also includes "any other reasonable ground" as a ground for which a member of the Council shall be removed from office. The Committee was concerned that this ground is ambiguous, subject to abuse and may result in a miscarriage of justice.

Recommendations

In light of the above, the Committee recommends that clause 10 stands part of the Bill albeit with the amendment to—

- (a) remove ambiguity caused by the use of the term "moral turpitude";*
- (b) provide for removal of a member of the Council where the member of the Council ceases to hold the office that he or she represents on the Council;*
- (c) delete paragraph (h) with the justification that the provision is ambiguous and hence subject to abuse.*

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8. REGISTRAR

Clause 14 of the Bill provides for the Registrar who shall be the Chief Executive Officer of the Institute. The Committee considered this provision and whereas it is in agreement with the principle, the Committee was concerned that the provision does not effectively provide for the appointment of the Registrar, certain functions of the Registrar are missing and there is no provision for the Registrar to resign his or her office.

The Committee was also concerned that under the provision, the Registrar may be removed from office by the Council where he or she is declared or becomes insolvent. This ground for removal of the Registrar from office contradicts the Insolvency Act Cap. 108 which restricts insolvency proceedings to corporate entities and bankruptcy proceedings to natural persons. The Committee noted the need to harmonize the provision with the Insolvency Act Cap. 108.

The Committee further noted that one of the grounds for which a Registrar may be removed from office is for inability to perform his or her functions arising from infirmity of body or mind. The Committee was concerned that without clear standards or criteria to determine the infirmity of body or mind, this provision is subject to abuse. The Committee noted the need for the infirmity of body or mind to be determined by a medical practitioner appointed by the Council as this will allow for an independent medical report by an expert to be issued before a Registrar is removed from office by the Council for inability to perform his or her functions arising from infirmity of body or mind.

Recommendation

The Committee recommends that clause 14 stands part of the Bill albeit with amendments to—

- (a) provide for the appointment of the Registrar;*
- (b) provide for additional functions of the Registrar;*
- (c) provide additional grounds under which the Registrar shall cease to hold office;*
- (d) harmonize the provision with the Insolvency Act Cap. 108;*

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(e) require the removal of a Registrar for inability to perform the functions of the office of Registrar to be determined by a medical practitioner appointed by the Council.

9. FUNDS OF THE INSTITUTE

Clause 16 of the Bill provides for funds of the Institute including fees for certificate of licence for sole practitioners. The Committee observed that this provision contradicts clause 24 of the Bill which provides for a certificate of practice for sole practitioner and not a certificate of licence for sole practitioner as this clause proposes. The Committee noted the need to harmonize this clause with clause 24 of the Bill in order to avoid contradiction in implementation of the Bill.

The Committee further noted that among the funds of the Institute are fines for late application for renewal for a certificate of licence or a licence to practice. Whereas the Committee agrees with the principle, the Committee is concerned that the clause is limiting the fines that may be imposed by the Institute which will prevent the Institute from imposing fines for any other reason if need arises.

Recommendation

In light of the above, the Committee recommends that clause 16 stands part of the Bill albeit with the amendments to –

- (a) align paragraph (a) with clause 24 of the Bill which provides for certificate of practice for sole practitioners and not a certificate of license as proposed in the provision;*
- (b) remove the restriction on fines.*

10. ELIGIBILITY FOR MEMBERSHIP OF THE INSTITUTE

Clause 20 of the Bill proposes the criteria for a person to become a member of the Institute. The clause proposes the automatic enrolment of a person who is registered as a registered surveyor under the category of valuation under the Surveyors Registration Act, as a member of the Institute.

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The Clause also proposes for person, other than a person referred to in subsection (1), who wishes to be enrolled as a member of the Institute to apply to the Registrar, for enrolment as a member of the Institute.

Furthermore, the clause provides for the enrollment of the Chief Government Valuer and the valuers in the office of the Chief Government Valuer, as members of the Institute, in accordance with the Bill.

The Committee considered the provision and is of the considered opinion that whereas the provision may have intended for automatic enrolment of the Chief Government Valuer and the valuers in the office of the Chief Government Valuer as members of the Institute, the use of the words "*in accordance with this Act*" causes confusion and implementation challenges. This is because according to the Act, different persons have different avenues to use for enrolment. There is need to explicitly provide for the automatic enrolment of the Chief Government Valuer and the valuers in the office of the Chief Government Valuer.

The Committee further noted the need to provide for an application for enrolment by the Chief Government Valuer and the valuers in the office of the Chief Government Valuer who do not qualify for automatic enrolment; that is those who are not registered as registered surveyors under the category of valuation under the Surveyors Registration Act.

Currently the clause proposes that a person who wishes to be enrolled as a member of the Institute shall apply to the Registrar, for enrolment as a member of the Institute. However, this proposal is not applicable to the Chief Government Valuer and the valuers in the office of the Chief Government Valuer because by virtue of being in the office of the Chief Government Valuer, the valuer must be a member of the Institute.

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The clause also proposes for applications for enrolment to be made to the Registrar. The Committee noted that it is prudent to provide for applications to be made to the Council as opposed to the Registrar so that in the event that internal structures of the Institute change and applications have to be made to a different officer, this provision does not hinder the effective implementation of the Bill.

Furthermore, the clause proposes that a person who applies for enrolment shall be eligible for enrolment if he or she has a degree in a discipline or field of valuation or an equivalent qualification recognized by the Council. The Committee noted that whereas this proposal is necessary especially for persons who have acquired academic qualifications in valuation from institutions of learning outside Uganda, the mandate to recognize such qualifications should remain with the National Council for Higher Education in line with section 4 (1) of the Universities and Other Tertiary Institutions Act, Cap. 262 which provides as follows-

“to determine the equivalence of all types of academic and professional qualifications of degrees, diplomas and certificates obtained elsewhere with those awarded by Ugandan institutions of higher education for recognition in Uganda.”

The clause also proposes that a person who qualifies for enrolment under subsection (4) shall before enrolment work under the supervision of a certified valuer or a practicing valuer for at least one year and shall also undertake professional training and take and pass the professional qualification examinations of the Institute.

The Committee observed that the above conditions should be complied with before a person applies for enrolment as opposed to being complied with before enrolment because compliance with the set conditions is a firm basis for a person to apply for enrolment and this will also guide the Council whether to enroll the applicant or not.

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The Committee also observed that the requirement for the applicant to work under the supervision of a certified valuer does not favour the progress of the valuation profession considering a certified valuer is not permitted to practice valuation.

The clause also proposes an exemption for a person who qualifies for enrolment, being a member of a professional body of valuers that is comparable in membership to the Institute from undertaking the professional qualification examinations of the Institute. The Clause further proposes to exempt a person who, at the commencement of the Act, is in employment under the public service as a valuation officer in the office of the Chief Government Valuer. The provision however does not specify what the person is exempted from.

The Committee observed that undertaking professional qualification training and exams is necessary for determining the competence of a person to offer valuation services therefore all applicants including persons employed in the public service as valuation officers should be subjected to the training and exams. However, the Committee is of the considered opinion that applicants who are members of professional bodies of valuers which are comparable in membership to the Institute should be exempt from undertaking the training and exams because by the time such persons are members of professional bodies of valuers, they have gone through the required training and tests.

Recommendations

In light of the above, the Committee recommends that clause 20 stands part of the Bill albeit with the amendment to –

- (a) grant automatic enrollment to the Chief Government Valuer, a Valuer in the office of Chief Government Valuer and any person who is registered as a registered surveyor under the category of valuation under the Surveyors Registration Act;*

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- (b) require the Chief Government Valuer and valuers in the office of the Chief Government Valuer who are not registered under the Surveyors Registration Act, to apply for enrollment as members of the Institute;
- (c) require the National Council for Higher Education to equate the qualifications of a person who seeks to be enrolled by the Council under sub clause 4 (a);
- (d) require the conditions set out in sub clause (5) to be complied with before a person applies for enrolment as a member of the Institute;
- (e) remove the exemption granted to a person who is employed in the public service as a valuation officer from undertaking professional qualification training and exams.

11. ENROLMENT OF MEMBERS OF THE INSTITUTE

Clause 22 of the Bill provides for enrolment of members of Institute. The Committee observed that the provision does not specifically provide for an application process for a person who wishes to be enrolled as a member of the Institute. The Committee also observed that the provision is silent on the procedure for the Chief Government Valuer and the valuers in the office of the Chief Government Valuer who qualify for automatic enrolment to have their names entered on the roll of members.

The clause also proposes that a person appointed in the service of the Office of the Chief Government Valuer shall be a certified valuer in accordance with this Act. The Committee noted that this proposal contradicts clause 23 (1) which provides for a person who is enrolled as a member of the Institute and who wishes to practice valuation to; on payment of registration fees prescribed by regulations made under this Act, apply to the Council to be registered as a practicing valuer. This proposal is redundant and therefore should be deleted.

Recommendation

In light of the above, the Committee recommends that clause 22 stands part of the Bill albeit with the amendment to –

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- (a) specifically provide for an application process for persons who qualify for enrolment under clause 20 (2) and (3);
- (b) provide for the enrolment of persons who qualify for enrolment under clause 20 (1);
- (c) delete sub clause (5).

12. REGISTRATION AS PRACTICING VALUER

Clause 23 provides for registration of person, who is enrolled as a member of the Institute and who wishes to practice valuation, as a practicing valuer.

The clause proposes for an appeal to the High Court to be made within twenty-one days after receipt of the decision of the Council. The Committee observed that the proposal does not specify the person who appeals the decision of the Council, to the High Court. The Committee noted the need for the proposal to specifically provide for an appeal to be made by a person who is not registered by the Council, to the High Court.

Recommendation

In light of the above, the Committee recommends that clause 23 stands part of the Bill albeit with the amendment to provide for the person appealing the decision of the Council to the High Court.

13. CERTIFICATE OF PRACTICE FOR SOLE PRACTITIONER

Clause 24 of the Bill provides for a person who is registered as a practicing valuer to be granted a certificate of practice for each year of practice, on payment of fees prescribed by regulations made under the Act. The Committee considered the provision and it noted that the provision does not clearly stipulate the application process for a person to obtain a certificate of practice for a sole practitioner. The Committee also noted that the provision does not allow the Council the discretion to grant a licence.

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The Committee further observed that the provision does not state the person who appeals the decision of the Council to the High Court. The Committee also noted the need to exempt the Chief Government Valuer and the valuers in his or her office from the application of this provision because clause 2 of the Bill mandates the Chief Government Valuer to undertake statutory valuations.

Recommendation

In light of the above, the Committee recommends that clause 24 stands part of the Bill albeit with the amendment to –

- (a) clearly provide for the process of applying for a certificate of practice for a sole practitioner;*
- (b) grant discretion to the Council to grant or not to grant a certificate of practice;*
- (c) clarity on who appeals to the High Court;*
- (d) re-arrange the provision in order to enhance clarity;*
- (e) exempt the Chief Government Valuer or a valuer in the office of the Chief Government Valuer from the application of clause 24.*

14. LICENCE OF PRACTICE FOR VALUATION FIRMS

Clause 25 of the Bill provides for two or more persons who are registered valuers and seek to practice as a valuation firm to be granted a licence of practice for each year of practice on payment of fees.

The Committee observed that the clause first mandates the Council to grant a licence of practice and in the subsequent provisions requires a valuation firm to make an application for a licence of practice to the Registrar. The Committee also observed that it is two or more persons that apply for a licence to practice as a valuation firm and not a valuation firm applying for the licence as envisaged in the clause.

The clause also requires each of the partners of a valuation firm to have a certificate of practice. The Committee noted that whereas this is a viable

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proposal to ensure that each of the partners of the valuation firm is a practicing valuer, the clause does not specify at what point in time each of the partners of a valuation firm should have their certificate of practice. It is prudent to require each of the partners to have their certificates of practice at the point of applying for a licence of practice as a valuation firm otherwise the provision allows persons who do not have certificates of practice to apply for a licence of practice.

The Clause proposes for the refusal by the Council to grant a licence of practice for a valuation firm and thereafter inform the valuation firm of its decision and of the right to appeal to the High Court against the decision of the Council.

The Committee observed that the above proposal only provides for the Council refusing to grant a licence of practice and leaves out the discretion of the Council to grant the licence. The Committee also observed that the clause proposes for the Council to inform the valuation firm of its decision, however at the point of application for a licence to practice, the persons applying are not doing so as a valuation firm but rather as applicants. The Council therefore informs the applicants of its decision as opposed to informing the valuation firm.

The clause also proposes an appeal to the High Court to be made within twenty-one days after receipt of the decision of the Council. The Committee noted that the proposal does not specify who makes the appeal to the High Court and in this case it should be the applicants.

Recommendation

In light of the above, the Committee recommends that clause 25 stands part of the Bill albeit with the amendments to –

(a) *require the applicant to make an application to the Council and to grant the council the discretion to grant or not to grant a license of practice;*

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(b) delete sub clause (3) as a consequential amendment to the proposed amendment in sub clause (1);

(c) require that each applicant is possessed with a certificate of practice prior to applying for a license of practice;

(d) clarify who makes the application since at the time of application for a licence of practice, the two or more persons applying for a licence of practice are not deemed to be a valuation firm;

(e) specify the person who makes an appeal to the High Court.

15. TEMPORARY CERTIFICATE OF PRACTICE

Clause 26 of the Bill provides for a temporary certificate of practice for a person who is not ordinarily resident in Uganda but intends to practice valuation in Uganda. The clause provides for a professional valuer not practicing in Uganda, however intending to practice in Uganda to apply for a temporary certificate of practice within four months before arrival in Uganda. The Committee observed that the term “*professional valuer*” has not been defined in the Bill and it is not clear as to what person is being referred to.

The Committee noted that the clause provides that every firm, entity or organization, private or public, which recruits a professional valuer into Uganda shall ensure that the valuer has applied for a temporary certificate of practice within four months of his or her arrival in Uganda. The Committee was concerned it is not enough for a recruiter to ensure that a professional valuer has applied for a temporary certificate, the person recruiting should ensure that the valuer is in possession of a temporary certificate. This loophole maybe exploited by persons to practice as professional valuers in Uganda without the necessary documentation.

The Committee also noted that the clause does not provide an offence and penalty for a firm, entity of organization which recruits a professional valuer into Uganda who has not obtained a temporary certificate of practice. The

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Committee noted that for this provision to be effective, a penalty should be imposed on a person who does not comply with the provision.

Recommendation

In light of the above, the Committee recommends that clause 26 stands part of the Bill albeit with the amendments to –

- (a) clarify the person being required to apply for or possess a temporary certificate of practice;*
- (b) impose a charge of professional misconduct against a person who employs a professionally qualified valuer who does not possess a temporary certificate of practice.*

16. PRACTICING VALUATION

Clause 27 of the Bill proposes to make provision for a person who practices valuation in Uganda to be a person who has a certificate of practice or a licence of practice. Whereas the Committee agrees with the principle, the Committee observed that the provision leaves out a temporary certificate of practice issued under clause 26 of the Bill. A person who is issued with a temporary certificate of practice under the proposed clause 26 of the Bill is also eligible to practice valuation in Uganda.

The clause also makes provision for a person who practices valuation to be eligible to undertake contractual valuation and where contracted under clause 2 (5), to be eligible to undertake statutory valuation. The Committee was concerned that this provision is broad enough to include the Chief Government Valuer and a valuer in the office of the Chief Government Valuer and yet these persons are only mandated under clause 2 of the Bill to undertake statutory valuations not contractual valuations. This gap in the Bill will allow the Chief Government Valuer and a valuer in the office of the Chief Government Valuer to undertake contractual valuation contrary to the objectives of this law.

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The Committee noted that the provision makes it an offence for a person to practice valuation without a certificate of practice or a licence of practice and imposes a penalty of a fine not exceeding five hundred currency points or imprisonment not exceeding two years or both. The Committee noted that the penalty is very lenient in light of the act constituting the offence.

Recommendation

In light of the above, the Committee recommends that clause 27 stands part of the Bill albeit with amendments to –

- (a) permit a person who has a temporary certificate of practice issued under clause 26 to practice valuation;*
- (b) exempt the application of sub clause 2 to the Chief Government Valuer or a valuer in the office of the Chief Government Valuer;*
- (c) enhance the penalty for the offence of practicing valuation without a certificate of practice, temporary certificate of practice or a licence of practice.*

17. DISCIPLINARY COMMITTEE OF THE COUNCIL

Clause 30 of the Bill provides for the disciplinary committee of the Council to hear complaints of professional misconduct brought against certified valuers and practicing valuers. The clause provides for the membership of the disciplinary committee which includes a member of a professional body who shall be a person of good repute.

The Committee noted that the professional body provided for above is not defined which leaves a lacuna in the law for the Council to choose what professional body shall have its representative on the disciplinary committee. This loophole leaves a lot of room for abuse of the provision.

The Committee was of the considered opinion that the disciplinary committee being a committee that handles complaints of professional misconduct, the professional body referred to should be the Uganda Law Society to recommend an advocate to be a member of the disciplinary committee. This will enhance

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compliance with laws, regulations and principles of fairness, equity and a fair trial in the proceedings of the disciplinary committee.

Recommendation

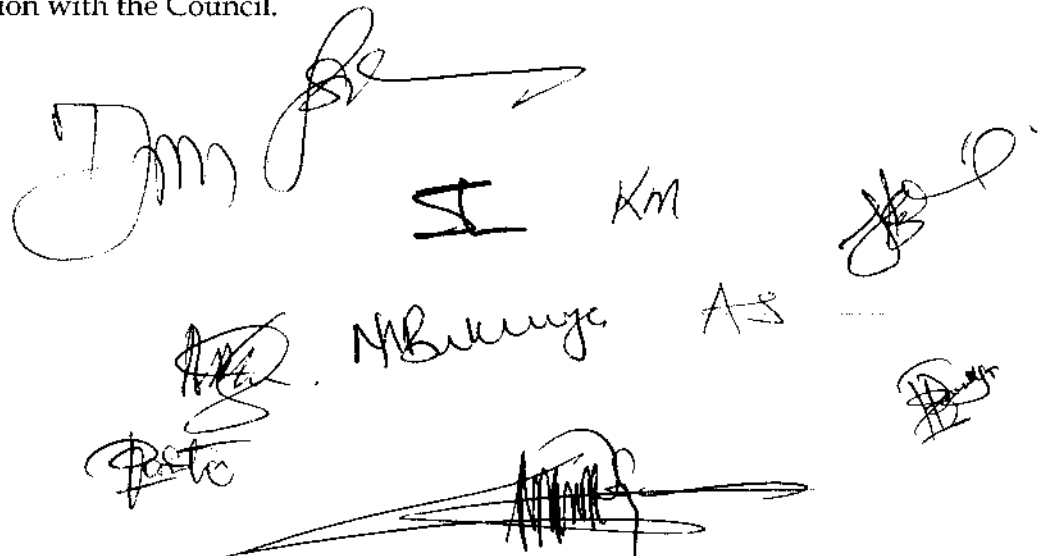
In light of the above, the Committee recommends that clause 30 stands part of the Bill albeit with the amendment to include an advocate among the members of the disciplinary committee.

18. RECONCILIATION OF VALUATIONS

Clause 31 of the Bill provides for the Council to appoint a value reconciliation committee to reconcile valuations where two or more practicing valuers acting independent of each other, render conclusion on a valuation of a property with significant differences.

The Committee however, observed that the provision does not give a practicing valuer who is a party to the proceedings of the value reconciliation committee an avenue to appeal the decision of the value reconciliation committee. The Committee noted the need for providing an appeal mechanism to the High Court for a practicing valuer who is not satisfied with the report of the value reconciliation committee in order to ensure effective delivery of justice.

The Committee also observed that the term “valuation of a property with significant differences” is not defined in the Bill which leaves a lot of room for misinterpretation and even abuse of the provision because the term is subjective. The Committee is of the opinion that the definition of the term “valuation of a property with significant differences” should be left to the Minister in consultation with the Council.



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Recommendation

The Committee recommends that clause 31 stands part of the Bill albeit with the amendments to-

- (a) provide for an option of appealing the advice of the value reconciliation committee;*
- (b) empower the Minister to define what amounts to a valuation of a property with significant differences.*

19. VALUATION FOR TANGIBLE AND INTANGIBLE ASSETS

Clause 32 proposes valuation to be undertaken to determine the value of tangible assets, including real property, development property and plant, equipment and infrastructure and intangible assets including business interests, non-financial liabilities, inventories and financial instruments.

The Committee observed that tangible assets and intangible assets are sufficiently defined in the proposed clause 1 which is the interpretation clause and any attempt to list them will be prejudicial to other assets that may not have been listed.

The Committee was also informed that assets that can be valued are based on economic cycles and therefore there is need for a provision that allows the Bill to recognize any other assets that may be specified by the National Valuation Standards.

Recommendation

The Committee recommends that clause 32 stands part of the Bill albeit with the amendment to—

- (a) delete the listed tangible assets and intangible assets;*
- (b) include any other assets as may be specified by the National Valuation Standards.*

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20. VALUATION REPORT

Clause 34 of the Bill proposes a valuation report to be made for every valuation undertaken and should include the name of the certified valuer or practicing valuer who undertakes the valuation, the scope of work performed, the purpose of the valuation, the description of the asset valued and the valuation date which shall be the effective date of the valuation.

The Committee agreed with the principle to have all the details concerning a valuation documented. However, the Committee noted that the proposal is missing the name of the person for whom the valuation is undertaken. The name of the person for whom the valuation is undertaken is very important because without it valuers many use this loophole to avoid responsibility and accountability.

The Committee also noted that the proposal makes mention of a valuation report to include the name of the certified valuer who undertakes the valuation. According to the Bill, a certified valuer is a person who is enrolled as a member of the Institute but has not yet obtained a practicing certificate to practice valuation. Clause 27 of the Bill proposes that for a person to practice valuation in Uganda, the person must have a certificate of practice or a licence of practice. The Committee hence observes that the proposal requiring a valuation report to indicate the name of a certified valuer who undertakes the valuation contradicts several provisions of the Bill and will also permit certified valuers to undertake valuation.

The clause also proposes for a valuation report to indicate the valuation standards applied to the valuation. The Committee agreed with the principle because valuation standards serve to ensure consistency, transparency and confidence in valuations which are key to investment decisions, financial reporting and financial market stability. However, the Committee was concerned that the proposal leaves out the aspect of valuation principles

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applied to the valuation. Including valuation principles in a valuation report is pertinent because valuation principles give the basis for the valuation, support accuracy in financial report and ensure transparency during interpretation of valuation reports.

Recommendation

In light of the above, the Committee recommends that clause 34 stands part of the Bill albeit with the amendments to –

- (a) require a valuation report to indicate the name of the person for whom the valuation is undertaken;*
- (b) remove any reference to a certified valuer;*
- (c) include valuation principles applied to the valuation, in the valuation report.*

21. PERIOD OF VALIDITY OF VALUATION

Clause 35 of the Bill proposes to make provision for a statutory valuation assessment made under the Land Acquisition Act for purposes of compulsory acquisition of land by Government to be valid for a period of two years from the date of the valuation report. The clause further proposes that except for the above mentioned valuation, a valuation conducted under the Local Governments (Ratings) Act and valuations whose validity is provided for by Law, any other valuation undertaken shall be valid for the period prescribed by the Minister, in consultation with the Council.

The clause also proposes that the period of validity of a valuation shall start on the date of the last inspection of the property under valuation.

The Committee observed a contradiction in the proposals where the clause provides for a statutory valuation assessment being valid for a period of two years from the date of the valuation report and also provides that the period of validity of a valuation shall start on the date of the last inspection of the

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property under valuation. The Committee noted the need to harmonize the proposals in order to clarify the period of validity of valuations.

Recommendation

In light of the above, the Committee recommends that clause 35 stands part of the Bill albeit with the amendment to align sub clauses (1), (2) and (4) since the period of validity referred to in sub clause (4), only applies to sub clause (2).

22. POWERS AND OBLIGATIONS OF CERTIFIED VALUER AND PRACTICING VALUER

Clause 36 of the Bill provides for the powers and obligations of the Chief Government Valuer, other certified valuers and practicing valuers while undertaking valuation.

The Committee considered this provision and is in agreement with the principle to give authority to practicing valuers to undertake valuation in a responsible and transparent manner. However, the Committee was concerned that the provision proposes to give powers and impose obligations on certified valuers for purposes of undertaking valuations. The Committee observed that only practicing valuers are permitted to undertake valuations under the Bill as proposed in clauses 23 and 27 of the Bill. This clause however, in a way permits certified valuers to undertake valuation which is very detrimental to valuation practice considering that for a person to practice valuation, he or she must obtain a practicing certificate.

Recommendation

In light of the above, the Committee recommends that clause 36 stands part of the Bill albeit with the amendment to delete the words "certified valuer".

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23. PRACTICING VALUER NOT TO ACT AS AGENTS FOR UNQUALIFIED PERSONS

Clause 38 of the Bill proposes to prohibit a practicing valuer from acting as an agent for any other person other than a certified valuer or practicing valuer in the performance of any act which may only be performed by a certified valuer or a practicing valuer. The clause also prohibits a practicing valuer from allowing his or her name to be used by any person other than a certified valuer or a practicing valuer in the performance of any act under the law.

The Committee observed that whereas the proposal is essential in regulating the valuation practice in Uganda by excluding persons who are not qualified to practice valuation, the inclusion of the term “certified valuer” in the proposal defeats that purpose. The proposal allows practicing valuers to act as agents of certified valuers and also allows certified valuers to use the names of practicing valuers in the performance of any act under the Bill or any other written law. This proposal not only contradicts various provisions of the Bill including clause 23 and clause 27 which permit only practicing valuers to undertake valuations but also permits certified valuers to undertake valuations through practicing valuers which defeats the intention of the Bill.

The Committee also observed that the clause proposes an offence but does not prescribe a penalty for the offence. The Committee noted that for effective implementation of this provision, there is need to prescribe a penalty for the offence.

Recommendations

In light of the above, the Committee recommends that clause 38 stands part of the Bill albeit with the amendments to –

- (a) delete the words “certified valuer or”;*
- (b) provide a penalty for the offence.*

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24. PRACTICING VALUERS NOT TO EMPLOY A PERSON REMOVED FROM THE ROLL OR SUSPENDED

Clause 39 of the Bill proposes an offence for a practicing valuer who, in connection with his or her practice, employs or remunerates any person who to his or her knowledge is disqualified from practicing as a practicing valuer by reason of the fact that his or her name has been removed from the roll as a result of disciplinary proceedings or because he or she has been suspended from practicing for a like cause.

The Committee is in agreement with the proposal however, it notes that a penalty has not been proposed for the offence. For effective implementation of this provision, there is need to prescribe a penalty for the offence.

Recommendation

In light of the above, the Committee recommends that clause 39 stands part of the Bill albeit with the amendment to provide a penalty for the offence.

25. REGULATIONS

Clause 44 of the Bill provides for the Minister, in consultation with the Council, to make regulations for the management and use of the Land Valuation Management Information System.

The Committee observed that the term "Land Valuation Management Information System" in the proposal is not in tandem with the term used in clause 3 of the Bill. Clause 3 of the Bill proposes for the establishment of the "National Valuation Information System". The Committee noted the need to harmonize this provision with clause 3 of the Bill.

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Recommendation

In light of the above, the Committee recommends that clause 44 stands part of the Bill albeit with the amendment to harmonize the provision with clause 3 of the Bill.

26. AMENDMENT OF CAP. 303

Clause 45 of the Bill proposes to amend section 1 of the Surveyors Registration Act, Cap. 303 by deleting the term “valuation surveyors” appearing in paragraph (h) of that section.

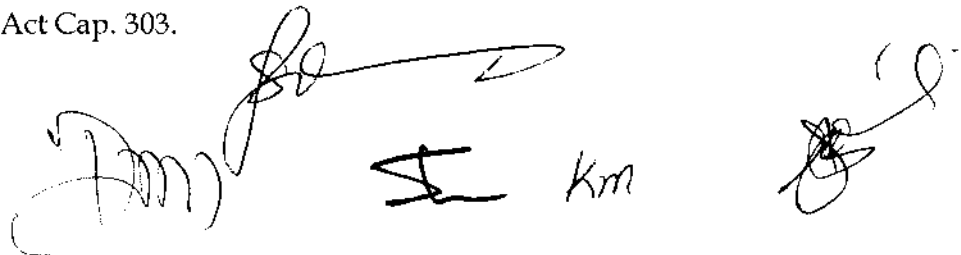
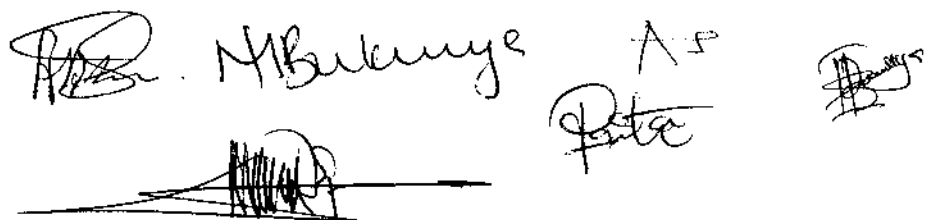
The Committee considered the proposal and is in agreement with the principle to align the Surveyors Registration Act Cap. 303 with the Bill by removing valuation surveyors from the definition of “surveyor”.

The Surveyors Registration Act Cap. 303 defines “surveyor” to include *land surveyors, quantity surveyors, building surveyors, mining and hydrological surveyors, and valuation surveyors as well as land agents and other professionals responsible for the management of land or buildings.*”

The Committee however observed that the reference to paragraph (h) of section 1 is inaccurate and misleading because section 1 of the Surveyors Registration Act Cap. 303 does not have paragraph (h). The Committee noted the need to make an accurate reference of the term “valuation surveyors” in the Surveyors Registration Act Cap. 303.

Recommendation

In light of the above, the Committee recommends that clause 45 stands part of the Bill albeit with the amendment to make an accurate reference to the Surveyors Registration Act Cap. 303.

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27. GENERAL OBSERVATIONS ON THE BILL

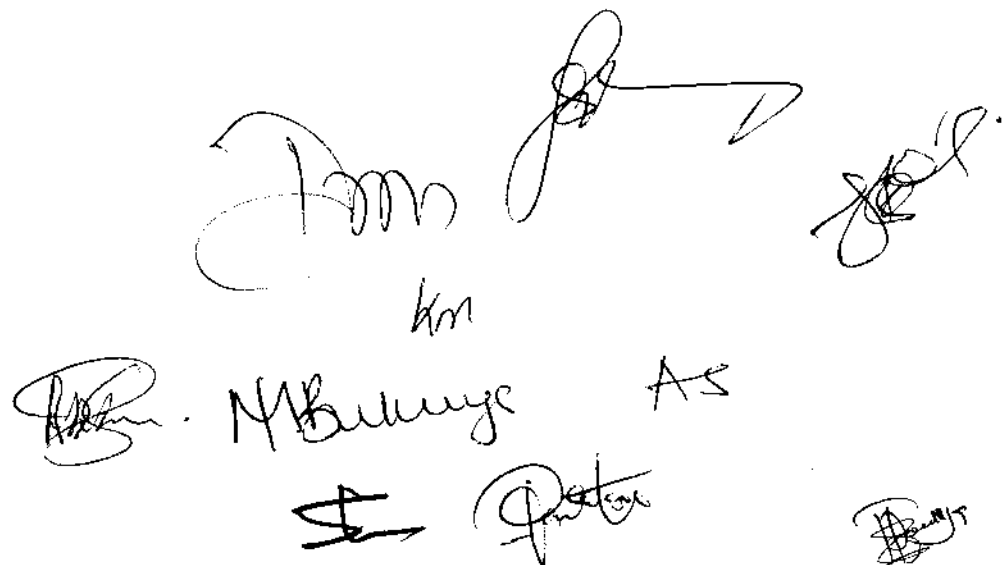
The Committee made the following observations on matters that are missing in the Bill and yet they are needed to strengthen the Bill.

The Committee observed that some of the words used in the Bill are incapable of exact definition if they are not specifically defined in the Bill. For instance, the words "valuation" and "valuer" are used in the Bill but are not defined therein. The failure to define clearly what these words mean will create ambiguity in the law.

Recommendations

The Committee therefore recommends that a provision is made in the Bill for the definition of the words "valuation" and "valuer".

I beg to report.



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PROPOSED AMENDMENTS TO THE VALUATION BILL, 2024

CLAUSE 1: INTERPRETATION

Clause 1 is amended –

(a) in the definition of “asset”, by adding the following words at the end of the definition –

“who owns or controls the tangible asset or the intangible asset;”;

(b) by substituting for the definition of “property”, the following –

“property” means an asset and includes the interest, rights or benefits in the asset;”;

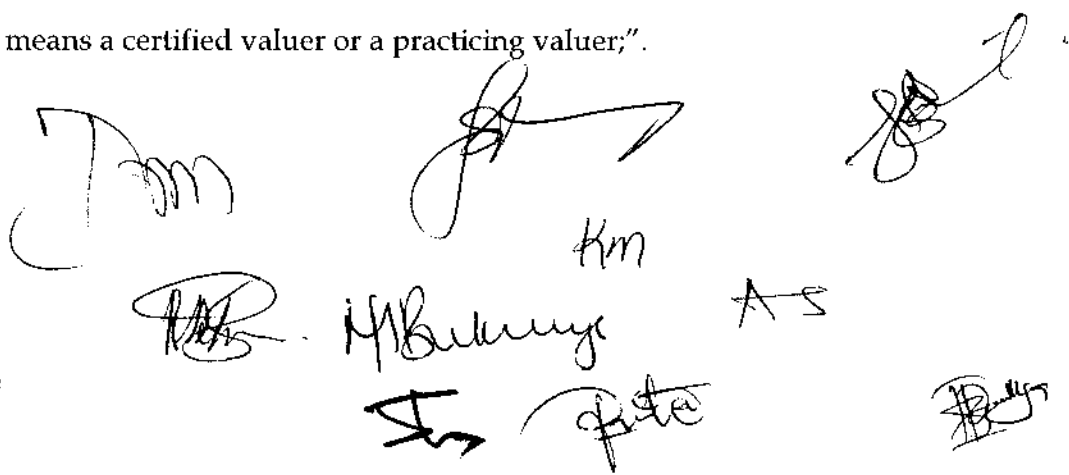
(c) by substituting for the definition of “Registrar”, the following –

“Registrar” means the Registrar appointed by the Council under section 14;”;

(d) by inserting the following definitions immediately after the definition of “tangible asset” –

“valuation” means the process of determining the value of an asset;”;

“valuer” means a certified valuer or a practicing valuer;”.



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Justification

- *To harmonise the definition of the word asset and property in the context they are used in the Bill.*
- *To broaden the definition of "Registrar" since the definition proposed in the Bill is restrictive.*
- *To define the words "valuation" and "valuer" since they are used numerously in the Bill.*

CLAUSE 2: CHIEF GOVERNMENT VALUER TO UNDERTAKE STATUTORY VALUATIONS

Clause 2 is amended in sub clause (2) (c), by inserting immediately after the word "court", the following –

"(c) to the Chief Government Valuer."

Justification

To achieve clarity on orders of court for which statutory valuation shall be undertaken.

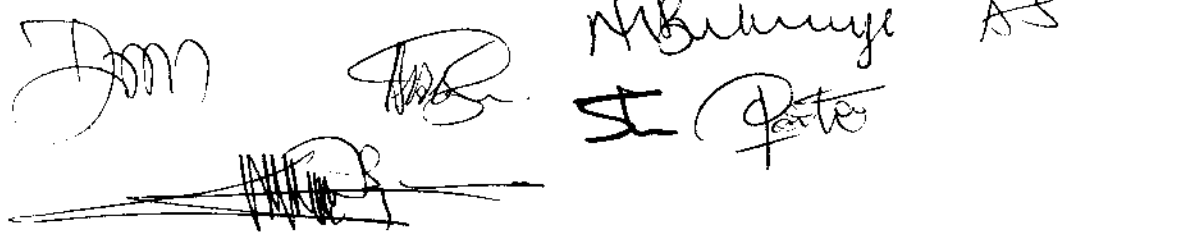
CLAUSE 5: FUNCTIONS OF THE INSTITUTE

Clause 5 is amended –

(a) in paragraph (a), by deleting the words "and the conduct of certified valuers and practicing valuers";

(b) by inserting immediately after paragraph (a), the following –

"regulate the conduct of certified valuers and practicing valuers;"


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Justification

To split paragraph (a) into two provisions in order to separately provide for the functions of maintaining the standard of valuation and the regulation of the conduct of certified valuers and practicing valuers.

INSERTION OF NEW CLAUSE IMMEDIATELY AFTER CLAUSE 6

The Bill is amended by inserting immediately after clause 6, the following –

“Seal of Institute

(1) The Institute shall have a seal which shall be in the custody of the secretary to the Council and which shall, by the order of the Council, be affixed to any document of the Institute.

(2) The Seal of the Institute shall be authenticated –

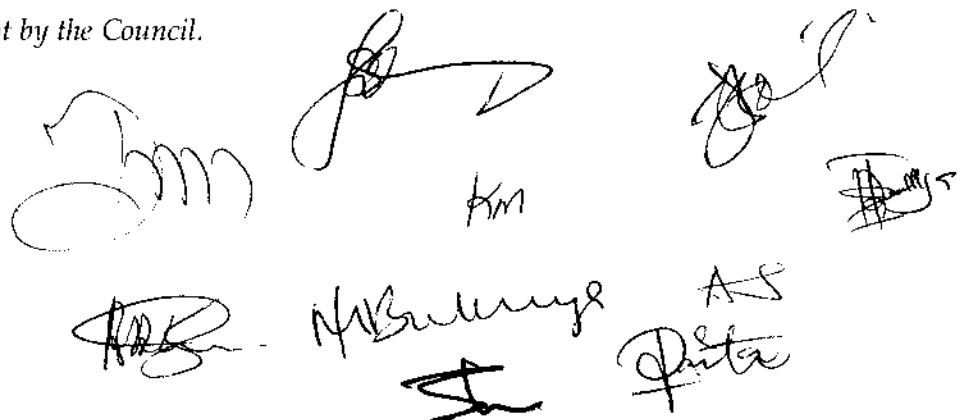
(a) by the signature of the president and the secretary to the Council;

(b) in the absence of the president, by the signature of the vice president and the secretary to the Council; and

(c) in the absence of the vice president, by the signature of the member acting as president and the secretary to the Council.”

Justification

To harmonise clause 4 (2) and clause 9 of the Bill since the corporate status is had by the Institute and not by the Council.



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CLAUSE 7: THE COUNCIL OF THE INSTITUTE

Clause 7 is amended –

(a) in sub clause (3), by substituting for paragraph (a), the following –

“four persons who shall be practicing valuers with at least seven years of experience in valuation practice, elected by members of the Institute at a general meeting of the Institute;”;

(b) by substituting for sub clause 5, the following –

“The Minister shall appoint the president and the vice president from among persons elected under subsection (3) (a).”;

(c) by deleting sub clause (7).

Justification

- *The amendment proposed to paragraph (a) is to require the members of the Council to have experience in valuation practice and to provide for the election of members of the Council to be done at a General Meeting of the Institute.*
- *The amendment of sub clause (5) is to achieve clarity.*
- *The deletion of sub clause (7) is to remove a redundant provision.*

CLAUSE 8: FUNCTIONS OF THE COUNCIL

Clause 8 is amended by substituting for paragraph (b), the following –

“register practicing valuers and valuation firms;”

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Justification

To align the provision with clause 41 (2) of the Bill which provides for a register of practicing valuers and a register of valuation firms only. The Bill does not provide for a register of certified valuers, making the reference to such a register in paragraph (b), redundant.

CLAUSE 9: SEAL OF THE COUNCIL

Delete clause 9.

Justification

Consequential amendment arising from the insertion of a new clause immediately after clause 6 providing for a seal of the institute as required in clause 4 (2).

CLAUSE 10: TERMINATION OF OFFICE OF MEMBER OF THE COUNCIL

Clause 10 is amended in sub clause (2)–

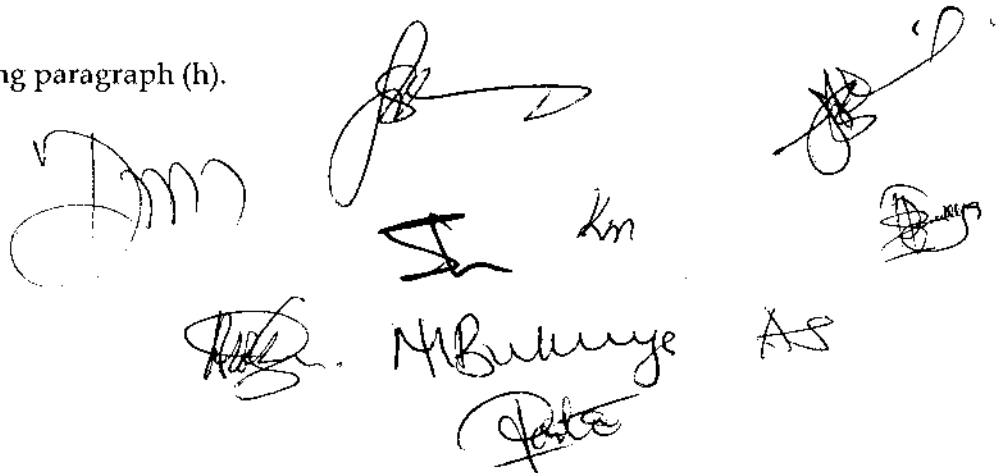
(a) by substituting for paragraph (f), the following –

“upon conviction for an offence by a competent court in Uganda or elsewhere and sentenced to a term of imprisonment for six months or more without the option of a fine;”

(b) by inserting immediately after paragraph (g), the following –

“where the member of the Council ceases to hold the office by virtue of which he or she is a member of the Council.”;

(c) by deleting paragraph (h).



Handwritten signatures and initials of council members, including 'Jm', 'Kn', 'M. Bukungye', 'AS', and 'Pete'.

Justification

- *To remove ambiguity caused by the use of the term “moral turpitude” since the word is incapable of exact definition.*
- *To provide for where a member of the Council ceases to hold the office that he or she represents on the Council.*
- *Paragraph (h) is ambiguous and subject to abuse.*

CLAUSE 14: REGISTRAR

Clause 14 is substituted for the following –

“14. Registrar

- (1) The Registrar shall be appointed by the Council and shall hold office in accordance with the terms and conditions as the Council shall determine.
- (2) The Registrar shall be the chief executive officer of the Institute and a full time employee of the Institute.
- (3) The Registrar shall be the Registrar of certified valuers, practicing valuers and valuation firms and shall –
 - (a) keep and maintain a roll of members of the Institute who are enrolled under section 22, a register of practicing valuers and a register of valuation firms;
 - (b) make necessary alterations and corrections in the roll of members of the Institute and in any register kept and maintained under this Act, in relation to any entry as may be directed by the Council;

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(c) remove from the roll of members of the Institute and any register kept and maintained under this Act—

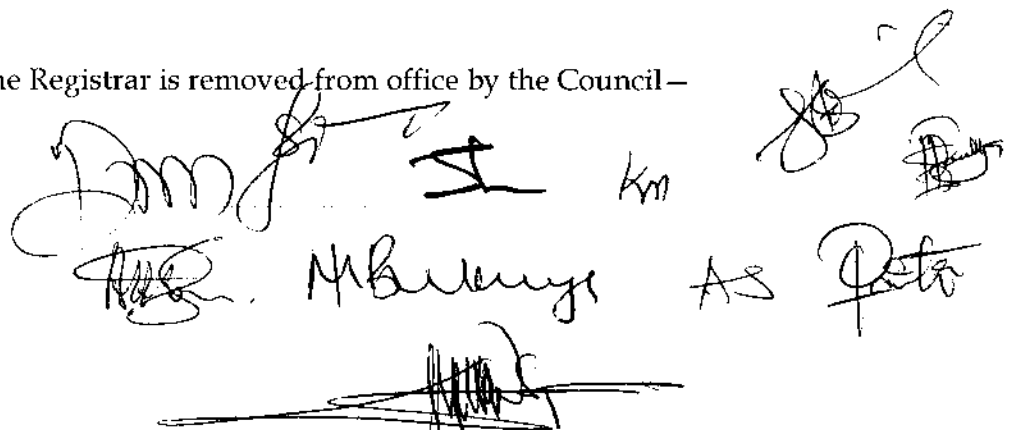
- (i) the name of any person ordered to be removed from the roll or register under this Act;
- (ii) the name of a certified valuer or practicing valuer who is deceased;
- (iii) any entry which may have been incorrectly or fraudulently made in the roll of members of the Institute or any register; or
- (iv) the name of the practicing valuer who ceases to practice.

(4) The Registrar shall be the secretary to the Council and shall be responsible for—

- (a) recording the minutes of meetings of the Council and its committees; and
- (b) keeping custody of all records and documents of the Council.

(5) The Registrar shall cease to hold office—

- (a) if the Registrar resigns his or her office; or
- (b) if the Registrar is removed from office by the Council—

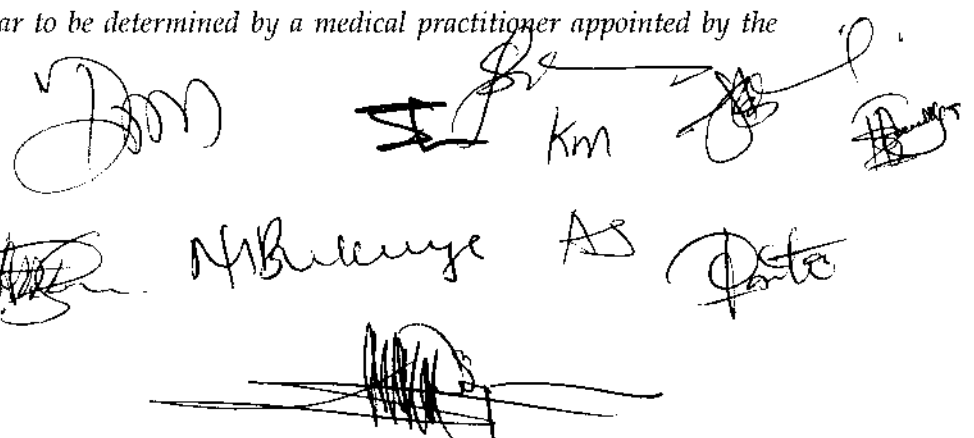


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- (i) for abuse of office;
- (ii) for inability to perform his or her functions arising from infirmity of body or mind as determined by a medical practitioner appointed by the Council;
- (iii) for incompetence;
- (iv) for misbehavior or misconduct;
- (v) where the Registrar is declared bankrupt or has made an arrangement with his or her creditors; or
- (vi) where the Registrar is convicted of an offence and sentenced to imprisonment for six months or more, without the option of a fine."

Justification

- *To clarify on the appointment of the Registrar;*
- *To provide for additional functions of the Registrar.*
- *To provide additional grounds under which the Registrar shall cease to hold office.*
- *To harmonise the provision with the Insolvency Act Cap. 108 which restricts insolvency proceedings to corporate entities and bankruptcy proceedings to natural persons.*
- *To require the removal of a Registrar for inability to perform the functions of the office of Registrar to be determined by a medical practitioner appointed by the Council.*



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CLAUSE 16: FUNDS OF THE INSTITUTE

Clause 16 is amended –

- (a) in paragraph (a), by substituting for the words “certificate of licence”, the words “certificate of practice”;
- (b) in paragraph (b), by deleting the words “for late application for renewal for a certificate of licence or a licence to practice”.

Justification

- *To align paragraph (a) with clause 24 of the Bill which provides for certificate of practice for sole practitioners and not a certificate of license as proposed in the provision.*
- *To remove the restriction on fines under paragraph (b) since the Institute can impose other fines for which the fees arising from such fines constitute funds of the Institute.*

CLAUSE 20: ELIGIBILITY FOR MEMBERSHIP OF THE INSTITUTE

Clause 20 is amended –

(a) in sub clause (1) by –

- (i) inserting immediately before the words “a person”, the words,

“The Chief Government Valuer, a valuer in the office of the Chief Government Valuer and”

The image shows several handwritten signatures and initials. On the left, there is a large signature that appears to be 'DM'. To its right are the initials 'st'. Further right are the initials 'KM'. Below these, there is a signature that looks like 'Mr. Bwanya' with the initials 'AS' next to it. On the far right, there is a signature that appears to be 'Pate' and another signature below it. There is also a large, dark scribble at the bottom center.

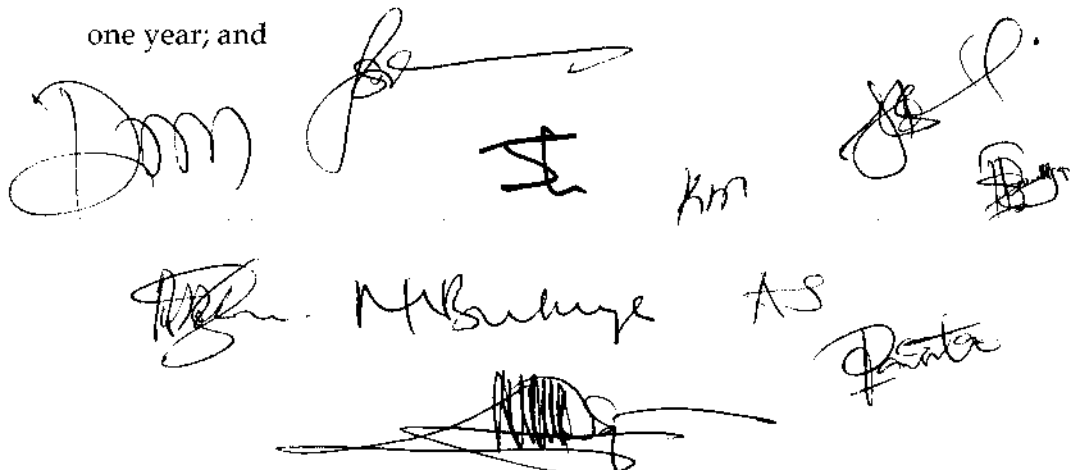
- (ii) by substituting for the words “shall be enrolled as a member of the Institute under this Act”, the words “is enrolled as a member of the Institute.”;
- (iii) in sub clause (2), by substituting for the word “Registrar”, the word “Council”;
- (iv) by substituting for sub clause (3), the following—

“The Chief Government Valuer or a valuer in the office of the Chief Government Valuer, who does not qualify for enrollment as a member of the Institute under subsection (1), shall apply to the Council for enrollment as a member of the Institute.”;

- (v) in sub clause (4)—
 - (i) by substituting for the phrase “subsection (2)”, the phrase “subsections (2) and (3);
 - (ii) in paragraph (a), by substituting for the words “recognized by the Council”, the words “as may be determined by the National Council for Higher Education”;
- (vi) by substituting for sub clause (5), the following—

“A person shall before applying for enrollment under this section—

- (a) work under the supervision of a practicing valuer for at least one year; and



A collection of handwritten signatures and initials, including 'Dom', 'km', 'AS', and 'Panta', along with a large scribbled-out signature at the bottom.

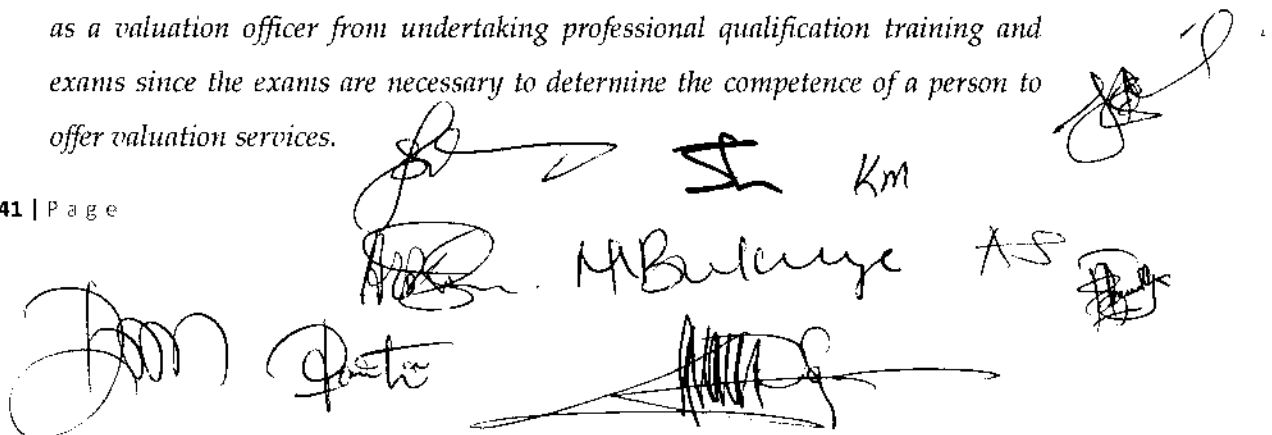
(b) undertake professional qualification training and pass the professional qualification training examinations conducted by the Institute.”;

(vii) by substituting for sub clause (6), the following –

“(6) Notwithstanding subsection (5), the Council may upon satisfactory evaluation of the academic qualifications and experience of a person referred to in subsection (4) (b), exempt the person from undertaking the professional qualification training and examinations referred to in subsection (5).”

Justification

- To grant automatic enrollment to the Chief Government Valuer, a Valuer in the office of Chief Government Valuer and any person who is registered as a registered surveyor under the category of valuation under the Surveyors Registration Act.
- To require the Chief Government Valuer and valuers in the office of the Chief Government Valuer who are not registered under the Surveyors Registration Act, to apply for enrollment as members of the Institute.
- To require the National Council for Higher Education to equate the qualifications of a person who seeks to be enrolled by the Council under sub clause 4 (a) since it is the national body responsible for equating academic qualifications.
- For clarity, to require the conditions set out in sub clause (5) to be complied with before a person applies for enrolment as a member of the Institute.
- To remove the exemption granted to a person who is employed in the public service as a valuation officer from undertaking professional qualification training and exams since the exams are necessary to determine the competence of a person to offer valuation services.


 A collection of handwritten signatures and initials in black ink. At the top right, there is a signature that appears to be 'J'. Below it, there are several other signatures, including one that looks like 'M Bulanyi' and another that looks like 'AS'. There are also some initials and scribbles scattered around the bottom half of the page.

- *To provide for the enrolment of persons who qualify for enrolment under clause 20 (1).*
- *The deletion of sub clause (5) is for purposes of removing a redundant provision.*

CLAUSE 23: REGISTRATION AS PRACTISING VALUER

Clause 23 is amended by substituting for sub clause (5) the following—

“A person who is not registered by the Council in subsection (4) may, within twenty one days after receipt of the decision of the Council, appeal to the High Court.”

Justification

- *The amendment to sub clause (5) is for clarity and better drafting.*

CLAUSE 24: CERTIFICATE OF PRACTICE FOR SOLE PRACTITIONER

For clause 24, there is substituted the following—

“Certificate of practice for sole practitioner

(1) A person who is registered as a practicing valuer shall, upon payment of fees and in a manner prescribed by regulations made under this Act, annually, apply to the Council for a certificate of practice.

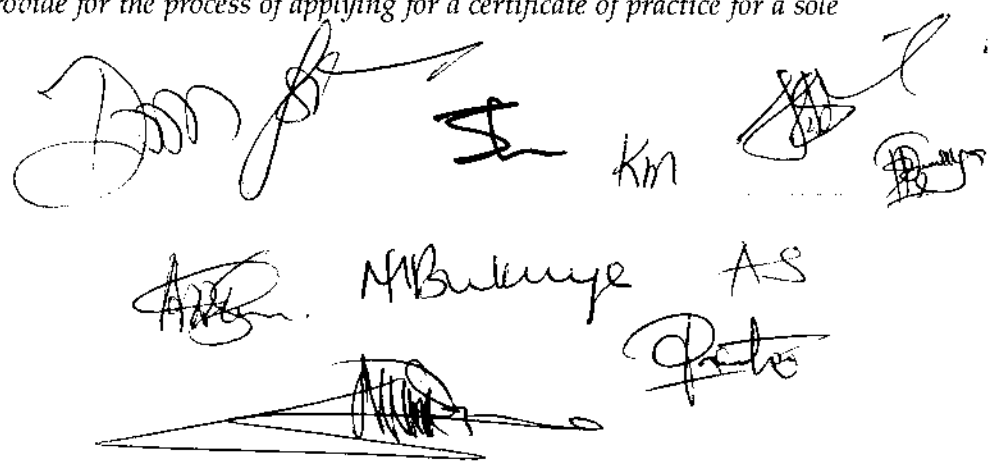
(2) The Council may upon receipt of the application under subsection (1) grant or refuse to grant the applicant a certificate of practice.

The bottom of the page contains several handwritten signatures and initials. From left to right, there is a signature that appears to be 'Dom', a signature that appears to be 'M. Bulcany', and a signature that appears to be 'A.S. Patel'. There are also some other initials and scribbles, including 'Km' and a signature that looks like 'I'.

- (3) Where the Council refuses to grant the applicant a certificate of practice, the Council shall, within thirty days, inform the applicant of the decision and the reason for the decision.
- (4) An applicant who is not granted a certificate of practice may, within twenty one days after receipt of the decision of the Council, appeal to the High Court.
- (5) A certificate of practice shall be valid for the year of issue and shall in all cases expire on the 31st day of December of the year in which it was issued.
- (6) A practicing valuer who wishes to renew his or her certificate of practice shall, by the 31st day of October of the year of issue, on payment of fees for renewal as may be prescribed by regulations made under this Act, apply to the Council for renewal of the certificate of practice.
- (7) A practicing valuer who makes an application under subsection (7) shall accumulate the hours of continuous professional development as may be prescribed by regulations made under this Act.
- (8) A practicing valuer who is issued with a certificate of practice shall have a practice stamp with his or her name or the trade name and his or her profession and shall affix the stamp to all documents signed by him or her.
- (9) This section shall not apply to the Chief Government Valuer or a valuer in the office of the Chief Government Valuer."

Justification

- *To clearly provide for the process of applying for a certificate of practice for a sole practitioner.*



A collection of handwritten signatures and initials. The top row includes a large signature 'Don', a signature 'KM', and a signature 'AS'. Below these are 'MBulunge' and 'Pete'. At the bottom is a long, horizontal signature.

- *To grant discretion to the Council to grant or not to grant a certificate of practice.*
- *To clarity on who appeals to the High Court.*
- *To re-arrange the provision in order to enhance clarity.*
- *The exemption of the Chief Government Valuer or a valuer in the office of the Chief Government Valuer from the application of clause 24 is to harmonize the provision with clause 2 which mandates the office of the Chief Government Valuer to undertake statutory valuations.*

CLAUSE 25: LICENCE OF PRACTICE FOR VALUATION FIRMS

Clause 25 is amended –

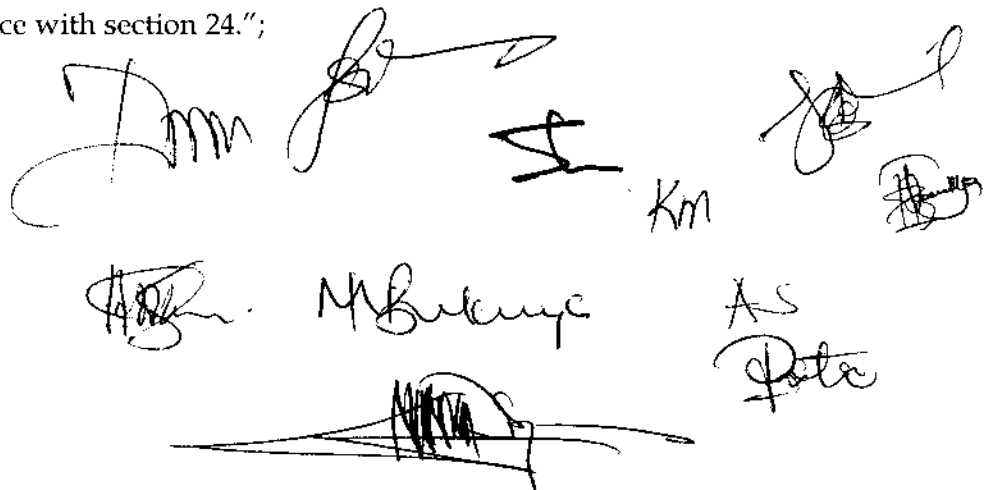
(a) by substituting for sub clause (1), the following –

“(1) Where two or more persons who are registered as practicing valuers under section 23, seek to practice as a valuation firm, the persons shall for each year of practice, on payment of fees as may be prescribed by regulations made under this Act, apply to the Council for a licence of practice for the valuation firm.;

(b) by deleting sub clause (3);

(c) by substituting for sub clause (4), the following –

“(4) Each of the persons who seek to practice as a valuation firm shall before making an application under subsection (1), obtain a certificate of practice in accordance with section 24.”;

A collection of handwritten signatures and initials in black ink. The signatures are scattered across the bottom right portion of the page. Some are large and stylized, while others are smaller and more compact. The initials 'Km' are visible in the middle right. At the bottom center, there is a large, bold signature that appears to be 'M. Bulange'. To its right, there are initials 'AS' and 'Pete' written vertically. At the very bottom, there is a long, horizontal signature that is mostly obscured by a thick black line.

(d) in sub clause (6), by –

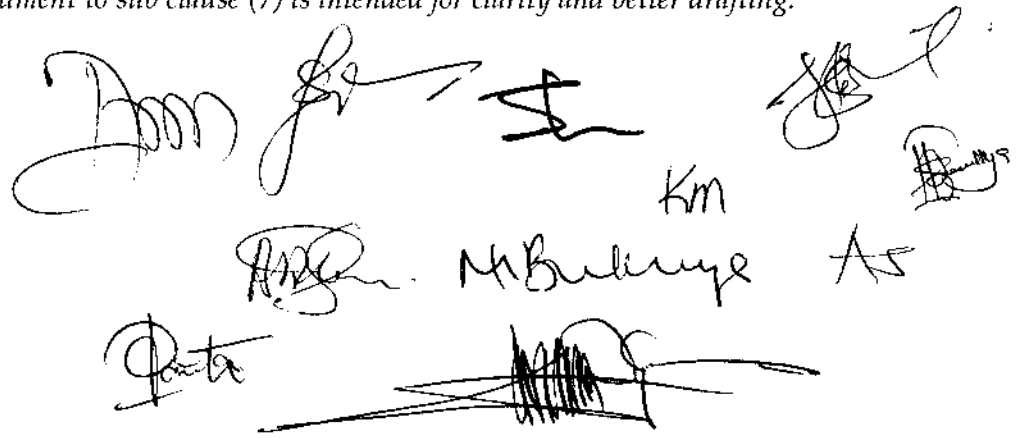
- (i) substituting for the words “refuse to grant, the words “grant or refuse to grant”;
- (j) substituting for the words “inform the valuation firm”, the words “inform the applicants”;

(e) by substituting for sub clause (7), the following –

“(7) An applicant who is not granted a license of practice may, within twenty one days after receipt of the decision of the Council under subsection (6), appeal to the High Court.”

Justification

- *Amendment to sub clause (1) are intended to require the applicant to make an application to the Council and to grant the council the discretion to grant or not to grant a license of practice.*
- *The deletion of sub clause (3) is a consequential amendment to the proposed amendment in sub clause (1);*
- *The amendment to sub clause (4) is intended to ensure that each applicant is possessed with a certificate of practice prior to applying for a license of practice.*
- *The amendment in sub clause (6) is intended to clarify who makes the application since at the time of application for a licence of practice, the two or more persons applying for a licence of practice are not deemed to be a valuation firm.*
- *The amendment to sub clause (7) is intended for clarity and better drafting.*



Handwritten signatures and initials including 'Km', 'AS', and 'Panta'.

CLAUSE 26: TEMPORARY CERTIFICATE OF PRACTICE

Clause 26 is amended –

(a) by substituting for sub clause (6), the following –

“The person referred to in subsection (1) shall apply to the Council for a temporary certificate of practice within four months before arriving in Uganda.”

(b) by substituting for sub clause (7), the following –

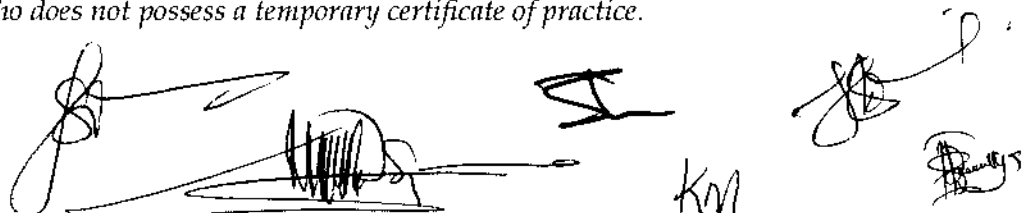
“A firm, entity or organization, private or public, shall not recruit a person referred to in subsection (1) unless the person has obtained a temporary certificate of practice issued in accordance with this section.”

(c) by inserting immediately after sub clause (7), the following –

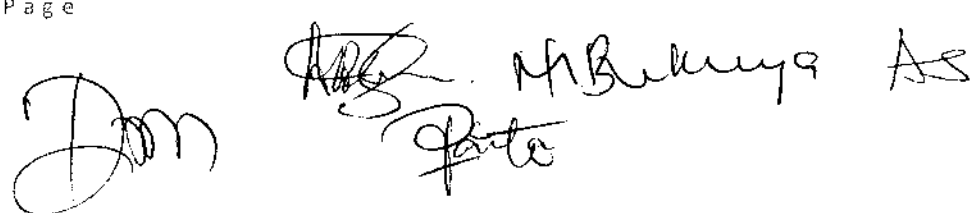
“A firm, entity or organization, private or public, which contravenes subsection (7), commits an offence of professional misconduct and shall be subject to disciplinary measures imposed under the Professional Code of Ethics for Certified Valuers and Practising Valuers.”

Justification

- *Sub clauses (6) and (7) are amended to enhance clarity as to the person being required to apply for or possess a temporary certificate of practice.*
- *To enhance compliance with the provisions of the section by imposing a charge of professional misconduct against a person who employs a professionally qualified valuer who does not possess a temporary certificate of practice.*



Handwritten signatures and initials at the top of the justification section, including a large signature on the left, a signature with 'KM' below it, and a signature on the right.



Handwritten signatures and initials at the bottom of the page, including 'DM', 'M. Bukuya', 'As', and 'Pate'.

CLAUSE 27: PRACTISING VALUATION

Clause 27 is amended –

(a) by substituting for sub clause (1), the following –

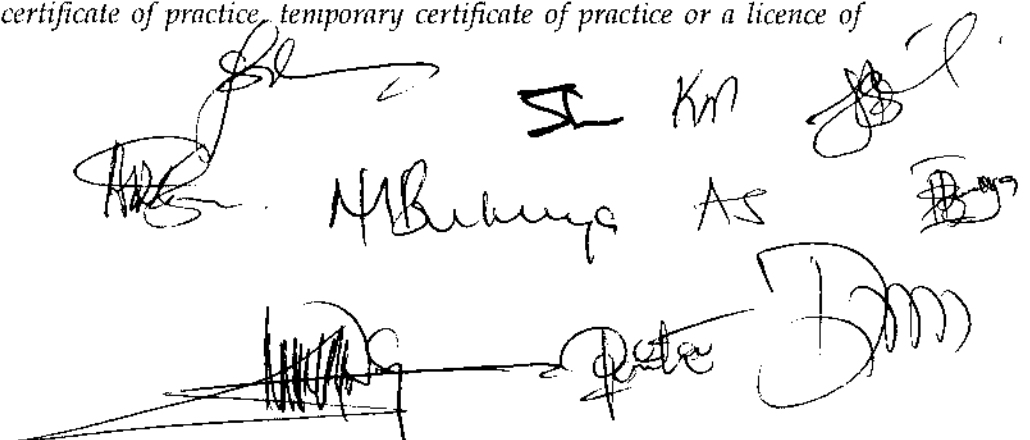
“A person shall not practice valuation unless the person has a certificate of practice issued under section 24, a licence of practice for valuation firms issued under section 25 or a temporary certificate of practice issued under section 26.”

(b) in sub clause (2), by inserting the words “other than the Chief Government Valuer or a valuer in the office of the Chief Government Valuer” immediately after the word “person”;

(c) in sub clause (4), by substituting for the words “five hundred currency points”, the words “five thousand currency points”.

Justification

- *Sub clause (1) is amended to include a temporary certificate of practice issued under clause 26 since the holder of a temporary certificate of practice is eligible to practice valuation in Uganda.*
- *The amendment to sub clause (2) is intended to exempt the application of the provision to the Chief Government Valuer or a valuer in the office of the Chief Government Valuer since they cannot undertake contractual valuation.*
- *To ensure compliance by enhancing the penalty for the offence of practicing without a certificate of practice, temporary certificate of practice or a licence of practice.*

A collection of handwritten signatures and initials in black ink, including names like 'M. Bukungu', 'AS', and 'DM', along with various scribbles and initials.

CLAUSE 30: DISCIPLINARY COMMITTEE OF THE COUNCIL

Clause 30 is amended in sub clause (2) by substituting for paragraph (d), the following –

“(d) an advocate recommended by Uganda Law Society.”

Justification

To enhance compliance with laws, regulations and principles of fairness, equity and a fair trial, by including an advocate among the members of the disciplinary committee.

CLAUSE 31: RECONCILIATION OF VALUATIONS

Clause 31 is amended –

(a) by inserting immediately after sub clause (2), the following –

“A party to proceedings before the value reconciliation committee who is aggrieved by the advice of the value reconciliation committee in subsection (2) may, within thirty days after being notified of the advice of the value reconciliation committee or within such further time as the High Court may allow, appeal to the High Court.”;

(b) by inserting immediately after sub clause (4), the following –

“For purposes of subsection (1), the Minister shall, in consultation with the Council, by statutory instrument, prescribe the valuation of property with significant differences referred to in subsection (1).”

Handwritten signatures and initials in black ink. The initials 'KM' are written in the upper right. Below them are several cursive signatures, including one that appears to be 'AS' and another that looks like 'P. K. K.'. There is also a large, stylized signature at the bottom center.

Justification

- *To provide for an option of appealing the advice of the value reconciliation committee.*
- *To empower the Minister to define what amounts to significant differences.*

CLAUSE 32: VALUATION FOR TANGIBLE AND INTANGIBLE ASSETS

For clause 32, there is substituted the following –

“Valuation for tangible assets and intangible assets

For the purposes of this Act, valuation shall be undertaken to determine the value of –

- (a) tangible assets;
- (b) intangible assets; and
- (c) any other assets as may be specified by the National Valuation Standards.”

Justification

- *Tangible assets and intangible assets are already broadly defined under clause 1of the Bill making the current provision restrictive and contradictory.*
- *To address the evolving nature of assets that can be valued based on economic cycles.*

CLAUSE 34: VALUATION REPORT

Clause 34 is amended in sub clause (1)–

- (a) by substituting for paragraph (a), the following –

Handwritten signatures and initials are present on the page. A large signature 'Jm' is at the top right. Below it are 'Km', a signature, and another signature. At the bottom, there are several signatures, including one that appears to be 'M. Bwanya' and another 'AS'. There is also a signature 'Pato' at the bottom right.

“(a) the name of the person for whom the valuation is undertaken, the name of the practicing valuer who undertakes the valuation, the scope of work performed, the purpose of the valuation, the description of the asset valued and the valuation date which shall be the effective date of the valuation;”

(b) in paragraph (b), by inserting immediately after the word “valuation”, the words “principles and valuation”.

Justification

- *Sub clause (1) (a) is amended to require a valuation report to indicate the name of the person for whom the valuation is undertaken and to remove any reference to a certified valuer since a certified valuer is not entitled to practice valuation.*
- *To include valuation principles applied to the valuation, in the valuation report.*

CLAUSE 35: PERIOD OF VALIDITY OF VALUATION

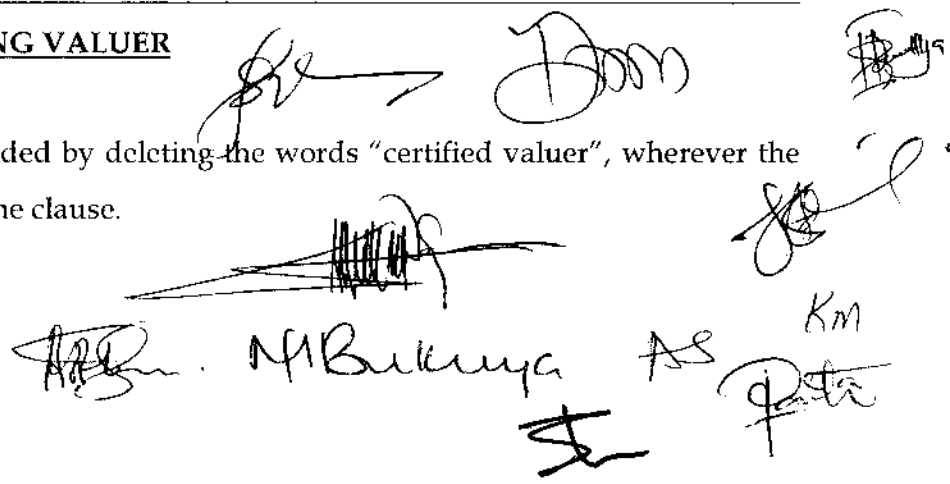
Clause 35 is amended in sub clause (4), by substituting for the words “for the avoidance of doubt”, the words “for purposes of subsection (2)”.

Justification

To align sub clauses (1), (2) and (4) since the period of validity referred to in sub clause (4), only applies to sub clause (2).

CLAUSE 36: POWERS AND OBLIGATIONS OF CERTIFIED VALUER AND PRACTISING VALUER

Clause 36 is amended by deleting the words “certified valuer”, wherever the words appear in the clause.



Handwritten signatures and initials are present below the text. On the right side, there are several signatures, including one that appears to be 'DM' and another that looks like 'KM'. At the bottom, there are more signatures, including one that clearly reads 'MIBukuya' and another that looks like 'AS'. There are also some scribbled-out lines and other illegible marks.

Justification

To avoid ambiguity since the valuers in the office of the Chief Government Valuer are also practicing valuers under the Bill.

CLAUSE 38: PRACTISING VALUER NOT TO ACT AS AGENTS FOR UNQUALIFIED PERSONS

Clause 38 is amended—

(a) in sub clause (1) by deleting the words “a certified valuer or” wherever the words appear in the clause;

(b) in sub clause (2), by adding the following words at the end of the provision—

“and is liable, on conviction, to a fine not exceeding five thousand currency points or imprisonment not exceeding two years, or both.”

Justification

- *To prevent practicing values from acting as agents of certified values since certified valuers cannot practice valuation under the Bill. Allowing the practicing valuer to act as an agent of the certified valuer will defeat the purpose of this Bill.*
- *To provide a penalty for the offence.*

CLAUSE 39: PRACTISING VALUERS NOT TO EMPLOY A PERSON REMOVED FROM THE ROLL OR SUSPENDED

Clause 39 is amended in sub clause (2), by adding the following words at the end of the provision—

Handwritten signatures and initials: KM, As, and several other illegible signatures.

“and is liable, on conviction, to a fine not exceeding five thousand currency points or imprisonment not exceeding two years, or both” immediately after the word “offence”.

Justification

To provide a penalty for the offence.

CLAUSE 44: REGULATIONS

Clause 44 is amended in sub clause (2) (a), by substituting for the words “Land Valuation Management Information System”, the words “National Valuation Information System”.

Justification

To achieve consistency with clause 3 which creates a National Valuation Information System.

CLAUSE 45: AMENDMENT OF CAP. 303

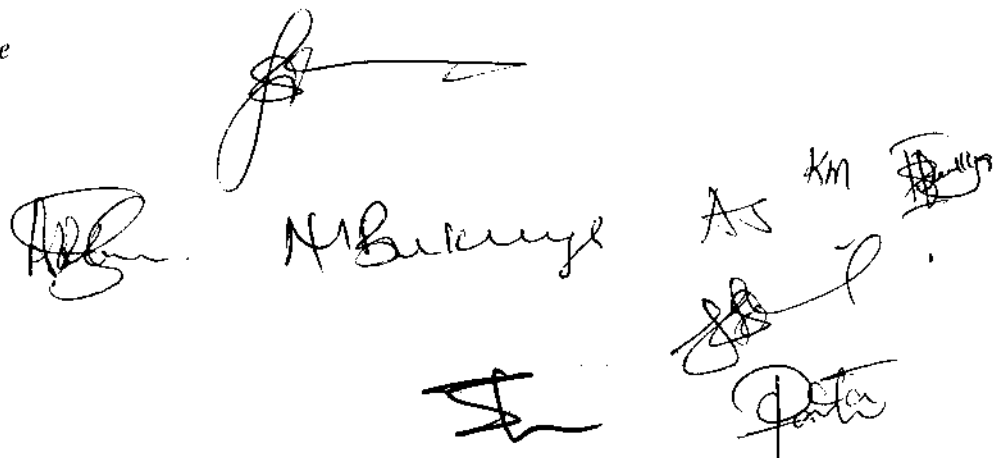
Substitute for clause 45, the following—

“45. Amendment of Cap, 303

The Surveyors Registration Act is amended in section 1(1), by repealing the term “valuation surveyors” appearing in the definition of “surveyor”.”

Justification

For accurate reference



A collection of handwritten signatures and initials in black ink. On the left, there is a signature that appears to be 'A. B.'. In the center, there is a signature that appears to be 'N. B.'. To the right, there are several initials and signatures, including 'AS', 'KM', and 'Panta'.

