

Uganda

## Uganda Cancer Institute Act, 2016

Act 19 of 2016

Legislation as at 29 November 2016

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# Uganda

## Uganda Cancer Institute Act, 2016

### Act 19 of 2016

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Assented to on 5 July 2016

Commenced on 20 January 2017 by [Uganda Cancer Institute Act \(Commencement\) Instrument, 2017](#)

*[This is the version of this document from 29 November 2016.]*

**An Act to establish the Uganda Cancer Institute as a body corporate, to provide for the functions of the Institute, to establish the Board of Directors of the Institute, to provide for the terms and conditions of service of the staff of the Institute, to provide for the finances of the Institute, to provide for the transition of the Uganda Cancer Institute in existence immediately before the commencement of the Act to the Uganda Cancer Institute established by the Act, with respect to assets and liabilities, legal proceedings and claims and the employment of the staff of the Institute and for other related matters.**

BE IT ENACTED by Parliament as follows:

### Part I – Preliminary

#### 1. Short title and commencement

- (1) This Act may be cited as the Uganda Cancer Institute Act, 2016.
- (2) This Act shall come into force on a day appointed by the Minister, by statutory instrument.

#### 2. Interpretation

In this Act, unless the context otherwise requires—

"**Board**" means the Board of Directors of the Uganda Cancer Institute established under [section 7](#);

"**Currency point**" has the meaning assigned to it in Schedule 1;

"**Executive Director**" means the Executive Director of the Institute appointed under [section 17](#);

"**highly specialised medicines**" include chemotherapeutic agents and devices related to cancer treatment;

"**Institute**" means the Uganda Cancer Institute specified in [section 4](#) of this Act;

"**Minister**" means the Minister responsible for health.

#### 3. Purpose of Act

The purpose of this Act is to—

- (a) establish an autonomous cancer institute with the mandate to undertake and coordinate the management of cancer and cancer related diseases in Uganda;
- (b) establish a modern cancer institute with international standards to address the challenges of treating cancer and cancer related diseases;
- (c) reduce the referral of cancer patients abroad;
- (d) ensure timely access to highly specialised cancer medication; and

- (e) increase the capacity of the Ugandan oncologists to handle specialised cancer conditions and to empower an institute that will oversee the management of other health units which handle cancer related conditions.

## **Part II – The Uganda Cancer Institute**

### **The Institute**

#### **4. Continuance in existence of the Uganda Cancer Institute**

- (1) The Uganda Cancer Institute in existence immediately before the commencement of this Act is continued in existence subject to the provisions of this Act.
- (2) The Institute shall be a body corporate with perpetual succession and an official seal and may, for the discharge of its functions under this Act—
  - (a) acquire, hold and dispose of moveable and immovable property;
  - (b) sue and be sued in its corporate name; and
  - (c) do all acts and things as a body corporate may lawfully do.

#### **5. Functions of the Institute**

The functions of the Institute are—

- (a) to develop policy on the prevention, diagnosis and treatment for cancers and on the care for patients with cancer and cancer related diseases, and to coordinate the implementation of the policy;
- (b) to undertake and coordinate the prevention and treatment of cancers in Uganda;
- (c) to provide comprehensive medical care services to patients affected with cancer and cancer related diseases;
- (d) to provide palliative care and rehabilitation services to patients with cancer;
- (e) to oversee the management of cancer and cancer related services in public and private health centers;
- (f) to establish and manage regional cancer units;
- (g) to conduct or coordinate cancer related research activities in Uganda and outside Uganda;
- (h) to conduct or cause to be conducted training in oncology and related fields;
- (i) to promote and provide public education on cancer and cancer related matters;
- (j) to procure highly specialised medicines, medical supplies, and equipment for the Institute;
- (k) to provide consultancy service; and
- (l) to do any other act that is necessary for the functions of the Institute.

#### **6. Powers of the Minister**

- (1) The Minister may give policy directions, in writing, to the Institute.
- (2) The directions given by the Minister under subsection (1) shall be consistent with the purposes and provisions of this Act with respect to the functions of the Institute and shall not adversely affect or

interfere with the independence of the Institute or the performance of the functions and exercise of the powers of the Institute under this Act.

## The Board

### 7. Board of Directors

- (1) The Institute shall have a Board of Directors, which shall be the governing body of the Institute and shall be responsible for the general direction and supervision of the Institute.
- (2) The Board shall consist of the following eight members who shall be persons of high moral character, proven integrity and competence—
  - (a) the Chairperson;
  - (b) the Director of Clinical Services;
  - (c) the Executive Director of Mulago Hospital;
  - (d) a representative of the Ministry responsible for energy with expertise in atomic energy;
  - (e) a representative of the colleges and schools of health science of the public universities, with knowledge in cancer research;
  - (f) a representative of the Palliative Care Association;
  - (g) a representative of the cancer related civil society organisations; and
  - (h) the Executive Director, who shall be an *ex officio member*.
- (3) A member of the Board referred to in subsection (2) (a), (f) and (g) shall be a person qualified in and with experience of not less than ten years and proven capacity in the relevant field.
- (4) The members of the Board shall be appointed by the Minister, with the approval of Cabinet.
- (5) The Executive Director shall be the Secretary to the Board.

### 8. Disqualification for appointment to the Board

A person shall not be appointed to the Board who—

- (a) has been convicted of an offence under this Act or of an offence involving dishonesty or fraud by a competent court in Uganda or outside Uganda;
- (b) has been convicted of an offence and sentenced to a term of imprisonment for six months or more by a competent court in Uganda or outside Uganda without the option of a fine;
- (c) is an undischarged bankrupt, or has made any assignment or arrangement with his or her creditors;  
or
- (d) is a Member of Parliament, a Minister or a member of a local government council.

### 9. Tenure of office of Board members

- (1) A member of the Board referred to in [section 7](#) (2) (a), (f) and (g) shall hold office for a term of four years and is eligible for reappointment for one more term.
- (2) A member of the Board may, at any time, resign his or her office by letter addressed to the Minister, giving notice of not less than one month.
- (3) The members of the Board shall hold office on terms and conditions specified in their instruments of appointment.

- (4) The Minister may, at any time, remove a member of the Board—
- (a) if information relating to the conduct of the member, which could have precluded his or her appointment if it had been made available to the Minister, is brought to the attention of the Minister;
  - (b) for incompetence;
  - (c) for misbehavior or misconduct;
  - (d) for failure to disclose, at a Board meeting, a matter in which he or she has an interest;
  - (e) for inability to perform the functions of his or her office arising from infirmity of body or mind;
  - (f) who is convicted of an offence and sentenced to a term of imprisonment for six months or more by a competent court in Uganda or outside Uganda;
  - (g) for bankruptcy or insolvency; or
  - (h) for absence, without the prior permission of the Chairperson, or where it is the Chairperson, without reasonable cause to the satisfaction of the Minister, for more than four consecutive meetings of the Board, or absence from Uganda for more than twelve months.

#### **10. Remuneration of Board members**

The members of the Board shall be paid such remuneration as the Minister, in consultation with the Minister responsible for finance, may determine.

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

- (1) Where a member of the Board resigns, dies, is removed from office, or is for any other reason unable to act as a member of the Board, the Chairperson shall notify the Minister of the vacancy within one month after the occurrence of the vacancy.
- (2) The Minister shall, after being notified of the vacancy under subsection (1), appoint in accordance with [section 7](#), another person to the Board to hold office for the remainder of the term of the previous member.
- (3) Where the vacancy referred to in subsection (1) is of the Chairperson of the Board, the Secretary to the Board shall notify the Minister of the vacancy and the Minister shall appoint another person to the office of Chairperson for the remainder of the term of the Chairperson's term of office.

#### **12. Functions of the Board**

- (1) The Board is responsible for the general direction and supervision of the Institute.
- (2) Without prejudice to the generality of subsection (1), the Board shall—
  - (a) oversee the operations of the Institute;
  - (b) advise the Minister on cancer disease related matters, policy and strategic issues;
  - (c) review and approve business and operational plans, budgets, reports and audited financial statements of the Institute;
  - (d) appoint, promote and discipline staff of the Institute, terminate service of the staff of the Institute and approve the terms and conditions of service of the staff of the Institute;
  - (e) provide guidance to the Executive Director and the employees of the Institute; and
  - (f) perform any other function conferred by this Act or which may be necessary for the proper implementation of this Act.

### 13. Committees of the Board

- (1) The Board may appoint committees of the Board to advise the Board on any matter or to perform a function of the Institute as the Board may determine.
- (2) A committee appointed under this section shall consist of a chairperson, who shall be a member of the Board, and two other members of the Board.
- (3) The Board shall, in writing, specify the terms and conditions of service of the members of a committee.
- (4) The members of a committee appointed under this section shall be paid such allowances as the Board may determine.
- (5) The Board may require a committee appointed under this section to act jointly or in co-operation with any other committee.
- (6) Subject to any direction given by the Board, a committee appointed under this section may regulate its own procedure.

### 14. Meetings of the Board

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

### 15. Delegation of functions

- (1) The Board may, by instrument of delegation, delegate to the Chairperson, a member of the Board, a member of staff of the Institute or to a committee established under [section 13](#), any of the functions of the Institute.
- (2) The terms and conditions regulating the exercise of the powers delegated under this section shall be contained in the instrument of delegation.
- (3) A person shall, in the exercise of a delegated power under this section, comply with any directions as the Board may, communicate in writing.
- (4) A person aggrieved by the decision of a person to whom powers, duties or functions are delegated under this section, may appeal to the Board.

## Staff of the Institute

### 16. Staff of the Institute

- (1) The Institute shall have an Executive Director, a Deputy Executive Director and such other staff as may be necessary for the effective performance of the functions of the Institute.
- (2) The Board shall, in consultation with the Health Service Commission, appoint, promote and discipline the staff of the Institute.
- (3) The appointment of staff under subsection (2) shall be subject to such terms and conditions, including the minimum period of time a person shall remain a staff of the Institute before he or she is allowed to retire from the service of the Institute, as the Board may determine.
- (4) The salaries, allowances, pensions and other benefits payable to the staff appointed under this section shall be determined by the Board, in consultation with the Minister and the Minister responsible for finance.
- (5) Subject to subsection (3), the staff of the Institute may retire at any time.
- (6) Notwithstanding subsection (3), the staff of the Institute shall vacate office on attaining sixty years.

## 17. Executive Director

- (1) The staff of the Institute shall be headed by an Executive Director who shall be the chief executive and accounting officer of the Institute.
- (2) The Executive Director shall be a person of high moral character and proven integrity, with the relevant qualifications and experience relating to the functions of the Institute.
- (3) The Executive Director shall hold office for three years and shall be eligible for reappointment.
- (4) A person shall not be appointed Executive Director who—
  - (a) is an undischarged bankrupt;
  - (b) has been convicted of an offence under this Act or an offence involving fraud or dishonesty by a competent court; or
  - (c) has been convicted of an offence and sentenced to a term of imprisonment of six months or more by a competent court without the option of a fine; or
- (5) A person shall cease to hold the office of Executive Director if that person—
  - (a) resigns;
  - (b) is declared insolvent;
  - (c) is convicted of a criminal offence in respect of which a penalty of imprisonment of six months or more is imposed without the option of a fine; or
  - (d) is removed from office by the Minister on the recommendation of the Board for misbehavior or abuse of office.

## 18. Functions of Executive Director

- (1) Subject to this Act and to the general supervision and control of the Board, the Executive Director shall be responsible for—
  - (a) the implementation of the policies and programmes agreed upon by the Institute;
  - (b) the development of the strategic and work plans of the Institute;
  - (c) the management of the funds, property and business of the Institute;
  - (d) ensuring an economic, efficient and cost-effective internal management system within the Institute;
  - (e) the administration, organisation and control of the staff of the Institute; and
  - (f) perform any other duty necessary for the implementation of this Act, as may be assigned to him or her by the Board.
- (2) The Executive Director is, in the performance of his or her functions, answerable to the Board.

## 19. Deputy Executive Director

- (1) The Deputy Executive Director shall hold office for three years and is eligible for re-appointment.
- (2) The Deputy Executive Director shall be a full-time employee of the Institute.
- (3) The Deputy Executive Director shall be a person of high moral character and proven integrity, and who has substantial qualifications and experience in oncology.
- (4) The Deputy Executive Director shall deputize the Executive Director.

## Finances of the Institute

### 20. Funds of the Institute

The funds of the Institute shall consist of—

- (a) monies appropriated by Parliament for the purposes of the Institute;
- (b) money that may accrue to the Institute in the discharge of its functions;
- (c) grants or monies donated to the Institute with the approval of the Minister and Minister responsible for finance;
- (d) money from any other source as may be approved by the Minister and the Minister responsible for finance; and
- (e) any revenue derived from the sale of any property, movable or immovable, by or on behalf of the Institute.

### 21. Power to open and operate bank accounts

- (1) The Institute shall open and maintain such bank accounts as are necessary for the performance of the functions of the Institute.
- (2) The Executive Director shall ensure that all money received by or on behalf of the Institute is banked as soon as practicable after being received.
- (3) The Executive Director shall ensure that no money is withdrawn from or paid out of any of the bank accounts of the Institute without the authority of the Board.

### 22. Borrowing powers

The Board may, with the approval of the Minister, and the Minister responsible for finance, borrow money from any source as may be required for meeting its obligations or for the discharge of the functions of the Board under this Act.

### 23. Estimates

- (1) The Executive Director shall, within three months before the end of each financial year, cause to be prepared and submitted to the Board for its approval, estimates of the income and expenditure of the Institute.
- (2) The Board shall, within two months after receipt of the estimates referred to in subsection (1), cause to be submitted to the Minister for his or her approval, estimates of the income and expenditure as approved by the Board.

### 24. Financial year of Institute

The financial year of the Institute is the period of twelve months beginning on the 1st day of July of each year and ending on the 30th day of June of the next calendar year.

### 25. Accounts

- (1) The Executive Director shall cause to be kept, proper books of accounts and records of the transactions of the Institute in accordance with accepted accounting principles.
- (2) Subject to any direction given by the Board, the Executive Director shall cause to be prepared and submitted to the Minister, the Auditor General and the Accountant General in respect of

each financial year, and not later than two months after the end of each financial year, the annual statement of accounts of the preceding year.

## **26. Audit**

- (1) The Auditor General or an auditor appointed by the Auditor General shall, in each financial year, audit the accounts of the Institute, in accordance with the National Audit Act.
- (2) The Board shall ensure that, three months after the end of each financial year, a statement of accounts described in [section 25](#) is submitted, for auditing to the Auditor General or to an auditor appointed by the Auditor General.

## **27. Annual report**

- (1) The Board shall submit to the Minister, as soon as practicable and in any event not later than six months after the end of each financial year, a report of the activities and operations of the Institute during the year to which the report relates.
- (2) The report referred to in subsection (1) shall contain—
  - (a) the audited accounts of the Institute and the report of the Auditor General, on the accounts of the Institute; and
  - (b) such other information as the Board may consider necessary.
- (3) The Minister shall, within two months after the receipt of the annual report, submit the report to Parliament with any statement which he or she considers necessary.

## **28. Compliance with Public Finance Management Act, 2015**

The Institute shall at all times comply with the provisions of the Public Finance Management Act, 2015.

## **Part III – General provisions**

## **29. Vesting of control and management of health units**

The Minister may by Statutory Instrument vest in the Institute the control and management of a health unit or a section of a health unit which is involved in the performance of function similar to those of the Institute.

## **30. Protection from liability**

A member of the Board, a member of staff of the Institute or any person acting on behalf of and on the authority of the Institute is not liable in his or her person capacity in any civil or criminal proceedings in respect of any act or omission done or omitted to be done in good faith in the performance of functions under this Act.

## **31. Validity of acts of the Board**

An act or decision of the Board shall not be invalid by reason of a vacancy in the membership of the Board where there is a defect in the appointment of a member or where a member was at the time in question disqualified or disentitled to act as a member of the Board.

## **32. Consultants**

The Institute may, in the performance of its functions under this Act, engage the services of or work in consultation with professional or technical experts or consultants, whether in the public service or not, to enhance the performance of the Institute.

### **33. Regulations**

- (1) The Minister on the recommendation of the Institute may make regulations for the better carrying out of the functions of the Institute.
- (2) Without prejudice to the generality of subsection (1), the Minister may make regulations—
  - (a) providing for the custody and application of the seal of the Institute;
  - (b) providing for the proper management, control and administration of the Institute;
  - (c) regulating the disciplining of the staff of the Institute and providing for the disciplinary proceeding for the staff of the Institute;
  - (d) prescribing the conditions and terms, including the fees and charges, upon which any services offered by the Institute within the functions of the Institute are to be offered to the patients of the Institute;
  - (e) providing for any matter which in the opinion of the Institute is necessary for the efficient performance of the functions of the Institute; and
  - (f) prescribing for any matter or thing which is required or permitted to be prescribed under this Act.
- (3) Regulations under this Act may prescribe for the contravention of any of the provisions of the regulations, a fine not exceeding five thousand currency points or imprisonment not exceeding one year.

## **Part IV – Transitional and savings**

### **34. Transfer of assets and liabilities**

All property vested in the Uganda Cancer Institute immediately before the commencement of this Act, shall, on the commencement of this Act, remain vested in the Uganda Cancer Institute subject to all interests, liabilities, charges, obligations and trusts affecting the property.

### **35. Pending proceedings and claims**

All legal proceedings and claims pending in respect of actions and activities to which the relevant laws apply shall be continued or enforced by or against the Institute in the same manner as they would have been continued or enforced by or against the Government had this Act not been enacted.

### **36. Employees of the Uganda Cancer Institute**

- (1) On the commencement of this Act—
  - (a) all persons who, immediately before the commencement of this Act were employed in the Institute shall continue to be so employed under this Act; and
  - (b) the terms and conditions, including the salary, on which a person referred to in paragraph (a) is employed after the commencement of this Act, shall be no less favorable than those that applied to that person's office immediately before the commencement of this Act.
- (2) Subject to subsection (1) (b), the terms and conditions of employment referred to in subsection (1) may be varied after the commencement of this Act.
- (3) Nothing in this Act affects the pension rights under the Pension Act of any person referred to in subsection (1).

## **Schedule 1 (Section 2)**

### **Currency point**

A currency point is equivalent to twenty thousand shillings.

## **Schedule 2 (Section 14)**

### **Meetings of the Board**

#### **1. Meetings of the Board**

- (1) The Chairperson shall convene every meeting of the Board at times and places as the Board may determine, and the Board shall meet for the discharge of business at least once in every three months.
- (2) The Chairperson may, at any time, convene a special meeting of the Board and shall call a meeting within fourteen working days, if requested to do so in writing by at least four members of the Board.
- (3) Notice of a Board meeting shall be given in writing to each member at least seven working days before the day of the meeting.
- (4) The Chairperson shall preside at every meeting of the Board and in the absence of the Chairperson, the members present shall appoint a member from among themselves to preside at that meeting.

#### **2. Quorum**

- (1) The quorum of a meeting of the Board is five members.
- (2) All decisions at a meeting of the Board shall be by a majority of the votes of the members present and voting and in case of an equality of votes, the person presiding at a meeting shall have a casting vote in addition to his or her deliberative vote.

#### **3. Minutes of meetings**

- (1) The Board shall cause to be recorded and kept minutes of all meetings of the Board in a form approved by the Board.
- (2) The minutes recorded under this paragraph shall be submitted to the Board for confirmation at its next meeting following that to which the minutes relate and when so confirmed, shall be signed by the Chairperson and the Secretary to the Board, in the presence of the members present at that meeting.

#### **4. Decision by circulation of papers or any other acceptable mode**

- (1) Subject to subparagraph (2), a decision of the Board may be made by the circulation of the relevant papers among the members and the expression of their views in writing, but any member is entitled to request that any such decision is deferred until the subject matter is considered at a meeting of the Board.
- (2) A decision made by circulation of papers under this paragraph is not valid unless it is supported by not less than five members.

#### **5. Power to co-opt**

- (1) The Board may co-opt any person who, in the opinion of the Board, has expert knowledge concerning the functions of the Board, to attend and take part in the proceedings of the Board.
- (2) A person co-opted under this section may take part in any discussions at the meeting of the Board in which he or she is required but shall not have any right to vote at that meeting.

**6. Validity of proceedings not affected by vacancy**

The validity of any proceedings of the Board shall not be affected by a vacancy in its membership or by any effect in the appointment or qualification of a member or by reason that a person not entitled, took part in its proceedings.

**7. Disclosure of interest of members**

- (1) A member of the Board who is in any way directly or indirectly interested in a decision made or proposed to be made by the Board, or in any other matter which falls to be considered by the Board, shall disclose the nature of his or her interest at a meeting of the Board.
- (2) A disclosure made under subparagraph (1) shall be recorded in the minutes of that meeting.
- (3) A member who makes a disclosure under paragraph (1) shall not—
  - (a) be present during any deliberation of the Board with respect to that matter; or
  - (b) take part in any decision of the Board with respect to that matter.
- (4) For purposes of determining the quorum, a member who withdraws from a meeting or who is not taking part in a meeting under subparagraph (3) shall be treated as being present.

**8. Board may regulate its procedure**

Subject to this Schedule, the Board may regulate its own procedure or any other matter relating to its meetings.