

STATUTORY INSTRUMENTS SUPPLEMENT

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S T A T U T O R Y I N S T R U M E N T S

2021 No. 8.

**THE BUILDING CONTROL (APPEAL PROCEDURE)
REGULATIONS, 2021**

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STATUTORY INSTRUMENTS

2021 No. 8.

The Building Control (Appeal Procedure) Regulations 2021 *(Under sections 9(e), 37 and 52(2)(c) of the Building Control Act, 2013, Act No. 10 of 2013)*

IN EXERCISE of the powers conferred on the Minister responsible for building works by section 52 (2)(c) of the Building Control Act, 2013 and on advice of the National Building Review Board, these Regulations are made this 31st day of December, 2020.

PART I—PRELIMINARY

1. Title

These Regulations may be cited as the Building Control (Appeal Procedure) Regulations 2021.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“Act” means the Building Control Act, 2013, Act No. 10 of 2013;

“Board” means the National Building Review Board established under section 3 of the Act;

“Building Committee” means a committee established under section 28 of the Act.

3. Application

These Regulations apply to appeals from decisions made by the Building Committee to the Board.

4. Board to resolve appeal without regard to technicalities

The Board shall not have unnecessary regard to technicalities or rules of procedure and may waive any rule or requirement as the Board considers necessary or appropriate in resolving appeals under these Regulations.

PART II—PROCEDURE OF FILING APPEALS TO BOARD

5. Referring appeal to Board

(1) A person dissatisfied by the decision of the Building Committee may appeal to the Board in writing within thirty days from the date of receipt of the decision of the Building Committee.

(2) An appeal under this regulation shall be in Form 1 set out in Schedule 1 to these Regulations and shall contain—

- (a) the name and address of the aggrieved person;
- (b) the name and address of the Building Committee that made the impugned decision;
- (c) the nature of decision appealed against and a statement on the facts constituting the grounds of appeal; and
- (d) the date of the impugned decision.

(3) An appeal to the Board shall be accompanied by—

- (a) evidence supporting the appeal; and
- (b) the fees specified in Schedule 2 to these Regulations.

(4) The Board may reject an appeal referred to it where—

- (a) the aggrieved person does not raise any issue under the Act or regulations made under the Act;
- (b) the appeal does not conform to the Act, these Regulations or directions given by the Board;
- (c) the matter raising the appeal is trivial, frivolous or vexatious; or

(d) the appeal has been filed with a court with jurisdiction to hear and determine the matter.

(5) Where the Board rejects or declines to resolve an appeal, the Board shall notify the aggrieved person, stating the reasons for declining or rejection of the appeal in Form 2 set out in Schedule 1 to these Regulations.

6. Response of Building Committee

(1) Where the Board is satisfied that the appeal is not within regulation 5 (4), the Board shall, within seven days after receiving the appeal, notify the Building Committee named in the appeal and invite them to make representations regarding the appeal.

(2) The Board shall require the Building Committee to make the representation under this regulation within fourteen working days from date of receipt of the notice.

7. Withdrawal of appeal

An aggrieved person may, in writing, withdraw an appeal from the Board before a decision is made.

PART III—HEARING AND DETERMINATION OF APPEALS

8. Hearing of appeals

(1) The Board may, invite the parties to an appeal to—

- (a) a hearing of the appeal at a place and time specified by the Board;
- (b) submit written memoranda to the Board regarding the appeals, within the time specified by the Board.

(2) Unless otherwise agreed by the parties, all hearings shall be in private.

9. Representation at the hearing

An appellant may be represented by an advocate or any other agent or representative authorised in writing.

10. Evidence

(1) A party may present evidence to the Board or call witnesses to support their case in the appeal.

(2) The Board may require a party to the appeal to produce evidence that the Board considers necessary for the resolution of the appeal.

(3) The Board may, on its own initiative, make investigations and inquiries and seek and receive evidence additional to that tendered by the parties to the appeal.

(4) The evidence and information received or ascertained by the Board under subregulation (3) shall be made available to each party to the appeal.

11. Experts appointed by Board

The Board may, after consulting the parties, appoint an independent expert to report to the Board on specific issues relating to the matter in appeal.

12. Decision of Board.

(1) The Board shall within sixty days after receiving the appeal determine the appeal and state its decision in writing, specifying the reasons for the decision.

(2) The Board may confirm, reverse or modify the decision of the Building Committee or order a fresh consideration of the application of the appellant by the Building Committee, as appropriate.

(3) The Board shall notify the parties of the decision within the time specified in subregulation (1).

(4) A party aggrieved by the decision of the Board may appeal to the High Court.

13. Extension of time

Except for the time specified in regulation 12, the Board may, extend the time appointed by these Regulations for the performance of any act or taking of any action as the Board considers necessary for the resolution of the appeal.

14. Expenses of the appeal

The Board may, subject to any contrary agreement by the parties, order a party to pay the whole or part of the reasonable expenses incurred in presenting its case, including those incurred for legal representatives or witnesses.

SCHEDULE 1

FORMS

Form 1

Regulation 5(2)

**THE BUILDING CONTROL (APPEAL PROCEDURE)
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APPEAL

TO: THE NATIONAL BUILDING REVIEW BOARD
KAMPALA

1. PARTIES TO THE APPEAL

The appeal is between.....of
(insert name and address of the aggrieved person referring the appeal)

AND

.....of *(insert
name and address of the Building Committee whose decision has
resulted into the appeal).*

2. NATURE OF APPEAL

The appeal is about.....
.....*(state the
decision of the Building Committee, the basis of the appeal)*

3. FACTS DESCRIBING THE APPEAL

(a) Date when the appeal arose.....

(b) Briefly describe the facts leading up to the appeal.....

.....
.....
.....
.....

4. STATE THE REMEDY SOUGHT FROM THE BOARD

WHERE APPLICABLE, state the remedy or action required from the Board

.....
.....
.....

DATED THIS day of20.....

Name of appellant _____.

Signature.....

Form 2

Regulation 5(5)

**THE BUILDING CONTROL (APPEAL PROCEDURE)
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NOTIFICATION OF APPEAL

To.
.....
.....
.....

TAKE NOTICE THAT
(insert name of aggrieved person referring appeal) has filed an appeal to the Board.

Briefly state the nature of appeal......
.....
.....

Take further notice that you are required to make representations in writing to the Board within ten working days after receipt of this notice.

Reasons for declining or rejecting the appeal.....
.....
.....

Dated thisday of20.....

Signed, Chairperson Board

SCHEDULE 2

THE BUILDING CONTROL (APPEAL PROCEDURE) REGULATIONS, 2021

FEES

Regulation 5(3)(b)

Item	Amount (UGX)
1. Filing fees for appeal.....	20,000
2. Photocopying	500 per page
3. For serving any document in connection with any appeal, the necessary expenses of travel to the party to be served.	
4. For preparing certified copies of any document.....	40,000 per copy.

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GEN. EDWARD KATUMBA WAMALA
Minister of Works and Transport

