

STATUTORY INSTRUMENTS

2003 No. 85.

THE NATIONAL ENVIRONMENT (CONDUCT AND CERTIFICATION OF ENVIRONMENTAL PRACTITIONERS) REGULATIONS, 2003.

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STATUTORY INSTRUMENTS

2003 No. 85.

The National Environment (Certification and Professional Conduct of Environmental Practitioners) Regulations, 2003.

*(Under section 107 of the National Environment Act,
Cap. 153)*

IN EXERCISE of the powers conferred upon the Minister by section 107 of the National Environment Act, and on the recommendation of the Policy Committee on the Environment and the Board, these Regulations are made this 4th day of September, 2003.

PART I—PRELIMINARY.

1. Citation

These Regulations may be cited as the National Environment (Certification and Professional Conduct of Environmental Practitioners) Regulations, 2003.

2. Interpretation

In these Regulations, unless the context otherwise requires—

- “Authority” means the National Environment Management Authority established by the Act;
- “Board” means the Board of Directors of the Authority established by section 9 of the Act;
- “certification” means the method of assessing or ascertaining the qualification, competence, capability, experience and other abilities of a person to carry out environmental impact assessments or environmental audits;
- “committee” means the Committee for Environmental Practitioners established by regulation 5;
- “developer” means a person who is developing a project which is subject to an environmental impact assessment process;
- “enforcement environmental audit” means a compulsory environmental audit as required by law;
- “environmental audit” means the systematic, documented, periodic and objective evaluation of how well environmental organisations, management, and equipment are performing in conserving the environment and its resources;

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

“environmental impact study” means the study conducted to determine the possible environmental impact of a proposed project;

“Environmental Practitioner” means an environmental auditor or an environmental impact assessor and any person prescribed by the Board to conduct environmental impact assessments or studies in accordance with these Regulations;

“Foreign Environmental Practitioner” means an Environmental Practitioner registered or certified in a country other than Uganda who comes to Uganda to do a single activity of either undertaking an environmental impact study or an environmental audit in accordance with these Regulations;

“Minister” means the Minister to whom the President has assigned responsibility for the Act;

“national association of environmental auditors” means an association that is established to represent the interests of environmental auditors in Uganda;

“national association of environmental impact assessment” means an association that is established to represent the interest of environmental impact assessors in Uganda;

“register” means the Register of Environmental Practitioners;

“Registrar of Environmental Practitioners” means a person appointed to perform the functions of Registrar of Environmental Practitioners under these Regulations;

“Act” means the National Environment Act.

3. Application of these Regulations

These Regulations apply to—

- (a) all persons certified and registered under these Regulations as Environmental Practitioners; and
- (b) corporate persons and partnerships registered under these Regulations to co-ordinate individually registered persons to conduct environmental impact assessments or environmental audits.

4. Objects

The object of these Regulations is—

- (a) to establish a system for certification and registration of Environmental Practitioners;
- (b) to provide for a system of competence, knowledge, professional conduct, consistency, integrity and ethics in the carrying out of environmental impact studies and environmental audits;
- (c) to ensure that the conduct of environmental impact assessments or environmental audits is carried out in an independent, objective and impartial manner;
- (d) to provide for the discipline and control of Environmental Practitioners;
and
- (e) to provide a code of conduct for Environmental Practitioners.

PART II—ESTABLISHMENT AND FUNCTIONS OF COMMITTEE
OF ENVIRONMENTAL PRACTITIONERS.

5. Establishment of Committee of Environmental Practitioners

(1) There is established a technical committee to be known as the Committee of Environmental Practitioners of Uganda whose members shall be appointed by the Board on the recommendation of the Executive Director.

(2) The Committee shall have a Chairperson who shall be appointed by the Board from the members of the Committee.

6. Functions of the Committee

(1) The functions of the Committee are—

- (a) to regulate the certification, registration, practice and conduct of all environmental impact assessors and environmental auditors in Uganda;
- (b) to establish, maintain and monitor professional standards for environmental practice;
- (c) to monitor and exercise supervision and control over all Environmental Practitioners;
- (d) to investigate and take such disciplinary action as is necessary for ensuring the maintenance of high professional standards, ethics and integrity of environmental practitioners in accordance with the established code of conduct and best practice;
- (e) to advise the Board and the Executive Director on any other issue relating to environmental practitioners;
- (f) to co-ordinate with the Authority and relevant bodies in the certification, registration, conduct, and training of Environmental Practitioners and

such other activities necessary to maintain good conduct and practice;
and

- (g) to do such other things as are necessary for the maintenance of competence, ability, code of ethics, integrity and knowledge of Environmental Practitioners, and for the carrying out of its functions.

7. Composition of the Committee

(1) The Committee shall consist of—

- (a) one person representing Environmental Practitioners elected by the national association of environmental impact assessors;
- (b) one person representing Environmental Practitioners elected by a national association of environmental auditors;
- (c) one practising advocate nominated by the Uganda Law Society;
- (d) two persons representing academic or research institutions relevant to environmental practice;
- (e) one person representing the Uganda Investment Authority;
- (f) the Registrar of Environmental Practitioners;
- (g) one person selected from the private sector; and
- (h) one person selected from non-governmental organisations.

8. Sub-committees of the Committee

(1) The Committee may establish subcommittees to execute its functions.

(2) A subcommittee established under subregulation (1) may, with the approval of the Executive Director, co-opt other persons as may be necessary.

9. Meetings of the Committee

(1) The Chairperson shall convene and preside at the meetings of the Committee.

(2) The Committee shall meet at least once in every three months.

(3) Five members shall form a quorum at the meetings of the Committee.

(4) All acts, matters and decisions authorised to be done by the Committee shall be determined by resolution by majority of the members present.

(5) Subject to these Regulations, the Committee may regulate the conduct of its meetings and the conduct of meetings of its subcommittees.

10. Reports to the Board

The Committee shall once in every three months, make a report to the Board regarding its work and any other related activity.

11. Tenure of Office

A member of the Committee shall, hold office for a period of three years and is eligible for re-appointment for one more term, except that of the first members to be appointed to the Committee, four shall be appointed to hold office for two years.

12. Vacation of office by members of the Committee

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

- (a) if he or she resigns;
- (b) he or she dies;
- (c) if the person vacates office or loses membership of the institution which he or she is representing;
- (d) if the person ceases to be an employee of the institution which he or she represents;
- (e) on being declared bankrupt, or convicted of a criminal offence which is a felony;
- (f) on being found guilty of professional misconduct or breach of the code of conduct or ethics; or
- (g) if her or she is removed from office by the Board for—
 - (i) gross negligence;
 - (ii) gross misconduct;
 - (iii) fraudulent or corrupt practices; or
 - (iv) inability to discharge the duties of the office of member.

(2) Where a member is removed from office under this section, the Minister may appoint another person qualified in accordance with regulation 7 to replace that member.

13. Disclosure of interest

(1) A member of the Committee who has a direct or indirect interest in a matter being considered or about to be considered by the Committee shall, as soon as possible after the relevant facts have come to his or her knowledge, disclose his or her interest to the Committee.

(2) Where a disclosure has been made in subregulation (1), the member disclosing the interest shall not be present or participate in the deliberations or decisions of the Committee regarding that matter.

14. Terms and conditions of service of members of the Committee

(1) The Board shall determine the terms and conditions of service of members of the Committee.

(2) The terms and conditions of service of the members of the Committee shall be specified in their instruments of appointment.

15. Moneys to form part of the National Environment Fund

(1) All moneys that may become payable to or vested in the Committee in any manner, or in relation to or incidental to the carrying out of its functions including fees paid for certification, registration and fines imposed by the committee for contravention of the disciplinary code shall form part of the National Environment Fund established under section 88 of the Act.

(2) The Committee shall keep proper books and records of accounts of its income and expenditure.

PART III—CERTIFICATION OF ENVIRONMENTAL PRACTITIONERS.

16. General prohibition

(1) No person, shall conduct an environmental impact assessment or carry out any activity relating to the conduct of an environmental impact study, or environmental audit as provided for under the Act, unless that person has been duly certified and registered in accordance with these Regulations.

(2) Subregulation (1) does not apply to designated staff of the Authority or to a lead agency in the performance of their official functions under the Act.

(3) A person who contravenes subregulation (1) commits an offence.

17. Environmental inspectors to carry out environmental enforcement audits

Notwithstanding these Regulations, an environmental inspector duly designated under section 79 of the Act shall be deemed to be a duly certified and registered environmental auditor for the purposes of carrying out an environmental enforcement audit on behalf of the Authority or a lead agency.

18. Authority not to consider study, statement or audit.

(1) The Authority or a lead agency shall not consider or approve any environmental study, statement or audit unless the persons who have conducted or prepared the study, statement or audit have been duly certified and registered in accordance with these Regulations.

(2) For the avoidance of doubt, it is not necessary to be a certified or registered Environmental Practitioner in the case of preparation or submission of a project brief to the Authority or to a lead agency.

19. Application for certification

(1) A person desiring to be certified as an Environmental Practitioner shall apply to the Committee in the form prescribed in the First Schedule, accompanied by the non-refundable fee prescribed in the Fourth Schedule.

(2) Where a person intends to apply to conduct both an environmental impact study and an environmental audit, he or she shall make two separate applications.

(3) An application for certification shall be forwarded to the Registrar.

20. Conditions of certification

(1) The Committee shall not certify a person as an Environmental Practitioner, unless that person—

(a) possesses at least a first degree or its equivalent from a recognised university or institution;

(b) has undertaken training in environmental assessment or environmental audit satisfactory to the Committee from an academic institution recognised by the committee;

(c) is a member of an association of environmental impact assessments or environmental audits in Uganda;

(d) has provided the names of at least three referees who meet minimum requirements acceptable to the Committee;

(e) has not been convicted of a professional or disciplinary offence;

(f) has not had any professional disciplinary action instituted against him or her by a professional body;

(g) has not been convicted of a criminal offence involving moral turpitude; and

(h) any other condition as may be prescribed by the Committee.

21. Consideration of application for certification

The Committee shall consider the application for certification and take a decision within 90 days after the date of submission of the application.

22. Certification of Environmental Practitioners

(1) The Committee may, after carrying out investigations and being satisfied that the applicant meets conditions prescribed by regulation 20, within 14 days after making the decision, notify the applicant that his or her application has been rejected or approved.

(2) The Committee shall issue the applicant with an Environmental Practitioner's Certificate as prescribed in the Second Schedule upon the payment of the fee prescribed in the Fourth Schedule.

(3) A certificate issued under subregulation (1) entitles the person holding the certificate to be entered in the Register of Environmental Practitioners.

23. Refusal to grant certification

The Committee may reject an application to grant certification where the applicant has not fulfilled the conditions of certification or the provisions of these Regulations.

(2) An applicant whose application for certification has been rejected by the Committee may submit another application.

24. Certification of Foreign Environmental Practitioners

(1) Notwithstanding the provisions of these Regulations, the Committee may certify a Foreign Environmental Practitioner to prepare or conduct a specific environmental impact study or environmental audit, where such a practitioner—

- (a) shows evidence of a valid certification or accreditation and competent qualifications to practice obtained from outside Uganda;
- (b) shows that he or she has gained relevant experience of not less than five years in conducting environmental impact studies or audits in the relevant area or areas of competence;
- (c) includes at least one Environmental Practitioner registered in Uganda on his or her team;
- (d) provides at least two abstracts of previous environmental impact studies or environmental audits conducted in the last three years;
- (e) provides a curriculum vitae and at least three referees; and
- (f) pays the fee for certification of a Foreign Environmental Practitioner prescribed in the Fourth Schedule.

(2) The Committee may, after being satisfied with the requirements of subregulation (1), issue a certificate to the Foreign Environmental Practitioner as in the form prescribed in the Second Schedule.

(3) The certificate granted under subregulation (2) shall remain valid until the Environmental Practitioner has completed conducting the specific environmental impact assessment or environmental audit.

PART IV—REGISTRATION OF ENVIRONMENTAL PRACTITIONERS.

25. Registrar of Environmental Practitioners

(1) The Board shall, on the recommendation of the Executive Director, appoint a suitable person, from among the staff of the Authority, as the Registrar of Environmental Practitioners.

(2) The Registrar of Environmental Practitioners shall, in the performance of his or her functions, be accountable to the Committee.

26. Register of Environmental Practitioners

The Registrar of Environmental Practitioners shall, in accordance with the directions of the Committee, maintain an up-to-date Register in which the name of any person certified by the Committee to practice as an Environmental Practitioner shall be entered, showing against the name—

(a) the address and physical location;

(b) the date of entry;

(c) academic qualifications, and professional experience;

(d) the areas of expertise; and

(e) other particulars as the Committee may from time to time direct.

27. Entries in Register

A practitioner shall pay a fee to the Registrar to have his or her name entered on the register and an annual fee for renewal of the certificate in each case as prescribed in the Fourth Schedule.

28. Effect of registration

(1) Registration under these Regulations entitles the holder to practice in the area of expertise indicated in the certificate.

(2) A person certified and registered under these Regulations is entitled to use, in any communication, the title "Certified Environmental Practitioner" immediately after his or her name.

(3) A certificate issued in accordance with these Regulations is not transferable or assignable to any other person.

(4) A certificate or registration issued under these Regulations shall not—

(a) exclude the Environmental Practitioner from liability; or

(b) create any civil or criminal liability on the Authority or Committee for the conduct of the Environmental Practitioner.

29. Registration of partnerships

(1) A partnership recognised under the laws of Uganda desiring to co-ordinate the preparation or conduct of environmental impact studies or environmental audits

may apply to be registered in the form prescribed in the Third Schedule, upon the payment of the non-refundable fee prescribed in the Fourth Schedule.

(2) Where a partnership intends to co-ordinate the conduct or preparation of both environmental impact studies and environmental audits, the partnership shall make two separate applications.

30. Conditions of registration for partnerships

A partnership shall, together with the application form, present—

(a) the names of the persons who have been certified and registered to practice; and

(b) the kinds of expertise the partnership intends to offer in the conduct or preparation of the environmental impact assessment or environmental audits.

31. Environmental Practitioners liability under a partnership

Registration of a partnership under these Regulations does not extinguish the professional personal liability of the Environmental Practitioner as provided for in these Regulations.

32. Duration of registration

(1) An Environmental Practitioners registration is valid from the date of registration until the 31st day of December of the year in which the registration is done.

(2) Notwithstanding subregulation (1), a registered Environmental Practitioner may continue to practice up to the 28th February of the following year pending renewal of the registration.

33. Effect of cancellation on registration

The cancellation of a certificate made under these Regulations shall result in the automatic cancellation of the registration.

34. Publication of list of registered Environmental Practitioners

The Registrar shall publish in the *Gazette* and the media, the list of names of persons and partnerships registered as Environmental Practitioners not later than 30th March of each year.

PART V—CODE OF PRACTICE AND DISCIPLINE OF ENVIRONMENTAL PRACTITIONERS.

35. Code of practice and professional ethics

(1) Every Environmental Practitioner who has been certified and registered under these Regulations shall be subject to the Code of Practice and the Professional Ethics prescribed in the Fifth Schedule.

(2) An Environmental Practitioner who contravenes a provision of the Code of Practice and Professional Ethics commits professional misconduct and shall be subject to disciplinary action by the Committee, as appropriate.

(3) Professional misconduct referred to in subregulation (2) includes—

(a) breach of any of the provisions under the Code of Practice and Professional Ethics as prescribed in the Fifth Schedule or under these Regulations; or

(b) failure to include any item in the contents of the environmental impact assessment or audit as required by these Regulations.

36. Powers of the Committee on misconduct of Environmental Practitioners

(1) Where a certified or registered Environmental Practitioner is found unfit to practice by reason of a professional misconduct, the Committee may, at any time—

(a) strike off the name of the Environmental Practitioner from the Register and cancel the certificate;

(b) suspend the Environmental Practitioner from practising for a period, not exceeding 12 months as may be determined by the Committee as appropriate;

(c) reprimand the Environmental Practitioner;

(d) order that the Environmental Practitioner pay a fine or costs; or

(e) direct that the Environmental Practitioner compensates the aggrieved party a sum of money as may be determined by the Committee.

(2) The Committee may publish in the media, any disciplinary decision made by it under subregulation (1).

37. Other professional misconduct

An Environmental Practitioner who is found guilty of professional misconduct under any other law in force in Uganda will automatically be disqualified from practising as an environmental practitioner.

38. Complaints

(1) A person aggrieved by the conduct of an Environmental Practitioner in the carrying out of an environmental impact study or preparation of a complaint to the Committee.

(2) The Committee may institute disciplinary proceedings on its own motion or upon a complaint being raised by the Authority, lead agency, developer, owner, operator, any person or institution.

(3) A complaint made under subregulation (1) shall be in writing signed by the complainant.

(4) The Committee shall consider any such complaints within a period of 30 days after the date on which the complaint is lodged.

39. Charging of Environmental Practitioner

Upon receipt of a complaint, the Secretary shall prepare a statement setting out the charges against the Environmental Practitioner and transmit a copy to each member of the Committee, the complainant and to the practitioner whose misconduct is the subject of the complaint.

40. Investigator of complaints

The Committee may cause investigations to be carried out to verify the truthfulness of the issues contained in the complaint and thereafter take the appropriate decision as provided for under these Regulations.

41. Fair hearing

(1) The Committee shall ensure fair hearing of the Environmental Practitioner whose conduct is the subject of complaint.

(2) The Committee shall, before taking disciplinary action, give an opportunity to the Environmental Practitioner to show cause why he or she should not be disciplined.

42. Appeals

A person aggrieved by the decision of the Committee under these Regulations may appeal to the High Court within a period of 30 days from the date the decision was communicated to the aggrieved person.

PART VI—MISCELLANEOUS.

43. Advertisement by Environmental Practitioners

An Environmental Practitioner may exhibit his or her name outside his or her office, on a plate or a signboard of not more than 36 centimetres by 25.5 centimetres in size containing the place of his or her business and professional qualifications.

44. Immunity for members of the committee

A member of the committee is not personally liable for any action done or omitted to be done by him or her in good faith without negligence for the purpose of carrying into effect the provisions of these Regulations.

45. Issuance of guidelines or directives

The Committee may, with the approval of the Executive Director, issue such guidelines or directives for certification, registration or proper conduct of Environmental Practitioners.

46. Offences

(1) A person who—

- (a) conducts his or her professional duties with gross negligence;
- (b) holds out or attempts to hold out as a certified or registered Environmental Practitioner;
- (c) practices or purports to practice as an Environmental Practitioner without being certified and registered under these Regulations;
- (d) practices or carries out any activity relating to the conduct of an environmental impact study or environmental audit without a valid certification or registration;
- (e) uses the title “Certified Environmental Practitioner” without authorisation;
- (f) makes a false statement with the intention of obtaining a certification or registration;
- (g) makes a false statement regarding the conduct of an environmental impact study or environmental audit;
- (h) signs on any environmental impact statement or environmental audit without having prepared it; or
- (i) knowingly or negligently, makes an environmental impact statement which is false in a material particular or which is misleading,

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

(2) The court by which a person is convicted of an offence under subregulation (1), may in addition to the penalty imposed—

- (a) order for the cancellation of a certificate or registration; or
- (b) award such sum of money to the aggrieved party as it deems fit.

SCHEDULES

FIFTH SCHEDULE

Regulation 35

CODE OF PRACTICE AND PROFESSIONAL ETHICS

Part 1

DUTY OF ENVIRONMENTAL PRACTITIONER TO DEVELOPER

1. Receiving instructions

An Environmental Practitioner shall not act for any developer, owner or operator unless he or she has received written instructions from that person, or his or her authorised agent.

2. Withdrawal of instructions

(1) An Environmental Practitioner may withdraw from the conduct of an environmental impact study or audit where, without prejudice to the contractual obligations between the developer and the Environmental Practitioner—

- (a) the developer, owner or operator withdraws instructions, in writing, from the Environmental Practitioner;
- (b) the developer, owner or operator instructs the Environmental Practitioner to undertake an environmental impact study or audit in a manner contrary to the Environmental Practitioner's professional ethics, or the laws of Uganda;
- (c) the Environmental Practitioner is duly permitted by the Committee to withdraw after the Committee has made investigations to verify the practitioners reasons for withdrawal; or
- (d) the developer, owner or operator disregards or breaches an agreement or obligation relating to the fees of the Environmental Practitioner.

(2) Subject to the terms of the contract between the developer owner or operator and the Environmental Practitioner, an Environmental Practitioner intending to withdraw from carrying out an environmental impact study or audit, shall, give the developer in writing, notice of his or her intention to withdraw, and the reasons for the withdrawal.

(3) An Environmental Practitioner, who withdraws under subregulation (2), and who has received advance payment from the developer, owner or operator, shall be required to refund to the developer the portion of the fees which has not been earned by him or her in the circumstances except that where there is dispute between the developer and the Environmental Practitioner regarding the matter, it shall be referred to arbitration under the Arbitration and Conciliation Act.

3. Carrying out of instructions

(1) An Environmental Practitioner shall not unreasonably delay the carrying out of instructions received from the developer, owner or operator.

(2) An Environmental Practitioner shall conduct business on behalf of the developer, owner or operator with due diligence.

(3) An Environmental Practitioner shall discharge his or her responsibility by applying to the affairs of the developer, owner or operator, his or her professional skill and knowledge taking into account any statutory duty related to the performance of such duties.

4. Proper use of developer's money

An Environmental Practitioner shall use the developer's, owner's or operators' money solely for the purposes for which it is intended.

5. Fees and factors for remuneration

(1) An Environmental Practitioner shall only be remunerated by a fee agreed upon between him or her and the developer, owner or operator.

(2) An Environmental Practitioner shall be paid for the services, by the developer or operator or owner—

(a) a fee appropriate to remunerate him or her for the time and, skill which he or she shall personally devote to the developer's, owner's or operator's affairs and the responsibility he or she accepts.

(b) a reimbursement of and a suitable margin of profit on his or her overhead expenses.

(3) An Environmental Practitioner shall not charge excessive or unreasonable fees.

6. Computation of fees

In computing fees payable to an Environmental Practitioner, the following shall be considered—

(a) the skill and knowledge required;

(b) consultation involved;

(c) risks involved in carrying out the study;

(d) the nature of responsibility undertaken; and

(e) the time taken for the study.

7. Honesty

An Environmental Practitioner shall, at all times, be honest and impartial in his or her dealings with the developer, owner or operator and the public.

8. Liasing with the Authority

(1) An Environmental Practitioner shall not usurp the statutory duty of the developer, owner or operator to liase with the Authority.

(2) An Environmental Practitioner may, notwith-standing, subparagraph (1), consult with the Authority regarding technical matters in carrying out the environmental impact study or audit.

9. Submission of environmental impact statement or environmental audit reports

The Environmental Practitioner shall submit the environmental impact statement or an environmental audit report to the developer, owner or operator who shall submit such document directly to the Authority.

10. Responsibility of the environmental Practitioner

An Environmental Practitioner is personally responsible for work undertaken on behalf of the developer, owner or operator.

11. Duty to the Environmental Practitioner

A developer, owner or operator shall have the duty to fulfil the terms of the contract with the Environmental Practitioner and shall protect the Environmental Practitioner against any other person while carrying out professional duties or instructions.

12. Devotion of time

(1) An Environmental Practitioner shall devote sufficient time for the conduct of the work of the developer, owners or operator.

(2) An Environmental Practitioner shall only take up such work as can be successfully conducted and done on time.

PART II—GENERAL DUTIES OF ENVIRONMENTAL PRACTITIONERS.

13. Collection of data

(1) An Environmental Practitioner shall take due care and diligence to collect the relevant data to address the significant environmental issues in the various stages of the assessment or audit process.

(2) An Environmental Practitioner shall not include in his or her report, without acknowledgement of the source, any data, which is not the result of his or her findings.

14. Consultation

An Environmental Practitioner shall consult widely with all relevant agencies, stakeholders, interested parties and the general public, on all matters which will, or are likely to, affect them.

15. Guidelines

An Environmental Practitioner shall comply with Regulations or guidelines and directives issued by the Committee or Authority.

16. Contents of reports

An Environmental Practitioner shall include all the matters as required, under the Act and the guidelines to be included in the environmental statement or environmental audit reports before submitting the reports to the developer or owner of the project.

17. Previous findings

An Environmental Practitioner shall not base an environmental impact assessment or audit entirely on the findings of a previously conducted environmental impact assessment or environmental audit.

18. Similar projects

An Environmental Practitioner shall, in undertaking an environmental impact study or audit, bear in mind any previous environmental impact assessments of a similar project made under these Regulations but shall not copy the previous finding in whole.

19. Disclosure of references

An Environmental Practitioner, in making reference to other environmental impact assessments or environmental audits, shall quote and disclose the references.

20. Co-operation in case of inquiry

In the event of any alleged breach of this Code of Practice, an Environmental Practitioner shall co-operate fully and without reservation in any formal inquiry or when called upon to appear before the Committee.

21. Maintenance of records

An Environmental Practitioner shall maintain a record of all environmental impact studies or audit work carried out by him or her, which shall on request be made available to the Committee.

22. Use of applicable standards and practices

An Environmental Practitioner shall ensure that all work undertaken by him or her is carried out in accordance with applicable standards and best practice.

PART III—PRINCIPLES OF ETHICS.

23. Use of principles of sustainable development

An Environmental Practitioner shall carry out his or her professional activities, as far as possible, in accordance with principles of sustainable development and the highest standards of environmental protection and in compliance with relevant laws, including, but not limited to the National Environment Act, and the Regulations made under it.

24. Protection of the integrity of the environment

An Environmental Practitioner shall at all times place the integrity of the environment, including conservation and sustainable use of the biophysical environment, and the social welfare, health and safety aspects of the socio-economic environment, above any commitment to private interest.

25. Promotion of environmental considerations.

An Environmental Practitioner shall promote the incorporation of environmental considerations from the earliest stages of project design or development.

26. Separation of facts and opinions

An Environmental Practitioner shall clearly differentiate between facts and opinions in his or her work.

27. Advancement in knowledge by practitioner

An Environmental Practitioner shall, to the best of his or her ability, keep informed of advances in environment impact assessment practice or environmental audit practice and must integrate such knowledge in his or her professional activities.

28. Misrepresentation of qualifications

An Environmental Practitioner shall not misrepresent or allow or permit misrepresentation of his or her own or an associates' academic or professional qualifications nor exaggerate his or her degree of responsibility for any work of a professional nature.

29. Professional conduct of environmental practitioners

(1) An Environmental Practitioner shall conduct his or her work in accordance with these Regulations and the code of ethics obtaining in the profession to which he or she belongs.

(2) An Environmental Practitioner must conduct his profession in accordance with the best available practice, taking into account advances in science and technology.

(3) An Environmental Practitioner shall act professionally, accurately, truthfully, and in an unbiased manner.

30. Adequacy of information

An Environmental Practitioner shall not intentionally communicate inadequate, false or misleading information that may compromise the integrity of any assessment or audit or the approval process.

31. Responsibility to the law and profession

(1) An Environmental Practitioner shall abide by the laws of Uganda, uphold the code of conduct, honour his or her profession and adhere to ethical principles.

(2) An Environmental Practitioner shall strive to enhance the profession of Environmental Practitioners.

32. Integrity of the committee

An Environmental Practitioner shall not act in any way that is likely to prejudice the reputation of the committee or its functions and shall co-operate fully with an inquiry carried out in the event of any alleged breach of this Code.

33. Responsibility to the public

An Environmental Practitioner shall ensure that no action or omission on his or her part or within his or her sphere of responsibility is detrimental to the interest, condition or safety of the public and the environment.

34. Competence

(1) An Environmental Practitioner shall keep abreast of professionalism in his or her field of expertise and maintain a high standard of professional competence.

(2) An Environmental Practitioner shall not undertake or accept any work beyond his qualifications.

35. Uncertified or registered persons

An Environmental Practitioner shall not allow any person to practice in his or her name as a registered Environmental Practitioner unless that person is also a registered Environmental Practitioner and is in partnership or employed by him or her.

36. Signing of the statement of the study or report

(1) An Environmental Practitioner shall not sign or put his or her name to an environmental impact statement or environmental audit that is not prepared by him or her, or by staff under his or her supervision.

(2) An Environmental Practitioner shall not knowingly sign or put his or her name to an environmental impact statement or audit that contains false information.

37. Breach of terms.

An Environmental Practitioner shall not breach the terms of his or her contract with the developer, owner or operator.

38. Illegal activities

An Environmental Practitioner shall not engage in activities that bring discredit to his or her profession or to the delivery of an environmental impact study or audit, and shall expose without fear or favour all those engaged in illegal or unethical conduct.

39. Advertising

An Environmental Practitioner shall not directly or indirectly apply or seek instructions for professional business or do or permit, in the carrying out of his or her practice any act or thing, which can be reasonably regarded as advertising and shall not entice the developer, owners or operators from other Environmental Practitioners.

40. Disclosure of Environmental Practitioner's interests

An Environmental Practitioner shall not give his or opinion on an environmental impact study or audit in which he or she has substantial interest unless he or she discloses the nature of interest when expressing his or her opinion.

41. Confidentiality

(1) An Environmental Practitioner shall not disclose classified information acquired in the course of his or her professional engagement to any person other than the developer, owner or operator or the Authority without the consent of the developer, owner or operator or the Authority.

(2) In the case of an environmental audit, an environmental auditor shall not disclose any information relating to an audit without prior written approval from the owner or operator of the audited facility, or the auditing organisation, unless required by law.

42. Exploitation

An Environmental Practitioner shall not exploit the lack of experience, lack of understanding, illiteracy or other personal short-comings of a developer, owner or operator, or the public for his or her personal benefit or any other person.

43. Commission

(1) An Environmental Practitioner shall not accept any work which involves the giving or receiving of discount or commission, nor shall he or she accept any form of bribe, gift or commission from a lead agency, line ministry or department, the private sector, non governmental organisations and the public, or any person, whether employed in his or her work or not.

(2) An Environmental Practitioner shall not accept any, commission, gift, or other inducement from the owner or operator or employee or agent, of the operator or owner or any other interested party when carrying out an audit, or knowingly allow any person to do so.

44. Competing interests

An Environmental Practitioner shall not represent conflicting or competing interests and shall disclose to any client or employer any relationships that may influence his judgement prior to the carrying out of work.

COL. KAHINDA OTAFIIRE,
Minister of Water, Lands and Environment.