
BILLS

SUPPLEMENT No. 9

16th August, 1996

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**THE EXPROPRIATED PROPERTIES (FINAL DISPOSAL)
BILL, 1996.**

MEMORANDUM

The object of this Bill is to provide for the final disposal of expropriated properties. The Bill seeks to provide for payment of compensation to those former owners whose properties have been sold by the Departed Asians' Property Custodian Board. Only applications made before the commencement of the Bill when enacted are to be considered. The Bill in particular seeks to repeal the Assets of Departed Asians Decree, 1973 and the Acquired Asian Business (Rights and Obligations Ascertainment) Decree, 1973.



J.S. MAYANJA NKANGI,
Minister of Finance.

THE EXPROPRIATED PROPERTIES (FINAL DISPOSAL)
BILL, 1996.

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A Bill for an Act.

ENTITLED

**THE EXPROPRIATED PROPERTIES
(FINAL DISPOSAL) ACT, 1996.**

An Act to provide for the final disposal of expropriated properties; to provide for the payment of compensation to those former owners whose properties have been sold by the Government; to provide for the dissolution of the Departed Asians Property Custodian Board and to provide for other related matters.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.

1. This Act may be cited as the Expropriated Properties (Final Disposal) Act, 1996. Short title.

2. In this Act unless the context otherwise requires— Interpre-
tation.

“Board” means the Departed Asians’ Property Custodian Board established by section 5 of the Assets of Departed Asians’ Decree, 1973;

Decree
No. 27 of
1973.

“Committee” means the Compensation Claim Committee established under section 7 of this Act;

“expropriated property” means any property described in section 1 of the Expropriated Properties Act, 1982. Act No. 9
of 1982.

“former owner” includes any person who was either the registered owner or proprietor of any immovable or movable property in Uganda or was shareholder in a business or enterprise registered in Uganda and who was either expelled or forced to flee from Uganda during the period of the military regime or was in any other way dispossessed of any such property or business; and any person who is the legal heir or successor of that person;

“military regime” means the government in power during the period from the 25th day of January, 1971 to the 3rd day of June, 1979;

“Minister” means the Minister responsible for finance.

PART II—COMPENSATION FUND.

Establishment of compensation fund.

3. (1) There shall be established a Compensation Fund for the purpose of granting compensation to former owners of expropriated properties.

(2) The Compensation Fund shall consist of the proceeds of the sale of expropriated properties.

Payment of compensation.
Act No. 9 of 1982.

4. (1) Any former owner of expropriated properties sold in accordance with section 8 of the Expropriated Properties Act, 1982 shall be entitled to compensation under this Act in respect of the property.

(2) All applications for compensation made prior to the commencement of this Act under the Expropriated Properties Act, 1982 shall in so far as they are consistent with this Act, remain valid and binding and shall be deemed to have been made under this Act; but after the commencement of this Act no new applications for compensation for expropriated property sold shall be entertained under this Act.

5. (1) Subject to the provisions of this Part, former owners shall each be entitled to ninety percent of the amount derived from the sale of the expropriated property in respect of which compensation is being paid.

Entitlement to ninety percent of sale price.

(2) The remaining ten percent of the sale price shall be utilised in meeting administrative costs in connection with the sale of the expropriated property.

6. After all applications made for payment of compensation under section 4 have been processed, all moneys standing in the Compensation Fund shall be paid into the Consolidated Fund.

Payment of moneys remaining into Consolidated Fund.

7. (1) There is established a Compensation Claims Committee comprising not more than five members.

Compensation Claims Committee.

(2) The members of the Committee shall be appointed by the Minister and shall hold office upon such terms and conditions as the Minister may determine.

(3) The functions of the Committee shall be to handle and dispose of claims regarding payment of compensation in respect of expropriated properties under this Act.

PART III—GENERAL.

8. Any pending court proceedings, and all court actions, judgments or court orders which were enforceable by or against the Board immediately before commencement of this Act, shall, with effect from the commencement of this Act subsist and be enforceable by or against the Government as they would have been enforced by or against the Board immediately before the commencement of this Act.

Pending court proceedings.

9. Any property or right vested in the Board immediately before the commencement of this Act, shall, on the coming into force of this Act, be vested in the Government.

Transfer of property and rights of Board to Government.

Employees
of the Board.

10. A person who was employed by the Board immediately before the commencement of this Act shall be paid his or her terminal benefits payable by the Board, in accordance with the terms of his or her employment with the Board.

Consequen-
tial
amendments
to
Expropriated
Properties
Act.

11. The Expropriated Properties Act, 1982 is amended as follows—

(a) in section 1, by deleting subsections (3) and (4);
and

(b) in section 11, by substituting for subsection (1),
the following—

“(1) The Government shall pay compensation to any former owner whose property is sold in accordance with section 8 of this Act and who has previously received no compensation from the Government”.

Regulations.

12. The Minister may, on the advice of the Compensation Claims Committee make regulations for the better carrying into effect of the provisions of this Act.

Repeals of
Decree
No. 26 and
27 of 1973.

13. The Assets of Departed Asians' Decree, 1973 and the Acquired Asian Business (Rights and Obligations Ascertainment) Decree, 1973 are repealed.

Duration of
Act.

14. This Act shall continue in existence for one year and shall then expire unless Parliament extends it by resolution.