

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 .

2007 No. 61.

**THE UNIVERSITIES AND OTHER TERTIARY INSTITUTIONS
(LETTERS OF INTERIM AUTHORITY FOR PRIVATE UNIVERSITIES
AND PROVISIONAL LICENCES FOR PRIVATE OTHER DEGREE
AWARDING INSTITUTIONS) REGULATIONS, 2007.**

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STATUTORY INSTRUMENTS.

2007 No. 61.

The Universities and Other Tertiary Institutions (Letters of Interim Authority for Private Universities and Provisional Licences for Private Other Degree Awarding Institutions) Regulations, 2007.

(Under sections 82D, 82E, 82F, 95A and 128 of the Universities and Other Tertiary Institutions Act 2001, Act No. 7 of 2001)

IN EXERCISE of the powers conferred upon the National Council for Higher Education by sections 82D, 82E, 82F, 95A and 128 of the Universities and Other Tertiary Institutions Act, 2001 and with the approval of the Minister, these Regulations are made this 26th day of February, 2007.

PART I—PRELIMINARY

1. Title.

These Regulations may be cited as the Universities and Other Tertiary Institutions (Letters of Interim Authority for Private Universities and Provisional Licences for Private Other Degree Awarding Institutions) Regulations, 2007.

2. Interpretation.

In these Regulations, unless the context otherwise requires—

“Act” means the Universities and Other Tertiary Institutions Act, 2001;

“currency point” has the value given to it in Schedule 1;

“National Council” means the National Council for Higher Education established by section 4 of the Act;

“private other degree awarding institution” means a private institution or private centre of higher learning other than a university, one of the objects of which is the provision of post secondary education, offering courses of study leading to the award of certificates, diplomas and degrees and conducting research and publishing the results of the research;

“promoter of a private university” means a person intending or proposing to establish and operate a private university in Uganda.

PART II—LETTER OF INTERIM AUTHORITY

3. Application for letter of interim authority.

(1) A promoter of a private university shall apply to the National Council for a letter of interim authority to establish and operate a private university.

(2) An application for a letter of interim authority shall be in Form 7 set out in Schedule 2 and shall be accompanied by the prescribed fee.

4. Issue of letter of interim authority.

(1) The National Council may, on being satisfied that the requirements specified in regulation 3 are complied with, issue a letter of interim authority to a promoter of a private university.

(2) A letter of interim authority shall be valid for a period of up to three years during which the holder of the authority shall not admit students into the university but shall—

- (a) mobilise funds;
- (b) acquire requisite infrastructure and academic facilities;
- (c) organise academic and administrative human infrastructure; and
- (d) do any other thing that may further the development of the proposed university to maturity.

(3) The National Council shall, within the three year period prescribed under subregulation (2), monitor the private university project to establish its viability for grant of a provisional licence.

5. Refusal to issue letter of interim authority.

The National Council may reject an application for a letter of interim authority where it is satisfied that the promoter of the proposed private university is not likely to procure the academic, physical or other resources necessary for the establishment and operation of the university.

6. Suspension of letter of interim authority.

(1) The National Council may suspend a letter of interim authority issued to a promoter of a private university where—

- (a) if after two years from the issuance of the letter of interim authority, no substantial progress has been made to develop the private university project;
- (b) the promoter of a private university is unable to meet the standards set for operation as a private university;
- (c) the promoter of a private university does not fulfill the purpose for which the letter of interim authority was granted;
- (d) the promoter of a private university is in breach of the Act;
- (e) the National Council, for any other reason deems it fit to suspend the letter of interim authority.

(2) Where the National Council intends to suspend a letter of interim authority, the National Council shall notify the promoter of the proposed private university of its intention in writing and shall publish the notice in the Gazette and in print media or newspapers.

(3) A notice of intention to suspend a letter of interim authority shall be in Form 8 set out in Schedule 2.

(4) Where the National Council notifies a promoter of a private university of its intention to suspend a letter of interim authority, the promoter of the proposed private university may, within two months after the date of publication of the notice of intention to suspend the letter of interim authority, show cause why the letter of interim authority should not be suspended.

(5) The National Council shall suspend a letter of interim authority for six months where—

- (a) the promoter of the proposed private university does not challenge the suspension; or
- (b) the National Council is not satisfied with the explanation given by the Promoter of the concerned private university.

(6) Where the National Council suspends the letter of interim authority, the promoter of the private university shall, during the period of suspension, address the concerns which led to the suspension.

(7) A promoter of a private university who operates the university while the letter of interim authority is suspended commits an offence and is liable on conviction to a fine not exceeding one hundred currency points.

7. Revocation of letter of interim authority.

(1) The National Council shall revoke a letter of interim authority within six months after its suspension if the promoter of the proposed private university has not substantially addressed the matters which led to the suspension of the letter of interim authority.

(2) The National Council shall before it revokes a letter of interim authority notify the promoter in writing of the proposed private university of the intention to revoke its letter of interim authority, and shall publish the notice in the Gazette and in print media or newspapers.

(3) A notice of intention to revoke a letter of interim authority shall be in Form 9 set out in Schedule 2.

(4) The National Council shall publish the revocation of a letter of interim authority by notice in the Gazette.

(5) A promoter of a private university who operates the university, while the letter of interim authority is revoked commits an offence and is liable on conviction to a fine not exceeding one hundred currency points.

PART III—ESTABLISHMENT AND OPERATION OF PRIVATE OTHER DEGREE AWARDING INSTITUTION

8. Application for provisional licence.

(1) A person who proposes to establish and operate a Private Other Degree Awarding Institution shall apply to the National Council for a provisional licence.

(2) An application for a provisional licence shall be in Form 10 set out in Schedule 2, and shall be accompanied by the prescribed fee.

9. Verification of application.

The National Council shall, on receipt of an application made under regulation 8, organise a meeting or series of meetings with the applicant to verify the resources and information given in the application.

10. Issue of provisional licence.

(1) The National Council may issue a provisional licence to the applicant to establish and operate a Private Other Degree Awarding Institution where it is satisfied that—

- (a) the resources declared are available or are likely to be established;
- (b) the applicant is following realistic plans to achieve the objects of the Private Other Degree Awarding Institution;
- (c) the Private Other Degree Awarding Institution is likely to attain and maintain the academic standards prescribed by the National Council; and

- (d) the establishment of the Private Other Degree Awarding institution is in the interest of the public in relation to higher education.

(2) The National Council shall publish the name and particulars of the Private Other Degree Awarding Institution issued with a provisional licence in the Gazette and in print media or newspaper.

(3) A provisional licence shall be valid for at least three years from the date of publication of the name of the institution in the Gazette, within which period the National Council shall monitor the institution to establish its viability for accreditation.

(4) A person who operates a Private Other Degree Awarding Institution without a provisional licence commits an offence and is liable on conviction to a fine not exceeding one hundred currency points.

11. Refusal to grant provisional licence.

The National Council may reject an application for a provisional licence where the National Council is satisfied that the proposed institution is not likely to procure the academic, physical or other resources necessary for the establishment and operation of a Private Other Degree Awarding Institution.

12. Suspension of provisional licence.

- (1) The National Council may suspend a provisional licence where—
 - (a) if after two years from the issuance of the provisional licence, no substantial progress is made to establish the institution;
 - (b) the Private Other Degree Awarding Institution is unable to meet the standards prescribed the National Council;
 - (c) the Private Other Degree Awarding Institution does not fulfill the purposes for which the provisional licence is issued;
 - (d) the Private Other Degree Awarding Institution is in breach of the Act;
 - (e) the National Council, for any other reason deems it fit to suspend the provisional licence.

(2) The National Council shall before suspending a provisional licence, notify the promoter of the institution in writing of the intention to suspend the provisional licence, and shall publish the notice in the Gazette and in print media or newspaper.

(3) A notice of intention to suspend a provisional licence shall be in Form 11 setout in Schedule 2.

(4) The Private Other Degree Awarding Institution shall, within two months from the date of publication of the intention to suspend the institution's provisional licence, show cause why the provisional licence should not be suspended.

(5) The National Council shall suspend the provisional licence where—

(a) the Private Other Degree Awarding Institution does not challenge the suspension; or

(b) the National Council is not satisfied with the explanation given by the Private Other Degree Awarding Institution.

(6) Where the National Council suspends the provisional licence, the private other degree awarding institution may during the period of suspension, address the matters which led to the suspension of the provisional licence.

(7) A person who operates a Private Other Degree Awarding Institution, while the provisional licence is suspended commits an offence and is liable on conviction to a fine not exceeding one hundred currency points.

13. Revocation of provisional licence.

(1) The National Council shall revoke a provisional licence if, within six months after its suspension, the institution has not substantially addressed the concerns which led to the suspension of its provisional licence.

(2) The National Council shall, before revoking a provisional licence notify the institution of the intention to revoke the provisional licence, by notice in the Gazette and in print media or newspapers.

(3) The notice of intention to revoke a provisional licence shall be in Form 12 set out in Schedule 2.

(4) The National Council shall publish the revocation of a letter of interim authority in the Gazette and in print media or newspaper.

(5) A person who operates a Private Other Degree Awarding Institution while the provisional licence is revoked commits an offence and is liable on conviction to a fine not exceeding one hundred currency points.

14. Fees for letter of interim authority and provisional licence.

An application to the National Council for a letter of interim authority or a provisional licence, shall be accompanied by the fee set out in Schedule 3.

SCHEDULE 1

Regulation 2

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

SCHEDULE 2
FORMS

Regulation 3(2)

NCHE FORM 7

NATIONAL COUNCIL FOR HIGHER EDUCATION

APPLICATION FOR LETTER OF INTERIM AUTHORITY TO
ESTABLISH AND OPERATE A PRIVATE UNIVERSITY

*(Fill in all items in this form and append attachments wherever necessary.
Use capital letters. Hand in 10 copies)*

1. NAME OF PROPOSED PRIVATE UNIVERSITY

.....
.....

2. ADDRESS OF PROPOSED PRIVATE UNIVERSITY

- (a) Postal address
- (b) Fax number
- (c) E-mail address
- (d) Website address.....
- (e) Telephone numberMobile.....

3. PROPOSED PHYSICAL LOCATION

- (a) State the location of the proposed private university
.....
.....
.....
- (b) Do you already have a title deed? (Please attach a photocopy of the land title).....

4. NAMES OF PROMOTERS

Name the promoters of the private university

- (a)
- (b)
- (c)

(Attach separate sheet if there are more promoters)

5. VISION, MISSION, OBJECTIVES AND PHILOSOPHY

- (a) State the vision of the private university
.....
.....
.....
- (b) State the mission for which the private university is to be established
.....
.....
.....
- (c) State the objectives for which the private university is to be established.
.....
.....
.....
- (d) State the philosophy of the private university to be established
.....
.....
.....
- (e) State the proposed governance structures of the private university
.....
.....
.....
- (f) State the proposed human resources that will be required to operate the private university.....
.....
.....
- (g) State the expected sources of financial resources
.....
.....
.....
- (h) Provide the time table indicating the steps proposed to be taken for—
 - (i) mobilisation of resources;
 - (ii) acquisition of requisite infrastructure and academic facilities;

(iii) organisation of academic and administrative human infrastructure; and

(iv) any other steps that may further the development of the proposed private university to maturity.

(i) Describe the existing infrastructure to be used

.....
.....

(j) What programmes of study are planned in setting up of the private university?

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

6. NAMES AND SIGNATURES OF PROMOTERS

(Name).....

(Signature) (Date).....

(Name).....

(Signature) (Date).....

(Name).....

(Signature) (Date).....

(Name).....

(Signature) (Date).....

Project Director

(Name).....

(Signature) (Date).....

We swear that the above information is true and we shall stand by it as
evidence in court of law

7. PLEASE ATTACH A DETAILED PROJECT PROPOSAL
CONTAINING THE FOLLOWING INFORMATION—

- (a) name of the proposed private university;
- (b) physical location of the proposed private university;
- (c) aims and objectives for which the proposed private university is to be established;
- (d) membership and governance of the private university;
- (e) sources of funding;
- (f) proposed academic and senior administrative staff;
- (g) financial control mechanism to be put in place;
- (h) detailed explanation of the programmes to be offered; and
- (i) physical and educational facilities in place or to be put in place.

NCHE FORM 8

NATIONAL COUNCIL FOR HIGHER EDUCATION

NOTICE OF INTENTION TO SUSPEND LETTER OF INTERIM
AUTHORITY

To the promoter of

.....
(*Name of the Private University*)

TAKE NOTE THAT—

1. The National Council intends to suspend the Letter of Interim Authority of
(*Name of the Private University*) within two months after the date of publication of this notice in the Gazette.
2. The following are the grounds on which the intended suspension is based—
 - (a)
 - (b)
 - (c)
 - (d)
(*Attach additional pages if there are more grounds*)
3. Upon publication of this notice, the promoter of the private university shall cease to operate the university.
4. During the two months after the publication of this notice, the promoter of the private university shall submit an explanation in writing to the National Council, showing cause why the suspension should not be issued.

.....
Executive Director
National Council for Higher Education

NCHE FORM 9

NATIONAL COUNCIL FOR HIGHER EDUCATION

NOTICE OF INTENTION TO REVOKE LETTER OF INTERIM
AUTHORITY

To the promoter of

.....
(Name of the Private University)

TAKE NOTE THAT—

1. The National Council intends to revoke the Letter of Interim Authority of
(Name of the Private University) within two months after the date of publication of this notice in the Gazette.
2. The following are the grounds on which the intended revocation is based—
 - (a)
 - (b)
 - (c)
 - (d)
(Attach additional pages if there are more grounds)
3. Upon publication of this notice, the promoter of a private university shall cease to operate the university.
4. During the two months after the publication of this notice, the promoter of a private university shall submit an explanation in writing to the National Council, showing cause why the revocation should not be issued.

.....
Executive Director
National Council for Higher Education

NCHE FORM 10

NATIONAL COUNCIL FOR HIGHER EDUCATION

APPLICATION FOR PROVISIONAL LICENCE TO ESTABLISH AND
OPERATE A PRIVATE OTHER DEGREE AWARDDING INSTITUTION
(Fill in all items on this form and append attachments wherever necessary.
Use capital letters. Hand in 10 copies)

1. NAME OF PROPOSED PRIVATE OTHER DEGREE AWARDDING
INSTITUTION:.....
.....
2. ADDRESS OF THE INSTITUTION
 - (a) Postal address
 - (b) Fax number.....
 - (c) E-mail address
 - (d) Website address.....
 - (e) Telephone number.....Mobile.....
3. LOCATION
 - (a) State the location of the proposed private other degree awarding
institution.....
.....
 - (b) The amount of land owned by the proposed private other degree
awarding institution (*Please attach a copy of the land title*):.....
.....
 - (c) Amount of land in current use:
 - (d) Amount of land for future use:.....
 - (e) Year(s) when all above plots of land were acquired:.....
.....
 - (f) If the land on which the proposed private other degree awarding
institution is leased or rented, provide a copy of the
agreement.....

4. INFRASTRUCTURE TO SUPPORT THE DELIVERY OF HIGHER EDUCATION

(a) Buildings

State the total square metres of the following buildings:

- (i) Classrooms
- (ii) Libraries
- (iii) Science laboratories
- (iv) Computer laboratories
- (v) Staff houses
- (vi) Number of staff houses
- (vii) Total area of administrative staff
- (viii) Total area for staff use
- (ix) Main building/Administrative
- (x) Student welfare offices
- (xi) Health clinic/Sick bay area
- (xii) Hostel/Dormitory area.....
- (xiii) Meeting hall area.....
- (xiv) Provide a master plan of your campus showing how the buildings relate to one another

(b) Ground, physical infrastructure and services/utilities

- (i) Area of playgrounds
- (ii) Types of playgrounds available (e.g. tennis courts, swimming pool, etc.).....
- (iii) Area of empty space within the campus dedicated to aesthetic and recreational use
- (iv) Total mileage of roads and paths within the campus
- (v) What are the sources of water for the private other degree awarding institution community?.....
- (vi) Indicate the supply of power you are to use?
- (vii) Do you have land suitable for agriculture? If so, how many acres?.....

- (c) Transport
State the number of vehicles the private other degree awarding institution has and their registration numbers:.....
.....
.....

5. EDUCATIONAL FACILITIES IN PLACE

- (a) Total number of library books.
- (b) Total number of textbooks
- (c) Dates of publication of the majority of books (give in blocks of dates, 1960s, 1970s, 1980s, 1990s, 2000s etc.....
- (d) Total number of computers for student use.....
- (e) Total number of computers in the library.....
- (f) Total number of computers for academic staff use.....
- (g) Total number of computers for administration
- (h) What library computer programme do you use to search and retrieve materials in the library and resource centres?
.....
.....
.....
- (i) State whether students will access computers to locate reading materials in the library
- (j) Does the private other degree awarding institution have access to internet?
.....
.....
.....
- (k) State the number of seats in the:
- (a) Libraries
- (b) Classrooms (lecture halls)
- (c) Laboratories
- (d) Administration Block

- (l) What facilities for student accommodation do you have?
.....
.....
.....

6. ACADEMIC STAFF

- (a) State the number of full time academic staff the private other degree awarding institution intends to have
- (b) State the number of part-time staff the private other degree awarding institution intends to have

7. ADMINISTRATIVE AND SUPPORT STAFF

- (a) How many administrative staff do you intend to have?
.....
- (b) How many support staff do you intend to have?
- (c) Names of proposed members of the Council of the private other degree awarding institution.....
.....
.....
(attach an additional list where necessary)
- (d) Proposed Chancellor
- (e) Proposed Director.....
.....
- (f) Proposed Deputy Director
- (g) Proposed Institution Secretary
- (h) Proposed Registrar
- (i) Deans of each of the faculties
-
.....

8. OWNERSHIP OF PRIVATE OTHER DEGREE AWARDING INSTITUTION

- (a) Please indicate who the owners of the proposed private other degree awarding institution are, clearly stating how they will retain control (e.g. by having reserved places on the Council, Senate, appointment as Deans and as other officers):
.....
.....
.....
- (b) Who are the promoters of the private other degree awarding institution?
.....
.....

9. FINANCES AND MANAGEMENT

- (a) What other assets, besides land and buildings, does the private other degree awarding institution own? (Attach a separate sheet if necessary).....
.....
.....
- (b) What is the proposed annual budget of the private other degree awarding institution?
.....
.....
.....
- (c) Fees structure.....
.....
.....
- (d) What percentage of the budget is to be derived from fees?.....
.....
- (e) State other sources of income that will support the private other degree awarding institution
.....
.....
.....

- (f) How much of the budget is to be given to:
- (i) Infrastructure development
 -
 - (ii) Research and development.....
 - (iii) Computer hardware and software.....
 - (iv) Science laboratory equipment
 - (v) Staff development.....
 - (vi) Library
- (g) What percentage of the budget is given to staff salaries?.....
-
-
- (h) Who are the current bankers of the private other degree awarding institution?.....
-
-
-

10. VISION AND MISSION OF THE PRIVATE OTHER DEGREE AWARDING INSTITUTION

- (a) What is the vision of the private other degree awarding institution?
-
-
- (b) What is the mission of the private other degree awarding institution?
-
-
- (c) What are the specific objectives of the private other degree awarding institution?
-
-
-

- (d) Provide a logo of the proposed private other degree awarding institution
-
-
- (e) Attach a strategic plan of the private other degree awarding institution
-
-
- (f) What programmes of study does the private other degree awarding institution intend to offer?
-
-
-
- (g) What is the area of competence of the private other degree awarding institution in which it intends to do better than other established private other degree awarding institutions?
-
-
-
-
-
- (h) What are the future planned programmes and when will they commence?.....
-
-
-
-
-

11. STUDENT POPULATION

- (a) Total number of students the private other degree awarding institution intends to admit.....

- (b) Planned/estimated programme distribution of students (number and percentage)
- (i) Arts
 - (ii) Social Sciences.....
 - (iii) Basic Science
 - (iv) Arts Education (teaching)
 - (v) Science Education (teaching)
 - (vi) Agriculture
 - (vii) Medicine (Medicine, Pharmacy, Dentistry)
 - (viii) Veterinary medicine
 - (ix) Engineering/Technology

12. SIGNATURE OF THE OFFICERS OF THE PRIVATE OTHER DEGREE AWARDING INSTITUTION

- (a) Chairperson of Governing Council (print, sign and date)

(Name)

(Signature) (Date).....

- (b) Director of the private other degree awarding institution

(Name)

(Signature) (Date).....

- (c) Deputy Director

(Name)

(Signature) (Date).....

We swear that all the above information is true and we shall stand by it as evidence in court of law

13. PLEASE ATTACH A DETAILED PROJECT PROPOSAL CONTAINING—
- (a) Name of the private other degree awarding institution.
 - (b) Physical location of the private other degree awarding institution.
 - (c) Aims and objectives for which the private other degree awarding institution has been established.
 - (d) Membership and governance of the private other degree awarding institution.
 - (e) Sources of funding for the private other degree awarding institution.
 - (f) Academic and senior administrative staff of the private other degree awarding institution.
 - (g) Financial control mechanism in place.
 - (h) Detailed explanation of the programmes to be offered.
 - (i) Physical and educational facilities in place or to be put in place.
 - (j) A time table indicating the steps to be taken for three years after establishment of the private other degree awarding institution towards the realisation of its objects.

NCHE FORM 11

NATIONAL COUNCIL FOR HIGHER EDUCATION

NOTICE OF INTENTION TO SUSPEND PROVISIONAL LICENCE
GRANTED TO PRIVATE OTHER DEGREE AWARDING INSTITUTION

The Vice Chancellor/Director

.....
(Name of the Private Other Degree Awarding Institution)

TAKE NOTE THAT—

1. The National Council intends to suspend the provisional licence of
.....
(Name of the Private Other Degree Awarding Institution) within two months after the date of publication of this notice in the Gazette.
2. The following are the grounds on which the intended suspension is based—
 - (a)
 - (b)
 - (c)
 - (d)

(Attach additional pages if there are more grounds)
3. Upon publication of this notice, you shall cease any further admission of students.
4. During the two months after the publication of this notice, the promoter of a Private Other Degree Awarding Institution is required to submit an explanation in writing to the National Council, showing cause why the suspension should not be issued.

.....
Executive Director
National Council for Higher Education

NCHE FORM 12

NATIONAL COUNCIL FOR HIGHER EDUCATION

NOTICE OF INTENTION TO REVOKE PROVISIONAL LICENCE
GRANTED TO PRIVATE OTHER DEGREE AWARDING INSTITUTION

The Vice Chancellor/Director/Rector

.....
(Name of the Private Other Degree Awarding Institution)

TAKE NOTE THAT—

1. The National Council intends to revoke the provisional licence of (Name of the Private Other Degree Awarding Institution) within six months after the date of publication of this notice in the Gazette.

2. The following are the grounds on which the intended revocation is based—
 - (a)
 - (b)
 - (c)
(Attach additional pages if there are more grounds)

3. Upon publication of this notice, you shall cease any further admission of students.

4. During the six months after the publication of this notice, the promoter of a Private Other Degree Awarding Institution is required to submit an explanation in writing to the National Council showing cause why the revocation should not be issued.

.....
Executive Director
National Council for Higher Education

SCHEDULE 3

Regulation 14

NATIONAL COUNCIL FOR HIGHER EDUCATION

FEES PAYABLE ON APPLICATION FOR A LETTER OF INTERIM AUTHORITY OR A PROVISIONAL LICENCE.

APPLICATION	FEES
Letter of interim authority	100 currency points
Provisional licence	300 currency points
Application forms	5 currency points
Verification of information	100 currency points

Cross References

The Universities and Other Tertiary Institutions Act, 2001, Act No. 7 of 2001.
The Universities and Other Tertiary Institutions (Amendment) Act, 2006, Act
No. 3 of 2006.

PROF. MICHEL LEJEUNE,
*Deputy Executive Director,
National Council for Higher Education.*