

**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**

**2005 No. 80.**

**THE UNIVERSITIES AND OTHER TERTIARY  
INSTITUTIONS (ESTABLISHMENT AND OPERATION OF  
PRIVATE UNIVERSITIES AND PRIVATE TERTIARY  
INSTITUTIONS) REGULATIONS, 2005.**

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# STATUTORY INSTRUMENTS

2005 No. 80.

## **The Universities and Other Tertiary Institutions (Establishment and Operation of Private Universities and Private Tertiary Institutions) Regulations, 2005.**

*(Under section 128 of the Universities and Other Tertiary  
Institutions Act, 2001, Act No. 7 of 2001)*

IN EXERCISE of the powers conferred on the National Council for Higher Education and with the approval of the Minister, these Regulations are made this 18th day of October, 2005.

### *Preliminary*

1. These Regulations may be cited as the Universities and Other Tertiary Institutions (Establishment and Operation of Private Universities and Private Tertiary Institutions) Regulations, 2005. Title

2. In these Regulations, unless the context otherwise requires— Inter-  
pretation

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

Act No. 7  
of 2001.

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

### *Provisional Licence to Establish and Operate a Private University*

3. (1) An application to the National Council for a provisional licence to establish and operate a private university under section 96 of the Act shall be in Form NCHE 1 in Schedule 1. Application  
for  
provisional  
licence to  
establish  
and operate  
a private  
university

(2) The application referred to in subregulation (1) shall be accompanied by—

(a) a project proposal containing the information and particulars specified in section 96(2) of the Act; and

(b) the fee prescribed in Schedule 2.

Appraisal of application for provisional licence

**4.** The National Council shall, on receipt of an application referred to in regulation 3, comply with the requirements of section 96(3) and (4) of the Act.

Issue of provisional licence to establish a private university

**5.** (1) The National Council may, subject to section 97(1) of the Act, issue a provisional licence to an applicant to establish and operate a private university upon payment of the fee prescribed in Schedule 2.

(2) The National Council shall publish in the *Gazette*, the name and particulars of a private university issued with a provisional licence under subregulation (1).

(3) A provisional licence issued under subregulation (1) shall be valid for at least three years from the date of publication in the *Gazette*.

(4) The National Council shall, within the period prescribed in subregulation (3), monitor the private university, to establish its viability for accreditation.

Refusal or revocation of provisional licence

**6.** (1) The National Council may refuse or revoke a provisional licence in accordance with section 98 of the Act.

(2) The notice of intention to revoke a provisional licence by the National Council referred to in section 98 (1) of the Act shall be in Form NCHE 2 in Schedule 1.

## *Grant of Charter and Accreditation of Private University*

7. (1) Where, in accordance with section 100 of the Act, a private university has been issued with a provisional licence and has held the licence for not less than three years, the private university may apply to the National Council for the grant of a Charter and accreditation.

Application for grant of Charter and accreditation

(2) An application for the grant of a Charter shall be in Form NCHE 3 in Schedule 1 and shall be accompanied by—

- (a) the information specified in section 100(2) of the Act;
- (b) any other details that the National Council may, in each case, specify; and
- (c) the fee prescribed in Schedule 2.

8. (1) The accreditation and grant of a Charter to a private university shall be in accordance with sections 101 and 102 of the Act.

Grant of Charter and accreditation of private university

(2) The members and employees of the National Council shall not be members of the Inspection Committee appointed by the National Council under section 101 of the Act, but may accompany the Inspection Committee for the provision of information and administrative support.

(3) The inspection report prepared by the Inspection Committee under section 101 (2) shall be in accordance with the format in Schedule 3.

(4) A private university shall, on being granted a Charter, pay the fee prescribed in Schedule 2.

(5) The Minister shall, in accordance with section 102(3) of the Act, as soon as practicable after the granting of a Charter, by legal notice, publish the Charter in the *Gazette* and public print media.

Further matters to take into account when granting provisional licence or Charter

**9.** The National Council shall, when taking the decision to grant a provisional licence or Charter under Part XVII of the Act (Establishment of Private University) have regard to the checklist in Schedule 4.

Revocation of Charter of private university

**10.** (1) The President may, in accordance with section 110 of the Act, on the recommendation of the National Council, through the Minister, revoke a Charter granted to a private university.

(2) The National Council shall, in accordance with section 110(2) of the Act, as soon as practicable, by legal notice, publish the revocation of a Charter in the *Gazette* and thereafter, the private university shall cease to be a private university at the expiry of one year from the date of publication of the legal notice.

*Provisional Licence to Establish and Operate  
a Private Tertiary Institution*

Application for provisional licence to establish and operate a private tertiary institution

**11.** (1) An application to the National Council for a provisional licence to establish and operate a private tertiary institution under section 112 of the Act shall be in Form NCHE 4 in Schedule 1.

(2) The application referred to in subregulation (1) shall be accompanied by—

(a) a project proposal containing the information and particulars specified in section 112 (2) of the Act; and

(b) the fee prescribed in Schedule 2.

Issue of provisional licence to establish and operate a private tertiary institution

**12.** The National Council shall, on receipt of the application referred to in regulation 11, and subject to section 113 of the Act, issue a provisional licence to establish and operate a private tertiary institution to the applicant, upon payment of the fee prescribed in Schedule 2.

**13.** The National Council shall, when taking the decision to grant a provisional licence under Part XIX of the Act (Establishment of Private Tertiary Institutions) have regard to the checklist in Schedule 5.

Further matters to take into account when granting provisional licence

*Classification and Registration of a Private Tertiary Institution*

**14.** (1) Where, in accordance with section 113 of the Act, a private tertiary institution has been issued with a provisional licence and has held the licence for not less than two years, the private tertiary institution may apply to the National Council for a Certificate of Classification and Registration under section 114 of the Act.

Classification and registration of a private tertiary institution

(2) An application for a Certificate of Classification and Registration referred to in subregulation (1) shall be in Form NCHE 5 in Schedule 1 and shall be accompanied by—

(a) a project proposal containing the information specified in section 114(2);

(b) the fee prescribed in Schedule 2.

**15.** (1) The National Council may, subject to section 115(1) of the Act, issue a Certificate of Classification and Registration to a private tertiary institution.

Grant of certificate of classification and registration

(2) The National Council shall, in accordance with section 115(2) of the Act, as soon as practicable after issuing a Certificate of Classification and Registration, by legal notice, publish the Certificate in the *Gazette*.

**16.** (1) The National Council may, subject to section 117 of the Act, revoke the provisional licence or Certificate of Classification and Registration of a private tertiary institution.

Revocation of provisional licence or certificate of classification and registration

(2) The notice of intention to revoke the provisional licence or Certificate of Classification and Registration of a private tertiary institution under section 117 of the Act shall be in Form NCHE 6 in Schedule 1.

**17.** A person who contravenes these Regulations commits an offence and is liable, on conviction, to a fine not exceeding fifty currency points.

## NATIONAL COUNCIL FOR HIGHER EDUCATION

### SCHEDULE 1

*Regulations 3, 6(2), 7 11, 14 and 16(2)*

#### FORMS

- FORM NCHE 1: APPLICATION FOR PROVISIONAL LICENCE TO ESTABLISH AND OPERATE A PRIVATE UNIVERSITY
- FORM NCHE 2: NOTICE OF INTENTION TO REVOKE PROVISIONAL LICENCE OF A PRIVATE UNIVERSITY
- FORM NCHE 3: APPLICATION FOR GRANT OF CHARTER TO A PRIVATE UNIVERSITY
- FORM NCHE 4: APPLICATION FOR PROVISIONAL LICENCE TO ESTABLISH AND OPERATE A PRIVATE TERTIARY INSTITUTION
- FORM NCHE 5: APPLICATION FOR CERTIFICATE OF CLASSIFICATION AND REGISTRATION OF A PRIVATE TERTIARY INSTITUTION.
- FORM NCHE 6: NOTICE OF INTENTION TO REVOKE A PROVISIONAL LICENCE OR CERTIFICATE OF CLASSIFICATION AND REGISTRATION OF A PRIVATE TERTIARY INSTITUTION.



