Blind spots in building and valuation law

What Uganda's building, valuation laws overlook

Where laws fall short

BUILDING LAWS
DEOGRATIUS WAMALA

The Valuation Act did not emerge in a vacuum.

On March 2, 2026, weeks before the law came into force, the Commercial Court delivered judgment in Centenary Rural Development Bank Limited versus Namulondo Hasifa and Others, holding valuers jointly and severally liable for professional negligence after they presented a report overstating the value of a mortgaged property that was vacant land.

The court ordered payment of Shs471.96 million, general damages of Shs50 million, and interest at 20 percent per annum.

The ruling showed that Uganda's valuation profession was operating without enforceable ethics, mandatory licensing, or institutional accountability, and that lenders, borrowers, and courts bore the consequences of that gap.

The Valuation Act is, in significant part, Parliament's answer to that ruling.

Where the laws fall short

The most glaring gap is in Section 28A, which empowers building committees to order the evacuation or demolition of any structure deemed unsafe or constructed in contravention of the Act, with costs falling on the owner.

The authority is significant. The criteria for exercising it are absent.

The Building Control Act, 2026 law does not define what makes a structure unsafe, nor does it prescribe how an order is made, contested, or reviewed before execution. In a country where land disputes are among the most litigated matters in the judicial system, that omission creates the conditions for selective enforcement, politically motivated demolitions, and protracted litigation.

The second gap is institutional. The enforcement architecture rests on district and urban council building committees, expected to process permits, enforce compliance, issue stop orders, and where necessary, order demolitions.

Across Uganda, qualified engineers, architects, and physical planners are unevenly distributed.

In many districts, such professionals are absent from the public payroll. A law that depends on local technical competence will only be as strong as the weakest building committee.

The third gap is temporal. Both Acts came into force on March 19, 2026, but neither is fully operational. Key provisions, including the National Valuation Information System and several enforcement mechanisms, depend on subsidiary regulations yet to be enacted.

A building under construction. The Building Control Act, 2026 and the Valuation Act, 2026 constitute the most consequential regulatory intervention in Uganda's built environment. PHOTO/ MICHAEL KAKUMIRIZI

BUILDING LAW
DEOGRATIUS WAMALA

Uganda's built environment has long been a sector where the rules existed but rarely bit.

Developers erected structures without permits. Valuers overstated property values without institutional consequence, and the penalty regime was so eroded by inflation that non-compliance had become, for many, simply a line item in the project budget.

That arrangement has been formally dismantled. The Building Control Act, 2026 and the Valuation Act, 2026, both assented to by the President on February 19, 2026 and in force since March 19, 2026, together constitute the most consequential regulatory intervention in Uganda's built environment in a generation.

While they are serious laws, drafted with intent, they also contain significant gaps.

The architecture of reform

Buildings have always been regulated in Uganda. But regulation without enforcement is decoration.

Joan Atukei, senior legal officer at the National Building Review Board, says: "The amendment is simply enhancing enforcement of the provisions that already existed."

"The Act seeks to encourage safety compliance with the provisions that have always been in the law by enhancing the penalties but also enhancing service provision for developers," she adds.

The Building Control Act does several things at once. It reconstitutes the National Building Review Board, expanding its membership to nine and broadening its technical composition to include representatives from engineering, architecture, physical planning, and surveying alongside government ministries.

More significantly, it confers on the Board direct enforcement powers that it previously lacked, including the authority to issue stop and evacuation orders, enter and inspect sites, and refer professional misconduct to relevant regulatory bodies.

For an institution that previously had no coercive authority, this is a material expansion.

"That stop or evacuation order is only issued where a building committee has been instructed to take action for purposes of safety and that building committee does not take that action," Atukei explains.

"It is only where the building is seen to be extremely unsafe, causing risk to the public, risk of injury, or risk to property that the board can issue that order," she adds.

Ugandans worried about arbitrary demolitions, she adds, should note that those fears will be addressed in forthcoming regulations. A grace period will be provided for owners to bri[ng] structures into complian[ce].

At the permitting level, the Act [intro]duces a statutory definition of [a mul]ti-storied building.

Any structure exceeding six me[tres in] height, and requires that appli[cations] for such structures be accompa[nied by] engineering designs stamped by [a regis]tered structural engineer, compl[ete with] the engineer's name, registratio[n num]ber, signature, registration cer[tificate] and supporting calculations.

The requirement addresses wha[t struc]tural engineers have long identi[fied as a] critical failure point: buildings [designed] without professional certificatio[n at the] design stage.

Compliance with the National [Build]ing Code, previously a matter of [profes]sional best practice, is now a man[datory] statutory duty.

The Valuation Act moves in paral[lel, ad]dressing a profession that has op[erated] without a mandatory licensing re[gime] for its entire modern history.

The Act establishes the Institute [of Cer]tified Valuers of Uganda, entrench[es the] Office of the Chief Government [Valuer] as the statutory valuation authority, [cre]ates a mandatory licensing regime [with] annual certificates and licenses ex[piring] on December 31 each year, and co[dified] professional ethics and disciplinary [pro]cesses.

Contravention of the Professional C[ode] of Ethics now constitutes both pro[fes]sional misconduct and a criminal [of]fence, a dual exposure that is unpre[ce]dented in Ugandan valuation regula[tion].

The penalty recalibration

Perhaps the most consequen[tial] change is the dismantling of the [old] fixed-sum penalty regime and its [re]placement with an area-based model.

Constructing without a permit now [at]tracts a fine of two currency points [per] square metre of built-up area, or [two] years imprisonment, or both.

A 500 square metre development [gen]erates a Shs1 million fine. A 2,000 s[quare] metre commercial structure faces S[hs...] million, before demolition costs and [le]gal exposure.

The previous regime was, by any me[as]ure, absurd.

"If I had a 20-storey building and I h[ad] any non-compliance; maybe I did[n't] have a building permit, the previ[ous] penalty was 50 currency points. Th[at is] Shs1 million shillings," says Atukei.

"By the time a developer can afford [to] construct a building of that magnitu[de,] that penalty was not befitting of the p[os]sible implications of what could ha[p]pen if that building were to collapse," [she] adds.

The point, she is emphatic, is det[er]rence. "The cost of compliance is actu[al]ly cheaper in the long run than to defa[ult] and face the penalty," she notes.

The strict liability provision under [the] amended section 44 sharpens this [fur]ther.

A developer unaware of faulty scaffo[ld]ing, an engineer who delegated site [su]pervision, a project manager absent [on] the day of an accident; none of these [cir]cumstances constitute a defence.

As engineer and lawyer Peterson Mw[...]ga warns: "Where you have not been [tak]ing insurance, you will probably n[ow] need to take it up because you are go[ing] to assume bigger obligations."

On valuation, unlicensed practice [now] carries a fine of up to Shs10 millio[n or] two years imprisonment, or both.

The penalty recalibration sends a [sig]nal that Parliament intends to be ta[ken] seriously.

Takeaways

- The Building Control Act, 2026 does not define what makes a structure unsafe, nor does it prescribe how an order is made, contested, or reviewed before execution.
- On valuation, unlicensed practice now carries a fine of up to Shs10 million or two years imprisonment, or both.

Gap

'The law does not define what makes a structure unsafe, nor does it prescribe how an order is made, contested, or reviewed before execution.'