

Building Control Act (2026) is the right move, but it must be grounded in reality

The recent amendments to the Building Control Act (2026) represent a decisive and necessary shift in the regulation of Uganda's construction sector. For many years, the industry has operated within a framework where enforcement was limited, compliance was inconsistent, and the consequences of non-compliance were often insufficient to change behaviour.

In that context, the move toward stricter penalties, faster enforcement, and clearer accountability is both timely and justified. The position articulated by the National Building and Regulations Board (NBRB)'s, Flavia G Bwire reflects a clear recognition of these long-standing gaps.

The introduction of scale-based penalties linked to the size of developments, alongside express enforcement mechanisms, signals a transition toward a more serious and structured regulatory environment. It sends an important message that non-compliance will no longer be treated lightly, and that safety and professionalism must become central to how the sector operates. However, while the direction of reform is correct, its success will depend not on the strength of the law itself, but on how it is applied within the realities of the Ugandan market.

According to KCCA, 60 percent of existing developments do not fully comply with planning requirements, particularly in relation to approved building plans and occupation permits.

This is not simply a matter of disregard for the law, it is also a reflection of structural challenges, including affordability constraints, procedural frustrations, and limited access to professional services. Introducing a stricter enforcement regime into such an environment inevitably creates tension. Without a clear and practical pathway for existing developments to transition into compliance, there is a risk that the law may be / is already perceived as punitive rather than corrective. In effect, it is already oper-

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ating retrospectively, (given the demolition of buildings that are currently taking place) even if that is not its legal intent. Equally important is the question of enforcement capacity.

The effectiveness of the new framework will depend heavily on the ability of local authorities to implement it consistently, fairly, and transparently. While the view that enforcement activities can be self-financing is valid in principle, it assumes that revenues generated will be effectively managed and reinvested into building inspection and regulatory functions.

It also assumes a level of institutional discipline that cannot be taken for granted. If enforcement is uneven or discretionary, it risks undermining both public trust and investor confidence. A regulatory framework of this nature requires not only strong laws, but equally strong institutions to support them. That said, there are important aspects of the amendments that signal genuine progress. The extension of liability beyond the construction phase into the operational life of buildings is particularly significant.

It reinforces the principle that responsibility does not end at completion, and it places greater emphasis on quality, safety, and professional accountability.

Over time, this will contribute to a more

credible and investable real estate sector. The challenge now is to ensure that compliance is not only mandatory, but also practical and attainable. This calls for a complementary set of measures that support the intent of the law.

A structured and time-bound regularisation programme will allow property owners to bring existing developments into compliance without destabilising the market. Simplifying approval processes and setting clear timelines will reduce delays and improve accessibility.

Strengthening inspection capacity, alongside clear accountability mechanisms, will help ensure that enforcement is applied consistently. There is also merit in adopting a risk-based approach to enforcement, prioritising high-risk and high-density developments where the consequences of non-compliance are greatest. This will allow regulators to achieve meaningful impact while gradually broadening compliance across the sector.

The amendments to the Building Control Act present an opportunity to reset the trajectory of Uganda's built environment.

They have the potential to improve safety standards, enhance professionalism, and create a more structured and predictable market for investment. But this potential will only be realised if implementation is approached with a clear understanding of the market's realities.

As emphasised by Flavia G Bwire, compliance must become the norm rather than the exception, and it should apply to everyone and not be selective.

Achieving this will require more than enforcement, it will require a balanced approach that combines firmness with practicality, and regulation with enablement.

The law is a step in the right direction. What matters now is ensuring that it works not just in principle, but in practice.

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