	MOUNTAINS OF THE MOON UNIVERSITY	Minute 210/13th/MMU UC/Jun/25
Document Title	Property Acquisition Policy	Effective Date: 20th June 2025.
Secton Name	Estates Department	Issue Number:

MOUNTAINS OF THE MOON UNIVERSITY

PROPERTY ACQUISITION POLICY

Checked by;	Approved by;	Date:
		27. 03. 2025

Approval

Approved by the Mountains of the Moon University Council.

Signature: ______________________________

Name: Eng.Dr. Ben Manyindo

Chairperson - University Council

Date: 27.03.2025.

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1. Citation

This document will be cited as the Mountains of the Moon University (MMU) Property Acquisition Policy (MPAP), 2025.

2. Policy Statement

Mountain of the Moon University is committed to providing a streamlined process for the identification and acquisition of property on behalf of the University Properties to ensure that all properties are acquired in a transparent, efficient and cost-effective manner and in line with the university mandate and goals.

3. Background

In March 2005, Mountains of the Moon University (MMU) started as a private university with a provisional license awarded by the National Council of Higher Education (NCHE) in line with the Universities and Other Tertiary Institutions Act 2001. In July 2022, the University (MMU) was upgraded to a Public University status. In addition to other interventions, the University runs 44 academic programmes in the Agriculture, Tourism, and Environment (ATE) as its niche with a special focus on Science Technology, Engineering and Mathematics/Science, Technology, Engineering and Innovation (STEM)/STEI for increased access to quality higher education and training.

In the execution of its mandate, the University requires various properties to facilitate its smooth operations and to enable it to expand its operations as a Public University. Any acquired property by the University forms part of the assets or an asset collection.

As of FY 2024/25, the university owns various properties, including 150 acres of land which houses the University's main campus at Saaka, 200 acres of land at Kyembogo hosting a modern dairy development Centre, 20 lecture rooms, 65 office buildings and 11 laboratories all at Saaka main campus. However, the current volume of university property is not adequate to deliver its mandate of teaching, research, and community engagement, as well as to implement the University's expansionary plan in line with its vision.

Therefore, there is a need to develop this Property Acquisition Policy to provide a clear policy framework to guide the different departments and entities on property acquisition and streamline the process and approvals required to acquire property to facilitate the current and future needs of Mountains of the Moon University.

4. University Core Values

Mountains of the Moon of the University (MMU) Property Acquisition Policy (MPAP), 2025 streamlines the process for property acquisition and further enables the university to strictly observe its core values, which focus on:

i) Professionalism;

ii) Innovativeness;

iii) Integrity;

iv) Team Work; and

v) Social Responsibility.

5. MMU Property Acquisition Policy Issues

The key Policy issues that the MMU Property Acquisition policy strives to address arise from the following:

i) Issue 1: Increased urge for property acquisition without taking into consideration the related University's strategic development needs;

ii) Issue 2: Lack of a clear menu to guide the assessment to determine need and inform the decision to acquire property; and

iii) Issue 3: Absence of a streamlined process for property acquisition.

6. Scope and application of the MMU Property Acquisition Policy

The policy procedures apply to all property acquisitions undertaken by Mountains of the Moon University that involve any donation, lease, license, or outright purchase of property for university use.

This Property Acquisition Policy will only focus on the procedures for the acquisition of any real estate or immovable asset, including:

i) Land for the University

ii) buildings; and

iii) any other physical structure. The intellectual property, especially as it relates to land acquisition, will be handled in accordance with the provisions under the MMU Resource Mobilization Policy.

This Policy applies to all University employees, departments, and units involved in the property acquisition process, with the Works and Estates Department taking the lead in the acquisition of university property and will be responsible for the Policy.

7. Policy and Legal Framework

The MMU Property Acquisition Policy is linked to a number of policies and legal provisions, which encompass the following instruments:

i) *Constitution of the Republic of Uganda, 1995*: The Constitution of the Republic of Uganda is the supreme law of Uganda. Article 26 of the Constitution permits the compulsory acquisition of land when it is considered necessary for public use or for other reasons of public interest.

ii) *The Universities and Other Tertiary Institutions Act, 2001.* This act provides for the establishment, organization and governance of Universities and Other Tertiary Institutions in Uganda. It also outlines the powers and functions of the University Council, as the supreme organ of the Public University, which is responsible for the overall administration of the objects and functions of the University.

iii) *The Public Finance Management Act, 2015:* This act provides for the management of Public Finances, including revenue mobilization. It requires all public entities to prepare and submit annual budgets and financial statements to the Ministry of Finance, Planning and Economic Development (MoFPED).

iv) *The Public Procurement and Disposal of Public Assets Act, 2003:* This act provides for the regulation of public procurement and disposal of public assets in the country, including procurement and disposal by a Public University.

v) *National Intellectual Property Policy, 2019:* The National Intellectual Property (IP) Policy provides direction on short, medium, and long-term activities and interventions that will enable IP stakeholders to effectively work together towards creating, protecting, and commercially exploiting research results, innovations, new technologies and creative works. The policy is anchored on the chain and linkages of the creation, protection and utilization of IP, through strengthening of academia-government-private sector collaboration, among others.

vi) *The Land Acquisition Act (Chapter 235):* This Act provides the legal framework for the compulsory acquisition of land for public purposes, detailing the procedures for land examination, declaration of need, compensation, and legal recourse. The Act includes provisions for temporary occupation of land, the rights of registered proprietors, and the roles of appointed officers and assessment officers in the acquisition process.

8. Policy Goals and Objectives

The overall purpose of acquiring University properties is to achieve the university's strategic direction. Therefore, the goals and objectives of this MMU Property Acquisition Policy is to enable effective implementation of the interventions under the MMU Strategic Plan as a measure to attain the set priorities.

8.1 Policy goal

The overall purpose of the MMU Property Acquisition Policy is to establish and implement a standardized framework that guides the process and approval of the acquisition of university property while aligning with the strategic objectives and financial capabilities of the University

8.2 Policy Objectives

The specific policy objective includes the following:

i) To develop clear criteria and indicators for evaluating potential property acquisitions to ensure alignment with MMU's strategic objectives.

ii) To create and institutionalize a transparent property assessment, acquisition and approval process that includes stakeholder consultation and a thorough risk analysis.

iii) To ensure that all property acquisitions go through technical, legal, and environmental due diligence before receiving final approval and are in compliance with existing property laws, regulations and guidelines.

9. Policy Guiding Principles

The MMU Property Acquisition Policy is based on key policy guiding principles, which include the following:

i) **Compliance with approved University Master Plan:** All the structures programmed for acquisition on the university land shall be in accordance with the approved University Master Plan. For cases where the trend of development is not backed by a Master Plan, the development shall only proceed after council approval of the site plan, structural drawings or after a conditional clearance by the University Council.

ii) **Need for the property:** For any property programmed for acquisition, there shall be a clear reason for acquisition to which shall relate to how such an acquired property will enhance the implementation of the planned interventions under the University Strategic Plan and/or the expansion of the university.

iii) **Assessment of Property for acquisition**

Secondly, a detailed assessment will first be undertaken on the feasibility of the property to be acquired. The assessment process will, among other things, be based on the following:

a) The location where the property is situated taking into account the surrounding neighbors;

b) Size of land (in acres or square miles) in light of the purpose for which it is programmed to serve;

c) Market and government-assessed cost;

d) Current occupants or encumbrances attached to the property

e) Current use or zoning eg, agricultural, etc;

f) Terms/model of acquisition (purchase, lease, donation, expropriation);

g) Access to infrastructure (roads, water, electricity);

h) Environmental status (flood risk, protected area, etc.); and

i) Legal status and title deed verification.

iv) **Property Acquisition Methods:**

The University property will be acquired through donations, leases, licenses, or outright purchases, based on a thorough assessment of the specific needs, financial implications, and legal requirements associated with each method. These methods include;

a) Donation;

b) Lease;

c) License;

d) Outright Purchases

The Top University Management (TUM) will develop a guideline for approval by the University Council to actions by the University Estates and Works Department.

v) **Acquisition Process:** The property acquisition process shall involve negotiation and voluntary Agreements. The University shall carry out negotiations and reach voluntary agreements with property owners before resorting to the processes leading to compulsory acquisition of the property.

vi) The process of acquisition varies from property to property. The University Council will approve guidelines on the procedure for the acquisition of each property, which in addition to the property need shall take into consideration the following:

a) **Compensation:** The University shall aim at providing a fair and adequate compensation to ensure that the property owner(s) receive fair compensation for the property acquired based on the prevailing property market value. Compensation may include the value of the land and buildings, relocation assistance, and any other costs associated with the acquisition.

b) **Environmental Impact:** Before acquisition of the property, the University will undertake an environmental assessment in a bid to mitigate any environmental impacts associated with the acquisition project.

c) **Social Impact:** The potential social impacts on affected communities, such as relocation assistance and support services.

d) **Due Diligence:** Before acquiring any property, MMU must conduct thorough due diligence to evaluate the suitability, compliance with relevant State and Local Government regulations, potential risks, and financial implications associated with the acquisition. Due diligence areas of focus vary from property to property. The due diligence may involve legal reviews, building inspections, environmental assessments, financial analysis, and other necessary investigations. The results of the acquisition process must be documented and considered during the approval process.

vii) Legal and financial considerations

a) Compliance with the existing laws:

All property acquisitions must comply with relevant laws, regulations, and policies, including but not limited to:

i) planning permissions;

ii) zoning restrictions;

iii) environmental regulations; and

iv) Financial governance policies.

b) **Availability of Funding for Acquisition:**
Adequate funding and resources must be available or secured before committing to any property acquisition.

c) **Legal compliance:** Legal agreements, including leases, licenses, or purchase contracts, must be reviewed by the University Legal Counsel to ensure compliance and mitigate legal risks.

d) **Dispute Resolution and Management of Records:** The University Council will, from time to time, approve guidelines to handle disputes about the value of the property or the level of compensation can be resolved, such as through mediation, arbitration, or legal proceedings. The guideline will also articulate the modalities for effective management of records for property acquisition.

10. Institutional Framework and Policy Implementation

The institutional framework provides the procedures for policy development, approval, monitoring, and review of policy.

10.1 Roles and Responsibilities of Various Stakeholders

The roles and responsibilities for the key stakeholders include the following:

i) **The University Council.** Play an oversight role in the implementation of the Policy.

ii) **MMU Estates Department**. The Estates Department will:

a) Popularize and disseminate the Policy;

b) Take the lead in Monitoring, evaluation, and review of the policy implementation;

c) Provision of data for regular updates of the Asset Register;

d) Receive, take custody and ensure the efficient and effective utilization of acquired property; and

e) Ensure alignment of the property with the University Master Plan.

iii) Faculties and Administrative Units:

a) Initiation and justification of the property to be acquired;

b) Efficient utilization and management of the acquired property;

iv) **The seller:** The seller has the duty of delivering the goods to the buyer by signing the relevant documents, including making available all the documentation that relates to the property purchased.

v) **The buyer:** The roles of a buyer shall be to:

a) Ensure cost-effectiveness and quality of the acquired property. , and timely delivery.

b) Undertake research and identify reliable suppliers to meet the organization's needs.

c) Carry out due diligence to prevent adverse impacts directly linked to the property.

vi) Ministry of Lands, Housing and Urban Development.

a) Guide on land survey for precise land measurements and determining property boundaries.

b) Identifying any potential issues, such as encroachments or environmental risks.

vii) **The City or District Local Government.** Guidance or support in enforcing existing legislation, monitoring land agreements, creating an enabling environment for sustainable economic development, and the land tenure systems.

viii) **Uganda Revenue Authority:** Confirmation or update on tax-related issues on the property due for acquisition.

10.2 Implementation Action Plan

The implementation of the MMU Property Acquisition policy will commence immediately after its approval by MMU Council. The Department of Estates and Works, under the supervision of the University Secretary, will be responsible for managing operational and technical implementation, coordination, monitoring, evaluation, and review of this policy. In particular, the Estates and Works Department will:

i) Manage overall implementation of the MMU Property Acquisition Policy;

ii) In consultation with the University Bursar, coordinate the operations and property acquisition by the various Faculties and Departments under the University and ensure timely update of the Asset Register; and

iii) Monitor and evaluate the implementation of the MMU Property Acquisition Policy.

10.3 Policy Review and Amendments

There will be a periodic review of the policy as a measure to document the new and emerging property acquisition-related requirements as well as addressing the findings of policy monitoring, evaluation, and impact assessment activities and audits. Accordingly, the MMU Property Acquisition Policy will be reviewed in line with the Policy development and review guideline, 2024.

10.4 Interpretation

The University Secretary shall have the power to give interpretation or guidance on any matter, paragraph, clause or terminology in this Policy.

10.5 Policy Commencement Date

The commencement date shall be the date of approval of the Policy by the University Council.

Approved during the 13th University Council meeting held on 20/6/2025 under Minute 210/13th/MMU.UC/Jun/25