



PARLIAMENT OF UGANDA

PARLIAMENTARY DEBATES

(HANSARD)

OFFICIAL REPORT

SECOND SESSION - THIRD MEETING

THURSDAY, 2 MARCH 2023



PARLIAMENT OF UGANDA

IN THE PARLIAMENT OF UGANDA

Official Report of the Proceedings of Parliament

SECOND SESSION - 13TH SITTING - THIRD MEETING

Thursday, 2 March 2023

Parliament met at 2.00 p.m. in Parliament House, Kampala.

PRAYERS

(The Speaker, Ms Anita Among, in the Chair.)

The House was called to order.

COMMUNICATION FROM THE CHAIR

THE SPEAKER: Honourable members, I welcome you to this afternoon sitting. I know we had a long day yesterday, but we are here to serve our people. I want to thank you for the commitment towards serving our people.

I have got a lot of reports on bullying of students in schools. Honourable members, this act can lead to loss of life. Recently, such a scenario occurred in Kyamate Secondary School in Ntungamo District. The police is investigating and we appreciate it. However, we need to understand the cause of this bullying. Is it parenting? This goes back to parents out there; parents should know and teach their children that in every society, you must love each other. The lawlessness should be gotten out of these children.

Children at school must have respect for each other; they must love each other since they stay in one community, just like us in Parliament here. We need to work and be together.

Honourable members, when there is bullying, children drop out of school. They are afraid

of going to school because there is bullying. Therefore, I ask the Minister of Education and Sports to ensure that this barbaric act is stopped in schools. You must communicate to all your teachers. *(Applause)* It must be a circular to all the schools that we do not condone this act because it is not good.

Yesterday, we had a report on the National Social Security Fund (NSSF), which we did not conclude. After the Bill, we should be able to conclude it today. I want to tell you honourable members that what we are discussing is a matter of hard-earned monies people have saved over the years. It is either you or I, to ensure sanity is brought into the Fund.

As I said yesterday, the savers outside are watching what we are doing today in this House; whether we are going to protect their Fund or sell it. I talked about mercenaries - I will name and shame. Let us protect the Fund. *(Applause)*

Yesterday, I said a wrong is a wrong. Let us bring sanity into the Fund because that is very hard-earned cash that people have saved over a period of time. Some people have even died without getting that money yet we are here playing around with it. It is today that we shall know who is for or against the workers outside there.

Honourable members, I have a number of matters of national importance. We have agreed, together with the Government Chief Whip and the Leader of the Opposition, that

we will give you one hour to raise matters of national importance before Prime Minister's Time. We want this to be raised when the Prime Minister is in so that she can be able to handle some of these things. So, do not imagine that we are not allowing you. We are going to allow you when the Prime Minister is here. Now, let us finish with the first two items and before the Prime Minister's Time, we will look at matters of national importance.

2.07

MR JOSEPH SSEWUNGU (NUP, Kalungu West County, Kalungu): I want to thank you very much, Madam Speaker, for that good communication. My interest goes to the Ministry of Education and Sports.

Madam Speaker, I raised an issue here about the closure of Primary Teachers Colleges (PTC) and core PTCs. As we talk, the colleges are not functional and the tutors have not been placed anywhere.

Secondly, recently, I watched, on TV, a school in Arua with over 300 children in one class; others - 400 pupils - were studying through the window struggling to get the white man's knowledge. All these are areas of bullying of children.

Madam Speaker, you directed this ministry; so, we cannot sit in this House without getting a statement from the Ministry of Education and Sports on what procedures they are following to close teacher's training colleges. Yet, we are going to lose teachers and shall be lacking teachers in the near future. What is the future of those colleges since they are being closed?

I have a college in Kalungu called Kabukunge Primary Teachers College. As we talk, the principal is worried, he has no money. They have no funds, tutors are not paid and they do not know their destiny.

We would like to know: are we getting graduate teachers? How are they prepared? What is the National Council for Higher Education saying about this particular programme?

Madam Speaker, we need to know from the Ministry of Education and Sports. Otherwise, we are in trouble; teachers are retiring and others are leaving the profession. So, who is going to replace those that have left when colleges are closed? Hon. Muyingo and his team, educated as they are, are keeping a low profile and not informing this House the status of teachers.

THE SPEAKER: Thank you. Hon. Muyingo, you will need to bring a report on all the PTCs.

2.09

THE MINISTER OF STATE FOR EDUCATION AND SPORTS (HIGHER EDUCATION) (Dr John Chrysostom Muyingo): Thank you very much, Madam Speaker. First of all, I would like to register condolences for the loss of our son who was in Kyamate Senior Secondary School in Ntungamo and was burnt alive.

I want to make it very clear that bullying of any nature is not acceptable in schools. As you said, we encourage respect and love for each other and not bullying or torturing of any nature.

We have made this very clear and with your guidance, Madam Speaker, we shall follow this up with another circular because we have written before. Otherwise, as a ministry, we are committed to ensuring that any type of indiscipline is not tolerated in our schools, particularly anything that makes our schools insecure. That is not going to be accepted.

About the teachers, Cabinet is handling the issue of school charges and when Cabinet is ready, we shall come here, brief Parliament and also probably submit the report about the teachers and what is happening in schools.

I beg to submit, Madam Speaker.

MR SSEWUNGU: I do not think that the honourable minister heard what I said, but it is not wrong if he never heard me.

THE SPEAKER: Did I allow you to speak?

DR BWANIKA: Madam Speaker, there is another form of bullying especially in boarding schools in this country. Schools are adding kerosene to food as a means of controlling sexual libido in students. It is a very serious issue. This may lead to permanent impotence of our children. I want to -

THE SPEAKER: Have you gotten evidence to that effect?

DR BWANIKA: Yes, Madam Speaker.

THE SPEAKER: Please give us the evidence.

DR BWANIKA: There is a huge problem -

THE SPEAKER: Please give us the evidence.

DR BWANIKA: The Minister of Education and Sports must investigate; it is very serious.

THE SPEAKER: Honourable members, I have said, a circular on bullying must be sent out. That is what we need and you must communicate to all schools - that whichever school is found bullying, we shall hold the leadership responsible. Let us not debate bullying; you are going to spend the whole day on bullying. - Why didn't you bring it before?

You are going to bring matters of national importance. Let us look at these two reports first, and then we will look at all those things that you are bringing up. What was your question?

MR SSEWUNGU: The honourable minister has not responded to my issue: I talked about closure of PTCs and not school fees. If he heard school fees, that is his own problem. But I am saying closure of teacher training colleges and there is no official communication to the principals. The schools are not functioning, the PTCs are not working, the principals do not know their fate and there is nothing going on, but colleges are closed. The honourable minister is running away from my question deliberately, yet he knows the implication of that -

THE SPEAKER: Honourable Ssewungu – *Mukatuliki* - I already made a ruling to that effect; that I want a report on the PTCs. It is not only your PTC, but all the PTCs in the country. I have asked for a report in regard to the PTCs in the country. Minister, I need that report.

Hon. Josephat, I know you have a matter of national importance - No, it will come after.

2.14

MR IBRAHIM SSEMUJJU (FDC, Kira Municipality, Wakiso): I want to thank you, Madam Speaker. In your communication, you said you agreed with the Leader of the Opposition and the Government Chief Whip that matters of national importance should be raised an hour towards Prime Minister's Time.

I am trying to understand and seeking your help, I have two issues:

The first issue that I have registered has nothing to do with the Prime Minister; it is with the Minister of Works and Transport.

The second point I have, Madam Speaker, is that as far as I and the people of Kira Municipality are concerned, the woman MP for Kakumiro, who happens to be the Prime Minister, remains a suspect in the disappearance of iron sheets for Karamoja. Do I wait and raise my question to a suspect, yet my question is to the Minister for Works and Transport? I needed guidance from you, Madam Speaker, because I am really uncomfortable until that suspect has been -

THE SPEAKER: Hon. Ssemujju, for once have respect for the Prime Minister; the issue is under investigation. You cannot say she is a "suspect" because you have not proved it. She is still innocent as of now. Is she the Minister for Karamoja? Honourable members, let us mean business for the first time. Let us leave the issue to be investigated. We will have a report in this House and we will debate that report.

BILLS
COMMITTEE STAGE

THE PHYSICAL ACTIVITY AND SPORTS
BILL, 2022

THE CHAIRPERSON: Honourable members, yesterday this matter was discussed and we were to move to committee stage. We opted to have a consultation between the Attorney-General, the mover of the Private Member's Bill, the ministry and the committee – *(Interruption)* – *Hansard*, can we have this sorted out?

Now we are ready to go to Committee Stage. Can we have the chairperson of the committee? We have the chairperson and the Attorney-General. This time, we do not need a report or we do not need a Bill that will go and be bounced. We must exhaustively discuss this and have a credible Bill, to be sent for assent.

New Clause

THE CHAIRPERSON, COMMITTEE ON EDUCATION AND SPORTS (Mr John Twesigye): Madam Chairperson we propose to insert a new clause immediately before clause 1 as follows:

Commencement: (1) Subject to subsection (2), this Act shall come into force on the date of its publication in the Gazette.

(2) The minister shall, by statutory instrument, make recommendations to commence sections relating to registration of national sports organisations.

THE CHAIRPERSON: Chairperson, can you read No.2 again?

MR JOHN TWESIGYE: No.2: “The minister shall, by statutory instrument, make regulations to commence sections relating to registration of national sports organisations.”

THE CHAIRPERSON: “The minister shall, within six months of commencement of this

Act, by statutory instrument, make regulations to commence sections relating to the registration of the national sports organisations.” Is that what you have?

MR JOHN TWESIGYE: Yes, I have made that change, Madam Speaker.

THE CHAIRPERSON: Is that okay with you, Attorney-General?

THE ATTORNEY-GENERAL (Mr Kiryowa Kiwanuka): Madam Chairperson, I propose that we say, “The minister shall, by statutory instrument, make regulation for commencement of the section relating to the registration of sports” without putting the six months. This is because of the reason that I gave. If it is not cleared off the Financial Action Task Force in six months, then, we will not be able to proceed at that point. However, we will do it because we have agreed.

THE CHAIRPERSON: Honourable minister, is that okay?

MR PETER OGWANG: That is okay, Madam Chairperson.

THE CHAIRPERSON: Private Member, is that okay?

MR MAGOGO: That is okay, Madam Chairperson.

THE CHAIRPERSON: Thank you. I put the question that a new clause be inserted as proposed.

(Question put and agreed to.)

Clause 1

MR JOHN TWESIGYE: Clause 1 is amended –

(a) in the definition of the phrase “National Anti-Doping Organisation” by substituting for the word “designated” the word “established”;

(b) by substituting for the definition of the phrase “national sports federation”, the following –

“‘National sports federation’ means an apex body of a sports discipline registered in accordance with this Act to develop, promote and manage the sports discipline in Uganda”;

There is the harmonised definition of national sports federation: “national sports federation” means an organisation registered in accordance with this Act to develop, promote, manage and regulate a professional and amateur discipline;

(c) by inserting the following definitions in their appropriate order –

“‘amateur sport’ means an activity involving physical exertion or skill in which an individual or team competes against another for pleasure or as a past time or for creational or health purposes or as training to become professional”;

THE CHAIRPERSON: There is clarification -

MR SSEMURU: Madam Chairperson, I would like the committee chairperson and the movers of this Bill to help me. Usually, the federation of football – the international one, FIFA – does not want governments to interfere in the management of football. In fact, some countries have been suspended as a result.

I would like to be helped on – the good thing is that we have the president of FUFA - whether bringing federations now in the law will not be construed to mean the Government is interfering in the federation’s work. Once you put a requirement and the qualifications are not met, you can be suspended by FIFA, that you are disrupting football.

MR MAGOGO: Madam Chairperson, Article 15 of the FIFA Statutes requires that for anybody to be a member of FIFA, they must be approved as the monopoly institution running the sport of football by the government of that country. So, it is a requirement at the level of FIFA.

Where interference comes in is in the decision-making. If there are decisions made to interpret and apply the constitutions or regulations, as far as the sport is concerned, and the Government wants to take a decision on that, that is where interference starts. However, as bodies that are running the sport, they, definitely, must be following the laws of the country.

MR SSEMURU: The reason I am asking this - you know our Government; they have refused to -

THE CHAIRPERSON: Now, an authority has given you information. What else do you want? He is an executive member of FIFA. *(Laughter)*

MR ODUR: Madam Chairperson, I think this can be a bit helpful. As we proceed and process certain clauses, they may have implications on this interpretation clause. I certainly have somewhere ahead. Instead of coming back to recommit to reinterpret, I want to persuade you -

THE CHAIRPERSON: On what clause are you?

MR ODUR: On the interpretation clause, which is clause 1.

THE CHAIRPERSON: No, we are still on that clause.

MR ODUR: Yes. So, I am persuading you that we stand over it because as we go ahead, we might have to interpret certain clauses and I have one ahead – instead of coming back to recommit.

THE CHAIRPERSON: Hon. Jonathan, let him finish the entire clause, we debate and you bring in the amendment. That is the clause on which we are. So, can you finish the clause and then we get ideas from other Members.

MR JOHN TWESIGYE: Thank you, Madam Chairperson. Allow me to continue.

“beneficial owner’ means a natural person who, ultimately, owns or controls the national sports federation or the natural person on whose behalf a transaction is conducted in the national sports federation, and includes a natural person who exercises ultimate control over a national sports federation”;

“commercial right’ means a right of a commercial nature, connected with a sports event such as image rights, audio-visual rights, media rights, endorsement and official supplier rights, sponsorship rights, merchandising rights, licensing rights, advertising rights, hospitality rights, promotional rights, incorporeal rights, intellectual property rights, rights arising under the Copyright and Neighbouring Rights Act, 2006, and includes any other right the minister may, by statutory instrument, prescribe”;

“doping’ means the use of prohibited substances and methods in any sports activity, whether competitive or recreational, in order to artificially enhance performance”;

“professional sport’ means an activity involving physical exertion or skill in which an individual or team competes against another as an economic activity with the objective of earning fees or making profit”.

Justification

To enhance clarity by introducing, in the Bill, words and phrases that are contained in the Bill or that have been introduced in the Bill.

Additionally, Madam Chairperson, out of the harmonisation positions, we have –

“agent” means a person who represents an athlete in a professional contract;

“manager” means a person who invests or is employed by an athlete for economic benefit;

“promoter” means a person who invests in an athlete with the intention of improving the athlete’s talent;

“national sports association” means a sports association registered in accordance with this Act to manage, develop, promote and regulate an amateur sports discipline;

“national sports organisation” means a community sports club, a national sports association and a national sports federation.”

THE CHAIRPERSON: Honourable members, since this is an interpretation clause, we may get other items or issues that we need to interpret. We could stand over this.

Clause 2

MR JOHN TWESIGYE: Madam Chairperson, clause 2 is amended by substituting for subclause (1), the following –

“(1) The object of this Act is to promote recreation and sports for the citizens of Uganda by the State in accordance with Article 8A of the Constitution and the National Objective and Directive Principles of State Policy XVII by;

- a) consolidating the law relating to registration and regulation of national sports federations;*
- b) promoting amateur and professional sport;*
- c) codifying the obligations of Uganda under international sports governing statutes;*
- d) providing for sports disputes resolution mechanisms; and*
- e) promoting the participation of schools and institutions of higher learning in sports.”*

The justification is to achieve clarity by providing for what the proposed law seeks to achieve.

THE CHAIRPERSON: Is that okay with the Attorney-General?

MR KIRYOWA KIWANUKA: The committee sought to repeat what is already written in other laws. It may be superfluous, but not harmful; so, I have no problem with it.

THE CHAIRPERSON: Honourable minister?

MR PETER OGWANG: I also do not have any problem with it. We discussed it.

THE CHAIRPERSON: And the private Member?

MR MAGOGO: No objection.

THE CHAIRPERSON: I put the question that clause 2 be amended as proposed.

(Question put and agreed to.)

Clause 2, as amended, agreed to.

THE CHAIRPERSON: Honourable members, when at Committee Stage, there should not be any order or procedure. We are now looking at the Bill as is. Procedural matters stopped when we were discussing the report. Here, we now mean business; we are making a law.

If you need clarification - on which clause are we now? [*Member rose*] What don't you have? The report is on your iPad. Dr Abed Bwanika, do you have any?

The amendments of the committee are behind the report. Honourable members, do not show people out there that we are analogue. After the signature page, check the amendments. Hon. Patience, are you okay?

MR SSEWUNGU: Madam Chairperson, I agree with your directive. We can sustain points of order because someone can enter with a gun or without a tie or when he is not smart. So, point of order can be raised at Committee Stage. Otherwise, we need smartness, decency and decorum here. I am very smart, but someone can be of a different nature. Thank you.

THE CHAIRPERSON: Hon. Ssewungu, you are very smart.

MR ODUR: Madam Chairperson, the good practice in legislation is that we must have a

provision on the application clause that gives the scope; both geographical and content, which I did not see in both Bills that have come in the application after clauses 1, 2 and 3, unless it is somewhere in the Bill. What is the application of this Act? It is good practice in legislation, but it is nowhere stated.

MR KIRYOWA KIWANUKA: Thank you, honourable colleagues. I think it is a style. Since this Bill is multifaceted, it deals with several issues in the object. If you look at the objects, it talks about anti-doping, regulation of this or that – so, that is the scope.

We tried to define the scope of the Act, but if we get to the end and the application is not there, then we can always draft one, if it is not clear to you at that point. I beg to submit.

MR ODUR: The Attorney-General should appreciate the issue of the geographical scope. I know the intention of the Bill is meant to regulate sports within the country. What if some Ugandans in Nairobi form their federation, how do they fit here? You must limit that this Act will apply to sports federations that are within the country so that it avoids that conflict. Otherwise, it can cause confusion.

MR KIRYOWA KIWANUKA: It is like a Ugandan who trades in America cannot be governed by the URA law until he comes here. We cannot legislate for any other jurisdiction. All the laws that we make here are for Uganda. If that association is registered in Kenya and wants to come and operate here, then it must register under the laws of Uganda in order to operate here.

I propose that if we go through the Bill and there is a specific aspect that we have skipped, honourable colleague could help us to enrich the Bill.

Clause 3

THE CHAIRPERSON: [*Member rose*] Honourable member, you are a member of the committee. If you had an idea, you should have brought it during the committee meetings.

MR JOHN TWESIGYE: Madam Chairperson, there are no amendments on clause 3.

THE CHAIRPERSON: I put the question that clause 3 stands part of the Bill?

(Question put and agreed to.)

Clause 3, agreed to.

Clause 4

MR JOHN TWESIGYE: Madam Chairperson, there is no amendment on clause 4.

THE CHAIRPERSON: Is that okay with you, Attorney-General and the minister?

MR KIRYOWA KIWANUKA: That is correct, Madam Chairperson.

MR OGWANG: Madam Chairperson, that was the agreed position.

MR MAGOGO: No objection.

THE CHAIRPERSON: I put the question that clause 4 stands part of the Bill?

(Question put and agreed to.)

Clause 4, agreed to.

Clause 5

MR JOHN TWESIGYE: Madam Chairperson, before clause 5, we have a proposal to insert a clause immediately before clause 5 as follows:

“Declaration of national sport –

(1) A person who intends to have a sports discipline declared a national sport shall in a prescribed form make an application to the council.

(2) The application referred to in subsection (1) shall –

a) be made by a citizen or a person resident in Uganda;

b) be accompanied by the prescribed fee.

(3) The council may, upon being satisfied that the applicant meets the requirements for the application, declare a sports discipline a national sport.

(4) The council shall, in determining whether a sport discipline is eligible for declaration as a national sport, take into account the following –

a) the nature of the sport;

b) the popularity of the sport;

c) the potential socio-economic impact of the sport;

d) the recognition of the sport by an international sports governing body, if any;

e) the presence of sports facilities to play the sport;

f) the plan of the applicant to promote the sport in Uganda; and

g) any other factor as the council may determine.

(5) The council may withdraw the recognition of a sports discipline as the national sport discipline, where circumstances occur that would render a sports discipline ineligible for declaration under this section.

(6) Notwithstanding subsection (1), a sports discipline listed in schedule 4 of this Act shall, from the commencement of this Act, be recognised as a national sport declared under this Act.”

The justification is to provide for the procedure for the declaration of a sport discipline as a national sport.

MR KIRYOWA KIWANUKA: No objection.

MR OGWANG: No objection, Madam Chairperson.

MR MAGOGO: No objection.

THE CHAIRPERSON: I put the question that the new clause be inserted as proposed.

(Question put and agreed to.)

New clause, inserted.

THE CHAIRPERSON: Procedure?

MR SSEMUJJU: Madam Chairperson, my understanding is that, Government is one. When you call for the Attorney-General and he says, “No problem,” then a junior minister cannot rise to also say, “No problem.” – *(Laughter)*- Then they will look as if they are representing two governments. For example, if the junior minister disagrees with the Attorney-General, how do we deal with it?

THE CHAIRPERSON: Hon. Ssemujju, yesterday we agreed we send a team for harmonisation. One is the principal legal advisor of Government; another is the minister for sports. The other is a Member who introduced a Private Member’s Bill as per the Constitution; so, it has no harm. Let us go ahead.

Honourable members, I want you to know that when Hon. Ssemujju is not in the House, the House can tend to be boring; so, it is good to have him around.

Clause 5

MR JOHN TWESIGYE: Madam Chairperson, clause 5 - National sports federations. Clause 5 is amended by inserting immediately after sub-clause (2) the following:

“A National Sports Federation registered under this Act shall be a body corporate with perpetual succession and may, in its corporate name, for and in connection with its functions under this Act –

- (a) acquire, hold and dispose of movable and immovable property;
- (b) sue or be sued;

- (c) do all such other acts and things for the proper discharge of its functions as may lawfully be done by a body corporate.”

Justification

- a) Incorporating national sports federations under the Companies Act, 2012 will pose a risk of having more than one sports federation in respect of a sports discipline being registered. This not only causes confusion and conflict in the sports sector, but also affects Uganda’s participation in international competitions.
- b) The incorporation of the national sports federations under the Companies Act, 2012 poses further challenges in instances where a national sports federation is deregistered by the National Council of Sports, but the same national sports federation continues its operations by virtue of its incorporation under the Companies Act. This, therefore, becomes very difficult to have another sports federation incorporated since deregistered national sports federation would still be in existence.

THE CHAIRPERSON: Honourable minister, what is the harmonised position?

MR OGWANG: Thank you very much, Madam Chairperson. First of all, in the harmonised position, instead of using “a federation,” we agreed that we use the word “organisation” - a national sports organisation registered...

THE CHAIRPERSON: That is in the head note. Remove “Federation” and put “organisation.”

MR KIRYOWA KIWANUKA: Yes. While harmonising with the Member, we raised the issue and proposed that clause 5 be amended to read;

“National sports associations/federation

and

1. A national sports association/federation shall be registered under this Act to manage a sports discipline at a national level, and
2. There shall be registered only one national sports association or national sports federation for a sports discipline.”

- ii) whose leadership is elected by a national delegates conference composed of the persons drawn from at least 50 per cent of the districts of Uganda.”

THE CHAIRPERSON: Is that okay?

MR MAGOGO: No objection.

I beg to move.

THE CHAIRPERSON: I put the question that a new clause be inserted as proposed.

THE CHAIRPERSON: Is that okay? Honourable minister, stop behaving like -

(Question put and agreed to.)

MR OGWANG: Madam Chairperson, Hon. Ssemujju made a comment here and you guided; so, I agree with the submission of the Attorney-General.

New clause, inserted.

Clause 6

MR MAGOGO: I agree.

MR JOHN TWESIGYE: Madam Chairperson, clause 6- Eligibility for registration as a national sports federation.

THE CHAIRPERSON: Wherever there is “Federation” in that clause, replace it with “organisation.” I put the question that clause 5 be amended as proposed.

Clause 6 is amended:

(Question put and agreed to.)

a) By deleting paragraph (a) and,

Clause 5, as amended, agreed to.

b) In paragraph (b);

New clause

i) By substituting for subparagraph (i) the following – “With the participation of Ugandans in at least 50 per cent of all sub-regions of Uganda.”

MR OGWANG: Madam Chairperson, we agreed that we insert a new clause after clause 5 as follows:

ii) Sub-paragraph (ii) by substituting for the words, “national delegates conference” with the words, “annual general assembly.”

“Eligibility for registration as a national sports association A national sports association that wishes to be registered shall;

Justification

- a) be engaged in amateur sport for the sports discipline;
- b) have a national character and for this purpose shall be a sports activity –
- i) with the participation of Ugandans in at least 50 per cent of the districts of Uganda;

i) The deletion of paragraph (a) is a consequential amendment, having done away with the proposal that requires national sports federations to be incorporated under the Companies Act before registration with the National Council of Sports.

ii) To ensure wide participation by Ugandans in a sports discipline before a national

sports federation is registered in respect of the sports discipline.

- iii) The requirement for the 75 per cent coverage is unrealistic and unachievable and would deter the development and promotion of sports in the country; and
- iv) The substitution of the words, “national delegates conference” with the words, “annual general assembly” is to achieve consistent usage of the phrases throughout the Bill.

DR BWANIKA: Madam Chairperson, is the chairperson talking about subregions or districts? We have already said 50 per cent of the districts, but you are talking about “subregions” of Uganda.

MR ODUR: The minister made a proposal for a new clause. What the chairperson is proposing is very similar. It is both on the requirements.

THE CHAIRPERSON: The minister was talking about “districts”; this is “subregions.”

MR ODUR: I wanted to propose that they sit and harmonise so that it remains part of one clause because it relates to the same matter.

THE CHAIRPERSON: They are two different clauses. One is talking about the districts and the other one is talking about the subregions – that side of Masaka: isn’t that a subregion?

MR KIRYOWA KIWANUKA: Madam Chairperson, for guidance, in this Bill, we have separated two entities; associations and federations. Clause 6 was dealing with associations and, now, this one is dealing with federations.

MR ODUR: I do not want to go back to the interpretation, but I invite the Attorney-General to look at the definition he has provided – it includes all that. There is only one name, whether it is an association or federation. You are proposing, in your interpretation, that we call them by only one name. That interpretation

includes associations, organisations, groups, etc. That is why I am getting confused.

THE CHAIRPERSON: Can you clarify to the Member?

MR MAGOGO: Madam Chairperson, in the Private Member’s Bill – this is where it is coming from and I am the mover – we tried to categorise different bodies running the different disciplines according to their size such that the smaller ones are not suffocated. If you look at the definition, we are talking about the national sports associations dealing with the sports disciplines that are still at the level of amateur sports only.

We are taking national sports federations to be those entities dealing with both the amateur and professional sports. So, these are totally two different things. Even the requirements for their registration are going to be different, instead of subjecting all of them to the same requirements. That was the intention.

Why, in the beginning, “national sports organisation” means all of them is because there are certain clauses within the Bill that refer to all of them. That is why “organisation” has been used. Where it is specific, they have been singled out as federations or associations.

MR KIRYOWA KIWANUKA: Madam Chairperson, I propose an amendment to read: “...75 per cent of all districts.”

MR ODUR: Madam Chairperson, I do not know whether the Attorney-General understood me. They altered the original “national sports federation” and said it should now read “the national sports organisation”. However, in the interpretation clause, which we are going to come back to, they say it includes “national sports associations, national sports unions and the national sports committee”.

If we go by his proposal, it means that we now have to create subclauses talking about the eligibility for the national sports union, national sports –

THE CHAIRPERSON: Hon. Odur, don't you think associations are subsets of federation? They are smaller as opposed to the federations.

MR ODUR: Yes, but they have said all that –

THE CHAIRPERSON: A number of associations make a federation.

MR ODUR: The amendment we passed is that we now have the national sports organisation.

THE CHAIRPERSON: No.

MR KIRYOWA KIWANUKA: Hon. Odur, clause 5 was dealing with the national sports organisation – that is, federations and associations. This clause was giving associations and federations the power to hold property.

Then, the next clause is dealing with the eligibility of an association. Clause 6 is dealing with the eligibility of a federation. In the definition clause, you will find a definition for an organisation, definition for an association and definition for a federation.

THE CHAIRPERSON: There is a chairman of SC Villa here.

MR ARIKO: Madam Chairperson, I would just like to supplement what the learned Attorney-General explained. A “federation” is an umbrella for several sports associations. So, when looking at the relationship of the same, in this case, you will have a number of associations federating and, therefore, coming together as an umbrella federation.

However, where there are other different disciplines, then, you come up with what they call “organisations” in sports. That is what I wanted to add. Thank you.

THE CHAIRPERSON: Are we in agreement? I put the question that clause 6 be amended as proposed.

(Question put and agreed to.)

Clause 6, as amended, agreed to.

Clause 7

MR JOHN TWESIGYE: Madam Chairperson, Clause 7: Application for registration

Clause 7 is amended in subclause (3)(c), by substituting for the words “member clubs” the word “members”.

The justification is to expand the membership of the national sports federations, which include sports clubs, sports associations and others.

MR KIRYOWA KIWANUKA: No objection.

MR OGWANG: No objection.

MR MAGOGO: No objection.

THE CHAIRPERSON: I put the question that clause 7 be amended as proposed.

(Question put and agreed to.)

Clause 7, as amended, agreed to.

Clause 8

MR JOHN TWESIGYE: Clause 8: Consideration of application

Clause 8 is amended in subclause (3) by inserting immediately after paragraph (a), the following –

“the applicant is not eligible for registration as a national sports federation under section 6;”

Justification

To provide, as one of the grounds upon which the registration of a national sports federation may be denied, the failure to comply with the eligibility requirements in clause 6 relating to national character of a sports activity.

MR KIRYOWA KIWANUKA: No objection.

MR OGWANG: Madam Chairperson, no objection.

MR MAGOGO: No objection.

THE CHAIRPERSON: I put the question that clause 8 be amended as proposed –

MR ODUR: Madam Chairperson, I have a minor amendment on clause 8, under paragraph (a), to provide for this publication to be in the Uganda Gazette as the official Government gazette instead of leaving it to the newspapers only. It reads: “*Publish an application made under section 7 in a newspaper of national circulation.*” The practice here is that we have always provided for it to be published in the Gazette because it is an application.

Under paragraph (b), instead of –

THE CHAIRPERSON: Chairperson, are you getting what he is saying? He has said that instead of newspapers, we put the Gazette.

MR ODUR: No, we add the gazette. Under paragraph (b) – invite objections to the application from the public – this should be a public hearing. The council should conduct a public hearing to consider the application. That is where the objections will come from.

THE CHAIRPERSON: On which application are you saying there should be a public hearing?

MR ODUR: This is under clause 8 –

THE CHAIRPERSON: An application to create a sports organisation?

MR ODUR: It reads, “*Consideration of an application*”. The different sports federations are going to apply to the National Council of Sports to be admitted officially. So, the public may have issues to do with it. It can even relate to the membership or to the people who are concerned.

The practice usually with such applications is that you conduct a public hearing that so and so has applied to join the sports federation. If you have any objection, please appear on this day so that it can be heard together. Other than saying, invite objections to the application

because it will deny the applicant opportunity to interface with the person who is objecting.

THE CHAIRPERSON: Okay.

MR SSEMUJJU: In the earlier Bills we did, we moved away and the Attorney-General was with us from newspaper of wide circulation because in the old colonial laws at that time, it was only the newspaper available. The media has grown now; so, you can no longer propose just newspapers of wide circulation; it should be media of wide circulation.

THE CHAIRPERSON: Hon. Ssemujju, that has been agreed upon.

MR KIRYOWA KIWANUKA: Thank you, Madam Chairperson. We did think about the issue of putting this in the Gazette, but it is a cost. This Bill is meant to reach the very bottom of our echelon.

If you put very many conditions, it may now hinder people from participating in this space. We thought that if you advertise in the media, it would be a better option other than putting it in the Gazette, which is quite expensive. However, I agree with the honourable member that we should amend it to read “media of wide circulation.”

THE CHAIRPERSON: Therefore, are we replacing that with “media of wide circulation?” What about the public hearing?

MR KIRYOWA KIWANUKA: Again, Madam Chairperson, the burden you put on this legislation is that the public hearing is going to require these people to come to you and get people to you. There is enough mechanism for people who have complaints to raise them in this process because here you are legislating for associations and federations. So, it may be a bit of a challenge, but we stand to be advised.

THE CHAIRPERSON: Member of the committee?

MR AOGON: Madam Chairperson, I want to inform this House that that proposal can be so

good because we are aware that there are people who can easily form “briefcase federations”. These days, Parliament allocates money, which goes to federations. To avoid that, I find it proper for us to admit this particular proposal to avoid people who operate federations, which are not clearly formulated.

THE CHAIRPERSON: Why didn’t you bring that in the committee?

MR AOGON: New wisdom has come. *(Laughter)*

THE CHAIRPERSON: Honourable members, you need to know that this law is not cast in stone. We will amend again as we move on. This is a 1964 law. Today, we are trying to patch around to have a law. We will continue amending when there are changes.

MR MAGOGO: About the public hearing, we also need to appreciate that these sports bodies that are being created are actually private voluntary associations. People willingly come together to associate. It has nothing to do with the public. The public are consumers of the products that these private associations actually produce.

Therefore, the National Council of Sports in the Bill has enough checks and balances to understand whether this particular organisation, that is going to be incorporated, serves the purposes of the private association and at the same time, is good enough to provide the public good for the consumption of the public.

MR ODUR: Let me give an example: some of the associations come on voluntary basis. Somebody will go to my area like in Lango and talk to so many people. People contribute money thinking that the association is theirs. When it comes to registration, they now come and register in only two or three names. That is what I mean. So, what happens to people who have contributed to the building of that association? What remedy is there for them to come?

MR KIRYOWA KIWANUKA: I think those ones need to sue to recover their money, if they have paid it to the wrong person. But for this law, you need to be careful. You are trying to encourage people to participate in sports and grow your space. If you complain that they have cheated you, it does not take away the fact that they have associated for purposes of leading the sport, but we can still recover the money.

THE CHAIRPERSON: ...through court. I put the question that clause 8(a) be amended as proposed by Hon. Odur and Hon. Ssemujju and the committee.

(Question put and agreed to.)

Clause 8, as amended, agreed to.

Clause 9, agreed to.

Clause 10

MR JOHN TWESIGYE: Madam Chairperson, membership of national sports federations. Clause 10(1) is amended by;

a) substituting for the following -

“The membership of the national sports federation, registered under this Act, shall comprise individual athletes, sports clubs, sports teams or sports associations, as the case may be, that are engaged in the sports discipline of the National Sports Federation.”

b) Substituting for the word “comprise” the word “form”.

Justification

- i. To enhance clarity
- ii. To broaden subclause (1) by including all the possible members of the National Sports Federations.

THE CHAIRPERSON: Honourable minister?

MR OGWANG: Madam Chairperson, the harmonised position is substitute for clause 10 the following:

Clause 10: Membership of the National Sports Organisation –

- (a) a national sports organisation shall define its membership in its constitution.”

MR SSEMUJJU: Madam Chairperson, we are following the Bill, but there is also another report of a harmonised position, which I do not have. Maybe the minister can help –

THE CHAIRPERSON: It is a proposal.

MR SSEMUJJU: But he keeps reading “harmonised”. So, I guess there is a report and he can give us copies to follow.

THE CHAIRPERSON: The private Member is here and he is the one who brought it. He wants a harmonised position with his Bill. Yesterday, you were not here when we sent them to harmonise. But all the same, welcome back. Honourable minister?

MR MAGOGO: Madam Chairperson, because there were two Bills: one moved by Government and one by the private Member. We sat and harmonised positions. Instead of each one of us coming here to read; it is a proposed harmonised position.

This was presented to the committee – *(Interjection)*– Yes; I was part of the harmonisation.

THE CHAIRPERSON: Honourable members, I put the question that clause 10 be amended as proposed. The proposal is together with what is coming out of the amendments.

(Question put and agreed to.)

Clause 10, as amended, agreed to.

New Clause

MR OGWANG: Madam Chairperson, the proposal is that the “national sports association” and “community sports club”: (1) “A person who wishes to register a national sports association or a community sports club shall apply to council for a certificate of registration.

(2) The minister shall, by statutory instrument, make regulations to prescribe -

- a) the application, procedures and requirements;
- b) criteria for registration;
- c) procedures relating to transforming a national sports association to a national sports federation;
- d) deregistration; and
- e) matters relating to dissolution of a national sports association or a community sports club.”

MR KIRYOWA KIWANUKA: No objection.

MR MAGOGO: No objection.

THE CHAIRPERSON: I now put the question that a new clause be inserted as proposed.

(Question put and agreed to.)

New clause, inserted.

THE CHAIRPERSON: Shadow Minister, you were part of the harmonisation.

Clause 11

THE CHAIRPERSON: I put the question that -

MR ODUR: Madam Chairperson, on clause 11, I wanted the Attorney-General and the harmonisation team to give the accurate report to this House.

Clause 11 appears to have been crafted on the basis that the registration would be twofold: First, you register as a company; so, you have a separate legal status established under the Companies Act and then now, you come to the National Council of Sports to obtain the certificate of registration.

Now that we have dealt away with the requirement to register under the Companies Act and the legal status of the registration is only by registering under the council, when you mention “renewal of registration”, does it mean that at the expiry of the registration, that corporate body ceases to exist? What happens in that period where it ceases to exist? What about the assets, who holds the assets of that very federation?

MR KIRYOWA KIWANUKA: Registration: when you are registered by the council as a body corporate, there are things that you have to ordinarily do annually for you to be allowed to continue to conduct that business. For example, you will notice further on, that you are supposed to make returns at the end of the year - of what you have done.

If you do not do that, the certificate is taken away and when the certificate is taken away, you are not allowed to do that which you have been given permission to do for that period - but you remain in existence. It is permission to continue to practice that until the council decides to deregister you. It is only when council deregisters you that you lose your personality. There is a provision for deregistration.

THE CHAIRPERSON: Attorney-General, the new clause immediately after clause 10 says, “The minister shall, by statutory instrument, make regulations to prescribe matters relating to dissolution of the national sports association or the community sports club.” There will be a statutory instrument to that effect.

Is that okay? No amendment. I put the question that clause 11 -

MR ODUR: I want clarification because I wanted to propose that clause 11 be deleted

because it is redundant. That word that the Attorney-General has put - “body corporate with perpetual succession” means that at one point, you cannot wake up and say, “Your certificate has already expired.” The moment you say, “Renew it,” it means that on expiry, that perpetual succession and being body corporate has ceased at that moment. And yet there are assets that belong. So, who manages; who owns it? Does it mean you have cancelled? That is what I am raising.

MR KIRYOWA KIWANUKA: Let me use an example to explain this. The Attorney-General here is a lawyer who is enrolled as an advocate and every year, he goes and gets a certificate of practice. So, in a particular year (2022) he does not get the certificate. He remains Kiryowa Kiwanuka, an advocate, but not authorised to practise law. This association remains an association on the books of the National Council of Sports, but cannot conduct the business it is supposed to conduct. However *-(Interjection)-* Yes, certificate, we call it a certificate, “licence certificate”.

The thing is that, we are trying to meet our reading of things with an industry practice. The industry calls it a certificate, the sports industry calls it a certificate, what we would call a practising certificate here, they call it a certificate. So, we are trying to marry our understanding with the industry practice.

MR ODUR: The Attorney-General should not be allowed to mislead us. When you become an advocate, you get a certificate of enrolment, and that is once, the other one is certificate to practise. A practising certificate is the one you renew, but it does not -

THE CHAIRPERSON: What is your mind on section 11?

MR ODUR: It is to delete it because it is now redundant.

THE CHAIRPERSON: Why are you deleting it?

MR ODUR: Because we have amended -

THE CHAIRPERSON: We are talking about renewal of a certificate of registration. It has not been covered in any of the clauses

MR ODUR: No.

THE CHAIRPERSON: So, why are you removing it?

MR ODUR: We have dealt with registration already under clause 6.

THE CHAIRPERSON: On the renewal of the certificate?

MR ODUR: No, the registration itself.

THE CHAIRPERSON: No, we are talking about renewal. Hon. Jonathan, it is renewal.

(Question put and agreed to.)

Clause 11, as amended, agreed to.

Clause 12

THE CHAIRPERSON: Honourable members, we are making this Bill, but we can amend it even after a year or two. They are not cast in stone. You should even call yourself lucky that you are making this Bill after the year 1964; none of you were born then, apart from some of us.

MR JOHN TWESIGYE: Madam Chairperson, clause 12 - suspension or cancellation of certificate of registration. Clause 12 is amended;

- a) In subclause (3), by inserting immediately after the word “suspend” the words “or cancel”.
- b) In subclause (4), by substituting for the words “six months”, the words “ninety days”.
- c) By inserting immediately after subclause (6) the following; *“A national sports federation whose certificate of registration is cancelled, shall be removed*

from the register of the national sports federations.”

Justification:

1. To achieve consistency.
2. To reduce the period of suspension of national sports federations to 90 days to avoid stifling operations of national sports federations
3. To provide for the de-registration of a national sports federation, where the National Council of Sports cancels its certificate of registration.

THE CHAIRPERSON: Thank you so much. This clause is meant to remove the word “suspension” – because you cannot suspend a certificate – and replace it with the word “cancel”. That is the essence of this clause.

MR ASHIMWE ENOS: Thank you. I would like to add an amendment on clause 12(2) - on the grounds on which you can cancel the certificate of registration – to deal with something that the Attorney-General had mentioned regarding implementation of recommendations 24 and 25 of the Financial Action Task Force regarding money laundering that we might have in these associations.

I request that we put it as a ground for cancellation of a certificate. Thank you, Madam Chairperson.

THE CHAIRPERSON: What is the ground? Money laundering? What does the Anti-Money Laundering Act say? Attorney-General, what do you think?

MR KIRYOWA KIWANUKA: I think he makes an interesting point.

THE CHAIRPERSON: When you look - the registration was procured through misrepresentation or non-disclosure of material facts. It covers that.

MR KIRYOWA KIWANUKA: We could just add to say that, “where the promoters or members of an association or federation have been found guilty or culpable of offences of anti-money laundering and terrorism financing, then, the certificate will be withdrawn.”

I think he makes a point. If you allow me one minute, I can sit and draft. One of the areas mentioned in the anti-money laundering law are these public associations. So, we can draft something for it.

MR SSEMUJJU: Madam Chairperson, I would like to persuade the Attorney-General. This offence is committed and the suspect – okay, I was going to say like the one of *mabaati* – has been dealt with under the anti-money laundering law and they are either in jail or their property has been confiscated. What value does it add to go repeating it in every legislation? They have already been dealt with.

MR KIRYOWA KIWANUKA: I think we can use the other legislation to deal with the situation, if it arises here.

THE CHAIRPERSON: Honourable members, let us not get into a trap by bringing something in this legislation. As I said, we have other laws that we can use to get these people. So, let us not mix the laws. I put the question that clause 12 be amended as proposed.

MR ODUR: Madam Chairperson, I beg your indulgence. We have given powers for suspension -

THE CHAIRPERSON: ... cancelling. We are replacing the word “suspension” with “cancellation”.

MR ODUR: Now, the chairperson has to correct that because in the text here, he said, “*by inserting immediately after the word ‘suspend’, the word -*”

THE CHAIRPERSON: I read it myself – in subclause (3), by inserting immediately after the word “suspend” – to replace the word “suspend” with “cancel”.

MR ODUR: Also, if the idea is to suspend the federation, then, it should be “suspend the federation” not “suspend the certificate of registration”.

THE CHAIRPERSON: No, we are talking about cancellation of a certificate, not a federation.

MR ODUR: Madam Chairperson, if you have given powers to the council to cancel, what happens to that person who is aggrieved by the cancellation? This is now like the end: you have sealed; the council has the final authority. So, what happens if I am aggrieved by the cancellation? Where do I go?

THE CHAIRPERSON: There is a clause on arbitration. Do not give the minister too much power. I put the question that clause 12 be amended as proposed.

(Question put and agreed to.)

Clause 12, as amended, agreed to.

Clause 13

THE CHAIRPERSON: Members, we have over 100 clauses and we have to go for NSSF.

MR JOHN TWESIGYE: Clause 13: Functions of national sports federations

Clause 13 is amended –

- (a) in subclause(1) –
- (i) by deleting paragraph (h);
- (ii) by substituting for paragraph (i), the following –

THE CHAIRPERSON: Hon. Ariko, do you have another session there?

MR JOHN TWESIGYE: “(i) maintain a register of its members,” and by inserting immediately after paragraph (i), the following –

“constitute a national sports team for the respective sports discipline;

protect the interests of its members;

register agents, promoters and managers of athletes, and management contracts.”

(b) in subclause (3), by substituting for paragraph (b), the following –

“(b) enforce the rules and regulations of the national, regional, continental and international sports governing bodies of the respective sports discipline.”

Justification

i) The deletion of subclause (1)(h) of clause 13 is as a result of the absence of policy for national sports in the country.

ii) To require sports federations to include sports associations in their respective registers since sports associations are members of national sports federations.

iii) To obligate national sports federations to safeguard the interests of their individual athletes, sports clubs, sports teams and sports associations.

iv) For clarity

THE CHAIRPERSON: Honourable Attorney-General?

MR KIRYOWA KIWANUKA: I have no objection to that.

MR OGWANG: Madam Chairperson, I have no objection.

THE CHAIRPERSON: I put the question that clause 13 be amended as proposed.

(Question put and agreed to.)

Clause 13, as amended, agreed to.

New clause

MR JOHN TWESIGYE: Madam Chairperson, the committee has a new clause.

Insert new clauses immediately after clause 13 to read as follows –

“Independence of national sports federations

(1) A national sports federation shall be independent in the –

(a) performance of its functions, duties and the exercise of its powers; and

(b) interpretation and application of the statutes and regulations of the sports discipline as set by the respective international governing body.

(2) Notwithstanding subsection (1), the council may, by notice in writing, give to a national sports federation directions consistent with the applicable law, the rules of the sports discipline developed by the respective international governing body and best sports practices to ensure proper administration and management of the national sports federation.

International affiliation of National Sports Federation

(1) A national sports federation may, in accordance with this Act, affiliate with an international sports governing body responsible for the relevant sports discipline.

(2) For the avoidance of doubt, a national sports federation that is affiliated to an international sports governing body shall, in accordance with this Act, continue to be affiliated to that international sports governing body.

(3) For purposes of affiliating to an international sports governing body, the certificate of registration issued to a national sports federation shall, in addition to other requirements that may be prescribed by the minister by regulations, be required and submitted prior to approval of affiliation by the council where applicable.

(4) The interpretation and application of this Act shall recognise the provision of the statutes and regulations of the international sports governing body to which a National Sports Federation is affiliated.

Management of sports teams and athletes in international sports competitions

A national sports federation shall:

- a) facilitate the preparation and participation of a national sports team and national sports representatives in international sports events and competitions;
- b) finance a national sports team participating in international sports competitions and events;
- c) mobilise and manage funds of the national sports team, including funds received from the Government to finance the expenses of the national sports teams;
- d) manage the welfare of members of the national sports team;
- e) employ and appoint coaches and other technical personnel for the national sports team;
- f) coordinate Government, under the council's involvement in matters relating to a national sports team."

Justification

- i) To provide for independence of national sports federations given that they are the custodian of their respective sports rules and therefore, their operational independence is critical. International sports governing bodies confer an obligation on national sports federations in line with the principle of autonomy of sport to manage their affairs independently without undue external influence.
- ii) To take care of the proposals in the National Sports Bill, 2021 which seeks to regulate

affiliation of national sports federations to international sports governing body.

- iii) To provide for additional obligations of the national sports federations.

THE CHAIRPERSON: Honourable minister?

MR OGWANG: Madam Chairperson, let me invite the private Member to come and take us through his proposals.

THE CHAIRPERSON: Okay.

MR MAGOGO: Madam Chairperson, I would like to propose a new insertion to replace the words, "management of sports teams and athletes in international sports competitions" –(Interruption)

MR SSEMUJJU: We have a proposal by the committee that we have not dealt with. The private Member is also introducing another proposal and he has not said he wants to amend that of the committee. So, I need to be guided because I -

THE CHAIRPERSON: The private Member is making an amendment after the harmonisation of the proposed amendments. It is a proposal; not an amendment per se.

MR MAGOGO: Madam Chairperson, it is a proposal to amend and as you may be aware, the Government Bill became the principal Bill and there were clauses that were in the Private Member's Bill. So, when they come here, they come as proposals to the amendment of what the committee report has.

Therefore, I would like to present a proposed position that was harmonised between the two Bills, but the committee does not include it the way we wish to propose here for the committee.

"Management of sports teams and athletes during international sports competitions

- (1) A national sports association or federation shall constitute a national team for the respective sports discipline.

(2) A national sports association or national sports federation shall be responsible for developing, selecting, summoning and managing the national team or a representative team for the respective sports discipline.

(3) A national sports association and national sports federation shall regulate the management of a national team and the representative team for the respective sports discipline.

4. Without limiting the general effects of subsection (2), the national sports association or national sports federation shall:-

a) be responsible for selecting the sports national teams, facilitate the preparation and the participation of a sports national team, and supports national representatives in international sports events and competitions;

b) finance sports national team and national representative teams, participating in international sports competitions and events;

c) mobilise, solicit and manage funds of the sports national team, including funds received from the government to finance the expenses of the sports national team;

d) manage the welfare of the members of the national sports team;

e) employ and appoint the coach and other technical personnel for the national sports team;

f) coordinate Government and the council's involvement in matters relating to the sports national team.

(5) The minister shall, by statutory instrument, regulate the management of national teams and athletes in multi-sports discipline in international sports events and competitions. I beg to move.

THE CHAIRPERSON: Thank you. Attorney-General? Actually, it is about the wording.

MR KIRYOWA KIWANUKA: Yes. We just recast it and agreed on the position and that is the correct position.

THE CHAIRPERSON: Thank you. Hon. Aogon, you are a member of the committee. I put the question that a new clause be inserted as proposed by Hon. Moses Magogo.

(Question put and agreed to.)

New clause inserted.

Clause 14

THE CHAIRPERSON: Hon. Ssemujju, why are you saying, "Aye"? Members, let us try to move faster.

MR JOHN MWESIGYE: Madam Chairperson, clause 14 is supervision of national sports federations.

Clause 14 is amended –

a) in sub-clause (2)(b) by inserting immediately after the word "undertake" the words "or cause"

b) by inserting immediately after subclause (4) the following:

"A national sports federation shall cooperate with the council or a person determined by the council under subsection (4).

A national sports federation shall, within one month of being requested by the council or a person appointed by the council, submit to the council information requested for the council or the person appointed by the council.

The results of compliance test shall be submitted to the council and the council shall, in case of noncompliance by the national sports federation, inform the national sports federation and direct the national sports federation to remedy the noncompliance not

later than 90 days from the date of notification of noncompliance.”

The justification is to avoid restricting the provision to only the council undertaking the audit of the books of accounts and records of national sports federations. The council should be allowed to also cause the audit of books of accounts and records through another person or entity to strengthen the provisions requiring compliance by the national sports federation to achieve effective regulation.

MR KIRYOWA KIWANUKA: We have no objection, Madam Chairperson.

MR ODUR: Madam Chairperson, mine is clarification on subclause (4) - that the council may appoint a person to conduct a compliance test on behalf of the council; is Parliament going to create for you a consultancy appointment on a matter that can be handled administratively?

MR KIRYOWA KIWANUKA: Honourable member, what we are trying to do here, again, is that these disciplines are multi-regulated. They are regulated here and on the outside. Whatever the council can do with these regulations is putting here to avoid a question of interference. Like you said, it may seem like regulation, but if council comes tomorrow and says, “I want a compliance test,” then the international organisation asks, “Where did you put that in the law?” That is interference. Therefore, to avoid interference, we say, they may even ask for a compliance test. It can be done administratively, but we want to legislate on it.

MR OGWANG: Honourable minister - this one is behaving like somebody from Katakwi. Madam Chairperson, I confirm the amendment. We agreed on it.

THE CHAIRPERSON: I put the question that clause 14 be amended as proposed.

(Question put and agreed to.)

Clause 14, as amended, agreed to.

New clause

MR JOHN TWESIGYE: Madam Chairperson, the committee proposes to insert a new clause immediately after clause 14 to read as follows:

“Register of beneficial owners.

- 1) *A national sports federation with a beneficial owner shall keep a register of its beneficial owners and shall enter in the register the following particulars –*
 - a) *The names and postal addresses of each beneficial owner.*
 - b) *The national identification numbers of the beneficial owner.*
 - c) *The date on which each beneficial owner was entered in the register as a beneficial owner.*
 - d) *The date on which any person ceases to be a beneficial owner.*
 - e) *Any other information as the minister may prescribe by regulations.*
- 2) *The register of beneficial owners shall be kept at the registered office of the national sports federation, except that –*
 - a) *if the work of making it up is done at another office of the national sports federation, it may be kept at that other office;*
 - b) *if the national sports federation arranges with some other person for the making up of a register on behalf of the national sports federation by that other person, it may be kept at the office of that person at which the work is done, but it shall not be kept at a place outside Uganda.*
- 3) *A national sports federation shall send a notice to the general secretary of the place where its register of beneficial owners is kept and of any change of place within*

- fourteen days after creating the register, or changing the place where the register is kept.*
- 4) *Notwithstanding subsection (2), a national sports federation shall, within 14 days after creating the register of beneficial owners, transmit a copy of the register to the general secretary.*
- 5) *The minister may, by statutory instrument, make regulations generally for giving effect to the provisions on beneficial owners, including prescribing penalties for breach of the regulations.*
- 6) *Where a national sports federation defaults in complying with subsections (1), (2) or (3), a person who is in default is liable to a daily default fine of five currency points.”*

Justification

To comply with recommendations 24 and 25 of the Financial Action Taskforce.

MR KIRYOWA KIWANUKA: I have no objection.

MR OGWANG: Madam Chairperson, I have no objection.

MR MAGOGO: No objection.

THE CHAIRPERSON: I put the question that a new clause be inserted as proposed.

(Question put and agreed to.)

New clause, inserted.

Clause 15

MR JOHN TWESIGYE: Clause 15: Notification of dissolution of national sports federation. Clause 15 is substituted for the following:

“Dissolution of national sports federation.

- 1) *A national sports federation may be dissolved by the Council where;-*
 - a) *the activities of the national sports federation contravene any of the provisions of this Act or any other law, or*
 - b) *the national sports federation has acted against the security, unity and territorial integrity of Uganda.*
- 2) *notwithstanding subsection (1), the members of a national sports federation may voluntarily dissolve the national sports federation in accordance with the constitution of the national sports federation.*
- 3) *a national sports federation shall, in writing and within seven days of making the decision to dissolve a national sports federation, notify the council.*
- 4) *the council may, upon receipt of the notice referred to in subsection (3), issue a certificate of dissolution to the respective national sports federation.*
- 5) *a national sports federation shall publish, in the Gazette and newspaper of national circulation, a notice of intention to dissolve at least three months before the members of a national sports federation pass a resolution to dissolve the federation.”*

The justification is to provide for the circumstances under which a national sports federation may voluntarily dissolve or be dissolved by the National Council of Sports.

MR KIRYOWA KIWANUKA: Madam Chairperson, we just request that clause 15(5) as proposed by the committee for amendment be amended to read:

“A national sports federation shall publish in the Gazette and in media of wide circulation...”
The rest, we have no objection.

MR OGWANG: I agree with the new amendment, which has been proposed by the Attorney-General.

MR MAGOGO: I agree with the new amendment.

MR ENOSI ASIIMWE: The amendment should not leave out the word “national.” As much as it is wide, it should be national in nature. It might be wide, but within a few territories.

THE CHAIRPERSON: We already had an amendment in the House that we introduce “wide.” Not so, Hon. Ssemujju?

MR SSEMUJJU: Yes, and you may onetime even want to go beyond the boundaries of Uganda. The moment you begin putting restrictions in the law, then they will come here to say, “We want even Rwanda and Kenya or East Africa.”

THE CHAIRPERSON: When you put “national”, you are limiting it to Uganda. I put the question that clause 15 be amended with an amendment of subclause (5) as proposed by the Attorney-General.

(Question put and agreed to.)

Clause 15, as amended, agreed to.

Clause 16

THE CHAIRPERSON: We need to have some kind of consistency. If we say that we use the word “wide”, let it be wide. If it is “national” let it be that. We have started with the word “wide”, so, let us move by that.

MR ENOSI ASIIMWE: Thank you. Madam Chairperson, I am looking at a scenario where you want to communicate to somebody in Lyantonde, who has no access to *WhatsApp* or any other means of communication you are talking about—*(Interruption)*

MR SSEMUJJU: Madam Chairperson, our rules are very specific. Once a clause has

been passed, in order to return to it, there is a procedure to follow. You do not just shoot up and say - that will go against the rules. Is the Member in order to deliberately break the rules?

MR JOHN TWESIGYE: Madam Chairperson, before we go to clause 16, we have a proposed new clause.

THE CHAIRPERSON: Register of national sports federation?

MR JOHN TWESIGYE: Yes, Madam Chairperson.

New Clause

Insert a new clause immediately after clause 15 to read as follows -

“Register of national sports federations

- (1) The council shall maintain a register of national sports federations that are registered under this part.
- (2) A national sports federation whose certificate of registration is cancelled shall be removed from the register.
- (3) A national sports federation shall, in writing, notify the council of any changes in the information in the register within twenty one days of the change.
- (4) A register shall be in a format prescribed by regulations made under this Act.
- (5) A register may be open to inspection by the public on payment of fees as may be prescribed.”

Justification

This is to require the National Council of Sports to keep and maintain the register of all national sports federations, update the register and provide for access to the register by the public.

MR KIRYOWA KIWANUKA: Madam Chairperson, I have no objection.

MR OGWANG: No objection.

MR MAGOGO: No objection.

THE CHAIRPERSON: I put the question that a new clause be inserted as proposed.

(Question put and agreed to.)

New clause, agreed to.

Clause 16

THE CHAIRPERSON: Chairperson, let us move a little faster.

MR JOHN TWESIGYE: Clause 16

Madam Chairperson, clause 16 is amended –

- (a) by deleting paragraph (d); and
- (b) by inserting immediately after paragraph (c), the following –

“organise or host a sports competition in Uganda.”

The justification is:

- i) To allow national sports federations affiliate with their respective international sports governing bodies without restriction as long as the national sports federation meets the international requirements for affiliation. Matters relating to affiliation of national sports federations to the respective international sports governing body are handled by the Uganda Olympic Committee, not the National Council of Sports.
- ii) To ensure effective supervision of national sports federations by the National Council of Sports.

MR KIRYOWA KIWANUKA: Madam Chairperson, we object to the proposal to delete

clause 16 (d), as proposed by the committee, because an entity registered here – for example, if the Uganda Golf Union wants to join the International Golf Federation, they have to go to the National Council of Sports and get the affiliation. You inform the National Council of Sports, get authorisation and then go. This is because you are being introduced to that entity as the body authorised to conduct the business of that sport in Uganda –

THE CHAIRPERSON: Not the Uganda Olympics Committee.

MR KIRYOWA KIWANUKA: Yes, not the Uganda Olympics Committee. The Uganda Olympics Committee has nothing to do with golf, for example.

THE CHAIRPERSON: So, are we deleting “Uganda Olympics Committee” and replacing it with “National Council of Sports”?

MR KIRYOWA KIWANUKA: We propose to leave clause 16(d) in place, but we agree to the second amendment that is proposed to insert – “organise or host sports competitions in Uganda”.

MR JOHN TWESIGYE: Madam Chairperson, I concede. Thank you.

MR ODUR: Madam Chairperson, the subheading of clause 16 is “Participation in sports competitions outside Uganda”. When the chairman now comes and says “organise and host sports competitions in Uganda”, it contradicts the spirit in which they have titled it. I do not know whether we are reading the same document.

THE CHAIRPERSON: Chairman, check what he is saying; he has a point. Check the headnote *vis-à-vis* what you have written.

MR JOHN TWESIGYE: I was crosschecking the proposal in the Bill. I agree with his proposal.

THE CHAIRPERSON: What do you agree to? Do you agree to delete it or drop his proposal?

MR JOHN TWESIGYE: To leave it as it is and not delete it.

MR KIRYOWA KIWANUKA: Thank you very much, Madam Chairperson. We agree that the Bill remains as it is.

THE CHAIRPERSON: I put the question that clause 16 stands part of the Bill.

(Question put and agreed to.)

Clause 16, agreed to.

Clause 17

MR JOHN TWESIGYE: Madam Chairperson, Clause 17: Annual financial reports of the national sports federation.

Clause 17 is amended -

(a) in subsection (2), by substituting for paragraph (c), the following –

“(c) a list of members of national sports federations;”

(b) by inserting immediately after subclause (3) the following –

“(4) The report of the activities referred to under subsection (1) (c) shall include –

(a) information of the progress and policies of the national sports federations;

(b) an assessment of the adequacy of sports projects and programme funding of a national sports federation;

(c) a report on the condition and status of the facilities and sports programmes and the degree of change in such conditions and status since the last report;

(d) the projected optimal level of the facilities and programmes and the extent of financing required to meet that level of a national sports federation;

(e) a review of the technical adequacy and proven cost efficiency of sports management operations;

(f) a progress report on coordination between the national sports federation and the international sports governing body to which it is affiliated and local governments, including challenges encountered and proposals for the future; and

(g) any other information as the council may, in writing, request.”

The justification is:

1. To enhance clarity.

2. The insertion of a new subclause after subclause (3) is intended to merge clauses 17 and 18 to avoid duplication of the provision.

3. To require a national sports federation to also submit an annual progress report regarding its coordination with the international sports governing body to which the national sports federation is affiliated, for ease of monitoring.

MR KIRYOWA KIWANUKA: Madam Chairperson, we have no objection. We thank the committee for their work.

MR OGWANG: Madam Chairperson, I have no objection.

MR MAGOGO: No objection.

THE CHAIRPERSON: I put the question that clause 17 be amended as proposed.

(Question put and agreed to.)

Clause 17, as amended, agreed to.

Clause 18

MR JOHN TWESIGYE: Madam Chairperson, clause 18 is deleted.

The justification is that clause 18 has been merged with clause 17 to avoid repetition.

THE CHAIRPERSON: Is that the position?

MR KIRYOWA KIWANUKA: That is the position.

THE CHAIRPERSON: Hon. Magogo?

MR OGWANG: Madam Chairperson, Hon. Moses Magogo has an objection. I would like to move for a new clause to be inserted.

THE CHAIRPERSON: Are we together on clause 18?

MR OGWANG: I am at per with the Attorney-General.

THE CHAIRPERSON: Are you together for a deletion? And the private Member?

MR MAGOGO: No objection.

THE CHAIRPERSON: I put the question that clause 18 be deleted as proposed.

(Question put and agreed to.)

Clause 18, deleted.

New clause

MR OGWANG: Madam Chairperson, I beg to move for the new clause, “ownership of the commercial rights”.

- (1) Each respective national sports federation or association and its respective members are the original owners –

THE CHAIRPERSON: Procedure.

MR SSEMUJJU: Madam Chairperson, rule 129 requires that amendments are presented to the committee. They cannot be smuggled in; you cannot think of something and just hit the ground. The procedural issue I am raising is whether the Minister of Education and Sports can violate, with ease, rule 129 that requires amendments to be –

Madam Chairperson, you recall we even went to court over this matter when the same minister was here supporting the removal of the age limit and court made pronouncements that amendments cannot be brought like that. That is how the amendment to reinstate the term limits was rejected by court because it was being introduced on the Floor. That is the procedural issue I am raising.

THE CHAIRPERSON: Hon. Ssemujju, I like your insincerity. You were part of the harmonisation meeting yesterday together with the Attorney-General and I chaired that meeting.

This was brought at the committee. I am also surprised you are talking about the age limit, when you are one of those people who were saying we should bring back the two years. Minister, go ahead.

MR OGWANG: Thank you very much, Madam Chairperson. I am talking about the ownership of commercial rights:

- (1) Each respective national sports federation or association and its respective members are the original owners of all the commercial rights coming under their respective jurisdictions without any restriction as to content, time and place.
- (2) A national sports federation or a national sports association shall draw respective special regulations to manage the exploitation and benefits of value generated from the exploitation of the commercial rights from their respective use and among their members and persons.

THE CHAIRPERSON: Chairperson, are you in agreement with that?

MR JOHN TWESIGYE: No objection.

THE CHAIRPERSON: Attorney-General?

MR KIRYOWA KIWANUKA: No objection, Madam Chairperson.

THE CHAIRPERSON: Member?

MR MAGOGO: No objection.

THE CHAIRPERSON: I put the question that a new clause be inserted.

(Question put and agreed to.)

New clause inserted.

Clause 19, agreed to.

Clause 20

MR JOHN TWESIGYE: Clause 20: Duty not to disclose information. We propose to delete clause 20.

The justification is that the provision is ambiguous and prone to abuse given that it also restricts access to information that the law permits access to. Issues to do with confidentiality at institutional level can be dealt with administratively.

THE CHAIRPERSON: Attorney-General?

MR KIRYOWA KIWANUKA: Madam Chairperson, I beg to differ with my colleague. The duty not to disclose information is important because the methods of disclosing information are known. So, we are just really repeating what they know they should not do.

THE CHAIRPERSON: Wouldn't that disclosure amount to interference?

MR BASALIRWA: Madam Chairperson, I think this provision should be maintained. Learned Attorney-General, it is even consistent with the Oaths Act. I think it is only being drafted in a different form, but you have to keep it there because there are other laws that require or place a duty or an obligation on people holding these offices, not to disclose information. So, it should really be maintained.

MR JOHN TWESIGYE: Madam Chairperson, since it is about keeping the information confidential, I concede.

MR ODUR: Madam Chairperson, first of all, we have a law that this House passed and I thought the chairperson of the committee had given very good justification. Under the Access to Information Act, those officers are under duty, as long as they comply with the requirements, to access the information.

Secondly, we should not risk a situation where there is an official inquiry and somebody cites this law and says, "I am a member of the board and the law says I should not disclose any information".

THE CHAIRPERSON: Attorney-General, when you look at clause 20(1), it brings in the confidentiality clause and contravenes the Access to Information Act.

MR KIRYOWA KIWANUKA: Madam Chairperson, this clause is consistent with the Access to Information Act. The Access to Information Act is subject to having lawfully obtained that information.

THE CHAIRPERSON: Let us add "unlawful."

MR KIRYOWA KIWANUKA: We can propose and say "a member of the board or council shall not unlawfully disclose any information obtained in the course of his or her employment". I beg to submit.

THE CHAIRPERSON: Are you okay?

MR OGWANG: Madam Chairperson, I support the amendment moved by the Attorney-General.

THE CHAIRPERSON: Honourable members, I put the question that clause 20(1) be amended as proposed by the Attorney-General.

(Question put and agreed to.)

Clause 20, as amended, agreed to.

Clause 21

MR JOHN TWESIGYE: Madam Chairperson, clause 21 is about public sports facilities. Clause 21 is amended –

- (a) by inserting immediately before subclause (1) the following:

“The minister may, in consultation with the minister responsible for local government, by statutory instrument, declare a public sports facility:-

- (a) a national sports facility.
- (b) a district sports facility.
- (c) a community sports facility.
- (d) an education institution sports facility.

A sports facility declared a national sports facility under this section shall be managed and maintained by the council.”

- b) In subclause (1), by inserting immediately before the word, “the” appearing at the beginning of subclause (1), the words “Notwithstanding subsection (1)”.
- c) By inserting immediately after subclause (2), the following;

“This section shall not apply to the land governed by the Nakivubo War Memorial Stadium Trust Act, Cap. 47.”

Justification

1. To classify public sports facilities and provide for the management of national sports facilities by the National Council of Sports.
2. To ensure that local governments manage public sports facilities within their various areas of jurisdiction other than public sports facilities granted a national status.
3. The insertion of a new subclause after subclause (2) is to appropriately place clause 51(6).

THE CHAIRPERSON: Thank you, honourable minister. Is that the harmonised position? Attorney-General?

MR KIRYOWA KIWANUKA: Madam Chairperson, we propose that clause 21 be amended to read as follows;

“(1) The land on which public sports facilities are established, the public sports facilities thereon shall vest in the council.”

(2) The council shall not sell, lease, dispose of or otherwise deal with land on which public sports facilities are established or public sports facilities.”

Madam Chairperson, the justification for this is that we have public sports facilities even now in different places across the country. For example, the ones that are held by district land boards were vested by the Constitution. There must be a process that we have to undertake to bring them under the operation of the law. I beg to move.

THE CHAIRPERSON: Attorney-General, will it cause a problem if we added “mortgage”? We had a scenario with the National Council of Sports when they mortgaged land to get a loan.

MR KIRYOWA KIWANUKA: I would welcome the inclusion of mortgage.

MR ODUR: Madam Chairperson, we should, as Parliament, be careful not to facilitate processes that may make other entities lose their pieces of land. This amendment seeks to deal with management of public sports facilities not the land in question. The land question should never arise here at any one point.

When you come down and start naming that a certain - and I will read from here because I want to move that we reject; *“This section shall not apply to land governed by the Nakivubo War Memorial Stadium ...”* We are not dealing with the question of land here. Otherwise, we shall then state each local government where we come from and they own land, manage the stadium, but the land remains the property of

that local government. I think the two should be distinguishable here. Management - which is your subtheme here - and the ownership of land.

MR KIRYOWA KIWANUKA: Thank you. Clearly he did not agree with my amendment because I had moved away from just management. What I was proposing was to vest. We propose that the property vests in the national councils so that it cannot be sold, mortgaged, leased or otherwise dealt with. So that it is always maintained for sports. That is what I am proposing.

MR ODUR: Madam Chairperson, let us first deal with the proposal made by the chairman of the committee, because the chairperson of the committee is here explicit.

THE CHAIRPERSON: He is proposing an amendment to the chairperson's proposal.

MR ODUR: I am objecting to this particular one because he has not addressed the issue of -

THE CHAIRPERSON: Nakivubo?

MR ODUR: Yes. That, "This section shall not apply to land, whether vested or not, governed by the Nakivubo World War Memorial Stadium Trust Act. What is the reason? In this House, honourable minister Obua laid here documents relating to Nakivubo War Memorial Stadium. Why is it that the committee has now sat down and thinks that you can trap Parliament to sanitise processes that have not been duly followed?"

MR KIRYOWA KIWANUKA: Actually, I am moving away from that and I am saying to the House, that there is no need to talk about Nakivubo because Nakivubo has its law. It is already here. The only way you can remove it is by repealing it - *(Interjection)* Yes, you can move to repeal. That is your proposal. So, first propose yours; that is mine.

THE CHAIRPERSON: You are giving a notice of what?

MR BASALIRWA: Madam Chairperson, as a seconder of the Private Member's Bill and as the person who was part of the - which has been harmonised - Yes. And as a person who was in the meetings to -

THE CHAIRPERSON: Can you bring your notice? We are -

MR BASALIRWA: Madam Chairperson, I want to seek your indulgence to give you notice, that relating to this matter, I will be moving under rule 134 of the Rules of Procedure to have the Nakivubo War Memorial Stadium Trust Act repealed. When we reach there, I will be moving. I am giving notice.

MR SSEMUJJU: If I understood the Attorney-General, he wants you to put in the law that these facilities cannot be mortgaged - they cannot be sold. I have a problem with it. You see, the circumstances are going to change, the country will at one time have a government that will not behave like this one. Assuming I want to sell a facility to go and buy a better one or to use the money to construct a better one and you have put it in the law that they cannot -

I may choose to leave Nakivubo today, go near Kampala Parents School where the land is very big and use the money and instead of maintaining Nakivubo, I open up a completely different, but better complex, using the same amount of money. I have a problem putting it in the law that these things cannot be done. Maybe the Attorney-General can advise.

MR KIRYOWA KIWANUKA: We can propose safeguards where the principle is; "Do not sell, but if you must, you will get approval from the minister." For example, the fundamental principle is, do not sell, do not mortgage, do not deal with this, but if you must, you must get specific approval.

THE CHAIRPERSON: Honourable Attorney-General, what is the amendment? Can you paraphrase the amendment? Hon. Brenda, please have a seat.

MR KIRYOWA KIWANUKA: That clause 21(1) reads, “The land on which public sports facilities are established and the public’s sports facilities thereon shall vest in the council. The council shall not sell, lease, mortgage, dispose of or otherwise deal with the land on which public sports facilities are established except with the permission of the minister.”

THE CHAIRPERSON: And it is an agreed position that we remove Nakivubo War Memorial Stadium? We remove it and it will come as an amendment.

MR ODUR: Yes. I want to now propose that since we are protecting that land, it should be brought outside the ambit of execution because they may not directly sell the land, mortgage it or do something, but later, they may go and borrow money and when there is need to recover the loan, the land can be taken. You should also include that.

THE CHAIRPERSON: I mean buying -

MR ODUR: Ring-fence it.

THE CHAIRPERSON: When you are mortgaging, that is a process of giving out the property.

MR ODUR: The property can be attached even if you have not mortgaged it. As long as you have a debt and it belongs to you, I can move, attach and sell it. That is what I am trying to protect; that we should include that in any circumstance, that land will not be -

THE CHAIRPERSON: What is your proposal?

MR ODUR: I want to add that “the land cannot be attached in execution under any circumstance”.

MR KIRYOWA KIWANUKA: Yes, we can add that. It makes it better that the property will not be subject to attachment, even for execution. We have laws like that – the URC law provides for that.

So, we could rephrase it to read: “The council shall not sell, lease, mortgage, dispose of or otherwise deal with land on which the public sports facilities are established and this land shall not be the subject of execution.”

THE CHAIRPERSON: That is okay.

MR ENOSI ASIIMWE: Thank you. I want to make a small amendment. Putting the powers to sell in the hands of the minister might also -

THE CHAIRPERSON: No, we have not put the powers to sell.

MR ENOSI ASIIMWE: That is what it means.

THE CHAIRPERSON: Have you heard the amendment?

MR ENOSI ASIIMWE: They are saying that if it is to ever be sold –

THE CHAIRPERSON: The minister has not mentioned it anywhere.

MR ENOSI ASIIMWE: Unless I got it wrong. Let him re-read it.

THE CHAIRPERSON: Haven’t you just heard the amendment?

MR ENOSI ASIIMWE: Hon. Ssemujju made a suggestion -

THE CHAIRPERSON: What he has said is final.

MR ENOS ASIIMWE: Madam Chairperson, my argument comes from what Hon. Ssemujju presented.

THE CHAIRPERSON: No, Hon. Ssemujju is not the one making the law. I put the question that clause 21 be amended as proposed.

(Question put and agreed to.)

Clause 21, as amended, agreed to.

New Clause

MR JOHN TWESIGYE: Insert a new clause immediately after clause 21 to read as follows

–
 “Certification of sports facilities

- (1) A person shall not operate a sports facility without a certificate of suitability issued in respect of the sports facility under this Act.
- (2) A person who intends to operate a sports facility shall apply to the council for a certificate of suitability.
- (3) Where more than one sports discipline is to be undertaken at a sports facility, a person shall apply for a certificate of suitability for each sports discipline to be undertaken at the sports facility and the council shall issue a certificate of suitability for each sports discipline to be undertaken at the sports facility.
- (4) The application of a certificate of suitability shall be in the prescribed form under regulations made under this Act.
- (5) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points or imprisonment for a period not exceeding three years or both.”

Justification

This is to ensure that sports facilities meet national and international standards required by the respective international sports governing bodies.

MS ALUM: Thank you, Madam Chairperson. I feel that this proposal, in itself, will kill the spirit of sports development. I want to believe that this is not brought in good spirit because when you look at it – “a person shall not operate a sports facility without a certificate of

suitability”. Maybe we can improve it and say “a public sports facility” so that people who have the ability - but even then, that will not be wrong because we have private individuals.

For example, I can organise something for my people, but if I am limited from here, how will sports develop at community level? Even the public sports facilities in the communities should be open for people – the children – in the rural areas to use them. Thank you.

THE CHAIRPERSON: You are reading halfway “without a certificate”, but here they are saying “a certificate of suitability”.

MR SSEMUJJU: This is administrative. Even facilities that we present, as a country, have, in the past, been rejected by either CAF or FIFA. Every sports level has its own standards.

The Attorney-General knows – we belong to the same local football club. There are FUFA guidelines for sports facilities and FUFA determines which one will be and which one will not.

I find this redundant because competitions are organised by known authorities; they will determine which facilities they want their competitions to be staged in. If I am going to have a clan football match between my families, you cannot determine the suitability of a facility.

My proposal is for us to just abandon it and let the existing environment continue. FIFA will certify, FUFA will certify, CAF will certify – that is why they come here and they say, “Namboole is no longer suitable”, but when Uganda thinks Namboole is suitable. So, really, this is redundant.

MR MAGOGO: Madam Chairperson, I would like to provide information to guide the debate. First and foremost, we have a challenge – and I will use this information. Today, as we speak, you might have noticed that there are very many sports infrastructure facilities that are coming up, laying the artificial turf.

The data we have at the federation is that in the last six months, 30 players have been operated in the knee. Our analysis has been that these players actually go and play on these turfs.

According to our international affiliation regulations, these turfs, alone, are within the laws of the game – that the turf must be certified. There are tests that are done and there is equipment that is supposed to be applied.

I would, therefore, object to the proposal and instead replace "council" with "sports federation" because there are also already other prevailing laws in the country as far as physical infrastructure is concerned – for the safety of the people.

However, for suitability – of being used by the sports – the federations have the expertise, regulations and goodwill to ensure that the sport is played at all levels, including at the grassroots.

THE CHAIRPERSON: Honourable Attorney-General, can't we handle this administratively other than putting it in the law?

MR KIRYOWA KIWANUKA: I think we can address it administratively, like the honourable member said. What is important for us to know – and what Hon. Magogo, because of his experience, is telling you – is that not everything you see out there as a sports facility is suitable for you. However, we can deal with it administratively.

THE CHAIRPERSON: Honourable members, this was a new clause and this will be handled administratively.

MR JOHN TWESIGYE: I concede, Madam Chairperson.

THE CHAIRPERSON: Another new clause?

New Clause

MR JOHN TWESIGYE: Insert a new clause immediately after clause 21 to read as follows –

“Regulation of agents, promoters and managers of athletes

- (1) A person who seeks to be an agent, a promoter or a manager of an athlete shall be registered as such by the respective national sports federation.
- (2) An agent, a promoter or a manager of an athlete shall enter into a management contract with the athlete and the contract shall be registered with the respective national sports federation.
- (3) The minister shall, by statutory instrument, prescribe –
 - (a) for the regulation of the agents, promoters and managers;
 - (b) the contents of management contracts of agents, promoters, and managers with athletes.”

The justification is to provide for the management and regulation of agents, promoters, and managers of athletes and the management contracts.

THE CHAIRPERSON: Private Member?

MR MAGOGO: Madam Chairperson, there is a proposed harmonised position between the Government and the private Member on this matter and it was presented to the committee, because these functions are different. This is why in the Interpretation clause, they have defined who an agent is, who a promoter is and who the manager is.

Therefore, the proposal is that –

- “(1) The person who seeks to be an agent, promoter or a manager of an athlete shall be certified by the respective national sports federation.” This is consistent with what the committee said.
- “(2) An agent, a promoter or manager of an athlete shall enter into a management contract with the athlete and the contract shall be registered with council

“because there has been an abuse that this addresses.” A national sports federation shall transmit to the council for registration the list of agents, promoters and managers of athletes it certifies under subsection (1).

“(3) The minister, by statutory instrument, shall prescribe for the regulation of agents, promoters and managers, and prescribe the contents of management contracts of the agents, promoters and managers.”

THE CHAIRPERSON: Honourable chairperson, is that okay with you? It is basically the drafting.

MR JOHN TWESIGYE: Madam Chairperson, it is fine because it does not differ much from what we proposed. I concede.

MR KIRYOWA KIWANUKA: We have no objection. Just to add that there was a correction in subsection (2) that the registration is by the federation not the council.

Subsection (2) should read: “An agent, a promoter or a manager of an athlete shall enter into a management contract with the athlete and the contract shall be registered with the federation.”

MR OGWANG: Madam Chairperson, I am at per with the Attorney-General.

THE CHAIRPERSON: Let me first clear and get -

MR MAGOGO: No objection.

MSAISHAKABANDA: Madam Chairperson, I know in the interpretation clause, promoters have been defined, but on the iPad, we cannot move -

THE CHAIRPERSON: We are yet to define.

MSAISHAKABANDA: Are we yet to define?

THE CHAIRPERSON: Yes.

MS AISHA KABANDA: Can I seek clarification in this particular case to know who a promoter is. Madam Chairperson, just like radios promote athletics, we need to know the promoter we need to register before we pass that clause.

It is very clear for managers -

THE CHAIRPERSON: We will look at who the promoter is, in the Interpretation clause, which we stood over. We are yet to go back and handle each one of them. One of the promoters is Hon. Solomon here and Hon. Matovu.

I put the question that a new clause be inserted as proposed by Hon. Magogo and the Attorney-General?

(Question put and agreed to.)

New clause, inserted.

Clause 22

MR JOHN TWESIGYE: Clause 22 is on performance agreements and we propose to delete it.

The justification is:

- (i) The management of sports programmes by the national sports federations is already covered within the function of the national sports federations;
- (ii) The provision wrongly implies that the national sports federations will require the permission of the council to manage sports programmes in the country; and
- (iii) The Bill places the mandate to manage public sports facilities on the national council of sports and -

THE CHAIRPERSON: Go ahead, at least our ears can hear.

MR JOHN TWESIGYE: ...and not to the national sports federations. As a result, the provision causes contradiction with other provisions in the Bill.

THE CHAIRPERSON: Attorney-General?

MR KIRYOWA KIWANUKA: We have no objection with that deletion.

THE CHAIRPERSON: Honourable minister?

MR OGWANG: We have no objection to that effect.

MR MAGOGO: No objection.

THE CHAIRPERSON: I put the question that clause 22 be deleted as proposed?

(Question put and agreed to.)

Clause 22, deleted.

Clause 23, agreed to.

Clause 24

THE CHAIRPERSON: Clerk, can we find out what is happening? By the way, we do not supply power as Parliament; power is supplied by Umeme and I am happy the minister for Umeme is here.

MR JOHN TWESIGYE: Madam Chairperson, clause 24 is about the official seal of the council. Clause 24 is amended by deleting sub-clause (4).

The justification is that the provision is susceptible to abuse; and sub-clause (4) contradicts sub-clause (2).

THE CHAIRPERSON: Attorney-General?

MR KIRYOWA KIWANUKA: No objection to the amendment?

THE CHAIRPERSON: Minister?

MR OGWANG: No objection, Madam Chairperson?

THE CHAIRPERSON: Member?

MR MAGOGO: No objection.

THE CHAIRPERSON: I put the question that clause 24 be amended as proposed?

(Question put and agreed to.)

Clause 24, as amended, agreed to.

New clause

MR JOHN TWESIGYE: Madam Chairperson, insert a new clause immediately after clause 24 as follows:

“Headquarters of the council

The council shall have its head office in Kampala and shall establish branches in all regions of Uganda.”

The justification is to facilitate equitable promotion of sports in the country and participation in sports.

THE CHAIRPERSON: Attorney-General?

MR KIRYOWA KIWANUKA: We have an objection to that, Madam Chairperson. We should never legislate as to where a body of Government should sit so long as it is in Uganda.

THE CHAIRPERSON: Honourable Chairperson, why don't you say that it shall be in Kakumiro or Bukedea?

MR JOHN TWESIGYE: Madam Chairperson, actually it should even have been in Rubirizi District. I concede. *(Laughter)*

Clause 25

MR JOHN TWESIGYE: Clause 25 is about the functions of council.

Clause 25 is amended in subclause (1) –

- (a) in paragraph (c) _
- (i) by deleting the word “diplomas;” and
- (ii) by inserting immediately after the word “certificate” the words “of recognition;”

(b) by substituting paragraph (f) the following:

“develop, manage, operate and maintain the sports facilities under the management of the council;”

(c) by inserting immediately after paragraph (f) the following: “certify all sports facilities in accordance with applicable laws in Uganda and international standards developed by respective international sports governing bodies.”

The justification is:

- (i) The National Council of Sports does not possess the mandate to issue diplomas;
- (ii) To broaden the mandate of the National Council of Sports to include the development of public sports facilities;
- (iii) To mandate the National Council of Sports to regulate and certify sports facilities to ensure compliance with the national and international standards for sports facilities of different sports disciplines;
- (iv) To ensure that sports facilities meet national and international standards.

MR KIRYOWA KIWANUKA: I have no objection.

MR MAGOGO: Madam Chairperson, I think there is a proposal for correction of part (b) where it should read:

“develop, manage, operate and maintain public sports facilities vested in council under this Act.”

Also Part (c), to delete “*Certify all sports facilities in accordance with applicable laws,*” because it has already been dropped as one of the functions of council.

THE CHAIRPERSON: Honourable minister, is that okay with you?

MR OGWANG: Thank you, Madam Chairperson. I agree with the Member.

MR ODUR: Madam Chairperson, the spirit of creating council seems to be regulatory, but when you look at clause 25(2)(d) to do with identifying talent, for example, how would council be involved? Are they now becoming an implementer? I thought the federations should be doing that.

Attorney-General, under clause 25 - Functions of the Council, go to subclause (2)(d) “*to promote sportsmanship by searching for, identifying and developing the sporting talent and discipline among...*” Would it be the role of council really?

THE CHAIRPERSON: Read what is in (d) in collaboration with the national sports federation. They are not doing it on their own, but in collaboration with the national sports federation, local governments, education institutions, communities, the private sector and the Odurs of this world.

I put the question that clause 25 be amended as proposed.

(Question put and agreed to.)

Clause 25, as amended, agreed to.

NEW CLAUSE

MR JOHN TWESIGYE: Madam Chairperson, before clause 26, there is a new clause. Insert a new clause immediately after clause 25 as follows:

“Powers of council.

The council may -

- (a) charge fees for services prescribed under this Act;*
- (b) consider compliance reports of national sports federations;*
- (c) require the national sports federations to inculcate patriotism, sportsmanship and discipline in all athletes;*

(d) *award, in consultation with the national sports federations, medals, trophies, recognition certificates and other incentives for the promotion of sports activities.*”

The justification is to enhance clarity by providing for powers of the council.

MR KIRYOWA KIWANUKA: Madam Chairperson, I think with the harmonisation and the changes that have been made, we have already provided for council to charge fees. We have already talked about them asking for compliance reports and asked them to develop talent; so, this will be redundant. I beg that we drop it.

THE CHAIRPERSON: Is that okay?

MR MAGOGO: I concede, Madam Chairperson.

THE CHAIRPERSON: Honourable members, the Workers’ MPs whose names were mentioned yesterday; if you have a written submission, please pass it over to the Clerk so that we upload it. We are about to finish with this and then go to NSSF.

Clause 26

MR JOHN TWESIGYE: Clause 26 - Secretariat of Council. Clause 26 is amended –

- a) In subclause (1) by substituting for the phrase, “Secretary General,” with the phrase, “General Secretary” and thereafter, wherever the phrase appears in the Bill.
- b) By deleting subclause (2).”

Justification

1. To maintain the nomenclature of the head of secretariat used in the current law - the National Council of Sports Act, Cap. 48.
2. Subclause (2) is redundant since it is a repetition of subclause (3).

MR KIRYOWA KIWANUKA: I have no objection to that proposed amendment.

MR OGWANG: Madam Chairperson, I have no objection to the proposed amendment.

MR MAGOGO: No objection.

THE CHAIRPERSON: I put the question that clause 26 be amended as proposed.

(Question put and agreed to.)

Clause 26, as amended, agreed to.

Clause 27

MR JOHN TWESIGYE: Clause 27 – Secretary General. Madam Chairperson, there is an amendment that we proposed.

Clause 27 is amended

- a) by substituting for subclause (5) the following;

“(5) The General Secretary shall cease to hold office where he or she resigns his or her office, in writing addressed to the chairperson of the Board;

- b) by inserting immediately after subclause (5) the following:

“The Board may remove the General Secretary from office –

- i) where he or she is insolvent;
- ii) if he or she is convicted of a criminal offence where the maximum penalty of the offence exceeds six months’ imprisonment and does not have the option of a fine;
- iii) for inability to perform the functions of his or her office arising from infirmity of body or mind ascertained by a medical officer;
- iv) for misbehaviour or misconduct; or

- v) for incompetence.
- c) by substituting for subclause (6) the following:

“(6) For the purposes of subclause (5)(c), the Board shall, prior to removing the General Secretary from office, notify the General Secretary in writing and shall give him or her an opportunity to be heard.”

Justification

1. The amendment to subclause (5) is to achieve clarity by separating the voluntary cessation of office by a General Secretary and his or her removal by the Board.
2. The amendment to subclause (6) is to ensure consistency given that the General Secretary is appointed by the board and, therefore, should also be removed from office by the board.

MR KIRYOWA KIWANUKA: No objection to the proposed amendment.

MR OGWANG: No objection, Madam Chairperson.

MR MAGOGO: No objection.

MR ODUR: On the proposed amendments under (a) “where he or she is insolvent”, I think we replace it with “bankrupt” because insolvency does not apply to individuals; it is for companies.

MR BASALIRWA: Madam Chairperson, on that aspect, again there is a drafting issue. It is important to emphasise that “where he or she has been declared bankrupt by a competent court”. You want to make an assumption that the council, *virtute officii*, can declare a person bankrupt, which is not right.

MR KIRYOWA KIWANUKA: I agree with my learned friend entirely that I do not have the power to declare you bankrupt. It is only the court. However, for avoidance of doubt, we

can say “a person has been declared bankrupt by a competent court”.

MR ENOSI ASIIMWE: Thank you, Madam Chairperson. On the same issue of how to remove the General Secretary, I believe a criminal offence is a criminal offence and the penalty issue should not be removed. Let us leave it to read, “... if he or she is convicted of a criminal offence” regardless of the penalty. As long as he has been convicted of any criminal offence, he should not be a General Secretary.

MR KIRYOWA KIWANUKA: The problem with that is that a traffic offence is criminal. You may be convicted and fined Shs 20,000 and then you are fired from the job. We are saying, where it exceeds six months without an option of a fine, we will have moved to a stage where it is called a serious crime.

MR BASALIRWA: Thank you, Madam Chairperson. Through experience, one of the most common forms of misdemeanour is abuse of office. When I look at the grounds for removal of a General Secretary, I do not know whether it was deliberate or inadvertent, but it would be important, learned Attorney-General, that the issue of abuse of office, as a ground for removal, is considered. This is because you are going to find it standard in all our pieces of legislation.

MR KIRYOWA KIWANUKA: No objection to having that included.

THE CHAIRPERSON: Thank you. I put the question that clause 27 be amended as proposed by Hon. Jonathan Odur, Hon. Basalirwa and the Attorney-General.

(Question put and agreed to.)

Clause 27, as amended, agreed to.

New Clause

MR JOHN TWESIGYE: Madam Chairperson, insert a new clause immediately after clause 27 to read as follows:

“Functions of General Secretary

(1) Subject to the general supervision and control of the council, the General Secretary shall:

- (a) be the chief executive of the council;
 - (b) handle the day-to-day operation and administration of the council;
 - (c) implement the policies and programmes, agreed objectives, performance budgets and service standards agreed upon by the board;
 - (d) manage the funds and property of the council;
 - (e) advise the board on matters relating to sports and other functions of the council;
 - (f) administer, organise, supervise and exercise disciplinary control over the staff of the council;
 - (g) keep records of the transactions of the council;
 - (h) keep the minutes of the meetings and other records of the board;
 - (i) liaise with the relevant national sports federations with a view of implementing the functions of the council and promoting sports in Uganda; and
 - (j) perform any other function necessary for the proper implementation of this Act or as may be assigned by the board.
- (2) The general secretary shall, in the performance of his or her functions, be answerable to the board.”

The justification is to enhance clarity by stipulating the functions of the General Secretary.

THE CHAIRPERSON: Attorney-General, just a slight modification: why wouldn't we

say, “manage the assets and liabilities of the council” as opposed to the “funds and property”?

MR KIRYOWA KIWANUKA: It is more inclusive; so, I propose that the amendment be made. We have no objection to that proposed amendment.

MR OGWANG: Madam Chairperson, I agree with the proposed amendment.

MR MAGOGO: I have no objection.

THE CHAIRPERSON: I put the question that a new clause be inserted with the proposed amendment by the Attorney-General.

(Question put and agreed to.)

New clause, agreed to.

Clause 28, agreed to.

Clause 29

MR JOHN TWESIGYE: Madam Chairperson, clause 29: Board of National Council of Sports

Clause 29 is amended by substituting for subclause (2), the following:

“(2) The board shall consist of the following members –

- (a) a representative of the ministry responsible for sports;
- (b) a representative of Uganda Olympics Committee;
- (c) three representatives of the national sports federations, one of whom shall be a person with disability;
- (d) a representative of the education institutions, elected by the education institutions;

- (e) a representative of the private sector nominated by the Private Sector Foundation, who does not belong to a national sports federation; and
- (f) the General Secretary, who shall be an *ex-officio* member with no rights to vote, and the secretary to the board.”

This is to ensure that the board is constituted by members who are relevant to the promotion, coordination and management of sports.

MR OGWANG: Madam Chairperson, my proposal is:

“(2) The board shall consist of the following members:

- (a) a representative of the ministry responsible for sports;
- (b) a representative of four regions of Uganda: northern, eastern, western and central, one of whom shall be a person with disability;
- (c) a representative from the national sports federation or national sports associations;
- (d) a representative of the athletes;
- (e) a representative of the private sector; and
- (f) a person with experience in sports administration.”

THE CHAIRPERSON: Attorney-General, are you in agreement with that amendment?

MR KIRYOWA KIWANUKA: We have a clause here which says “the board shall consist of seven members”, but this amendment has nine -

THE CHAIRPERSON: ... a minimum of seven and now they are breaking down the seven to state who comes from where; national character.

DR BAYIGGA: Thank you very much, Madam Chairperson. I think we need to be

inclusive because I did not see a consideration for gender although special interest groups such as people with disabilities are considered. I also propose to have a representative from the Uganda Medical Association. You need a doctor in this. *(Laughter)*

THE CHAIRPERSON: Maybe what the doctor is saying – the issue of gender is provided for under section 4.

MR MPINDI: Thank you, Madam Chairperson. Whereas I appreciate the committee for considering a representative of persons with disabilities, I propose that this representative should be nominated by Paralympics since it is the national body in charge of sports for persons with disabilities.

THE CHAIRPERSON: That will come under the statutory instrument. Otherwise, we are going to say people from different regions shall be appointed by the people from that region or cultural leaders of that area. Let us leave that; it will be sorted out.

MR KIRYOWA KIWANUKA: Madam Chairperson, I want to make a proposal to amend subsection (b), which we have harmonised to say, “two representatives representing the regions, one of whom shall be a person with disabilities” so that we maintain the seven.

THE CHAIRPERSON: Is that okay with the minister?

MR OGWANG: I concede and agree with the advice of the Attorney-General.

MR ODUR: Madam Chairperson, on this proposal, I have two issues. First, the representatives of the education institutions. We have primary, secondary and tertiary and their requirements are actually very different.

Under subsection (4), the wording “taking into consideration the interest of gender” is not clear enough. In some interpretations by court, someone can reason that, “I took into consideration and I came to this conclusion”. I think the Attorney-General knows the

contention about issues of remand period and how it has been interpreted. I prefer that we state here, to comply with the Constitution, that a third of the seven shall be women.

MR KIRYOWA KIWANUKA: Madam Chairperson, even if I wanted to disagree with the honourable member, it is a constitutional requirement. So, we can put it here and say a third of whom shall be women. That is what the law requires.

THE CHAIRPERSON: It is at least a third. I put the question that clause 29 be amended as proposed by Hon. Odur and the Attorney-General.

(Question put and agreed to.)

Clause 29, as amended, agreed to.

Clause 30

MR JOHN TWESIGYE: Madam Chairperson, clause 30 is about the tenure of office of member of board –

THE CHAIRPERSON: Shadow sports minister, we are going to stop you from being a shadow minister because you are not supporting our Bill. You are the one saying, no. The public should know that you are not supporting.

MR JOHN TWESIGYE: Clause 30 is amended by inserting, immediately after sub-clause (3), the following:

“The minister shall, in prescribing the procedure for filling the vacancy under subsection (3), ensure that a person appointed to fill the existing vacancy serves for a term of four years and is eligible for reappointment in accordance with section 29(5).”

The justification is to ensure continuity of membership of the board.

THE CHAIRPERSON: Attorney-General?

MR KIRYOWA KIWANUKA: I am proposing a redraft without taking away the

principal. It reads currently that, “The minister shall, in prescribing the procedure for filling the vacancy in subsection (3), ensure that a person appointed to fill the vacancy is eligible for reappointment in accordance...”

What we are trying to say is that we want to have continuity, but a person cannot be forced to stay if they want to go. I would like to propose and say, “and shall not ensure” and that a person appointed - remove the word “ensure”. It reads: “The minister shall, in prescribing the procedure for filling the vacancy under subsection (3)...” – when putting out the advert, say you are “entitled” to reappointment not “ensure” because if a person refuses to be reappointed, it will be a breach of the law.

THE CHAIRPERSON: Minister?

MR OGWANG: I agree with the new proposal that the Attorney-General has brought forward.

MR MAGOGO: No objection.

MR BASALIRWA: On this clause, I want to seek the indulgence of the learned Attorney-General on the issue of timelines within which to constitute the board and fill vacancies. Madam Chairperson, I say so because we have many laws that have no functional boards because of failure by the line ministers to constitute them. In fact, one of the reasons I am moving to have the Nakivubo law repealed is because for six years, there is no board yet things are happening there. Since the law is silent on when a minister should constitute a board, things move like that.

Can we arrest that, now that we are beginning to address issues of tenure and ensure that once a board has a vacancy, either for one member or all, the line minister must ensure that within, for instance, 30 days after the vacancy, it is filled to avoid the lacuna that is happening in most boards.

We even have a challenge. The President has not appointed the Governor, Bank of Uganda because the law is silent on it. Look at the challenge we are having by failing to specify

timelines. I want the learned Attorney-General to have it considered under tenure.

THE CHAIRPERSON: Is there a vacuum in the Bank of Uganda? What does the Bank of Uganda Act say? It is not just a matter of saying, yes. The Bank of Uganda Act is very clear that in the absence of the Governor –

MR KIRYOWA KIWANUKA: What Hon. Basalirwa is saying is actually a legitimate concern. However, I am always very careful in putting straitjackets in legislation. We may put a time and if we do not meet that time, then what? Do we appoint a new minister? Do we cancel the board? We need to know the consequences of not appointing a board in the 30 days.

If the board is not appointed in 30 days, does the board stand removed? Does the minister stand removed? What we can take from here is to say that as Government, we have noted the concern being raised as far as executing the Executive functions as provided for in the laws is concerned. I do not know what you would propose to be a good time, but it is a good concern. I only fear straitjacket legal provisions.

MR ODUR: Madam Chairperson, we passed clause 23 and it reads, “The National Council of Sports, at the commencement of this Act, shall continue in existence, subject to this Act.” I think the purpose was to ensure that when we pass this law, the current board is not disorganised. We can only add the other members to this.

When the chairperson proposed commencement, he reserved certain clauses that would come into effect by the statutory instrument prescribed. I think one of those clauses, if I remember, relates to the operation of national council.

THE CHAIRPERSON: What Hon. Basalirwa is saying is that in the absence or upon the expiry of the council, how much time should be given for us to fill it? He wants the time element to be embedded in the law.

MR BASALIRWA: Madam Chairperson, legislations, by nature, are not self-executing. If we have challenges in implementing them then we should not make them. What is the purpose of saying we have a board - the National Council of Sports board - in the law, which we are not constituting? What would be the purpose? I want to propose that under tenure of office, whenever there is a vacancy on the board, the vacancy should be filled within 90 days from the date the vacancy occurred. I beg to submit.

THE CHAIRPERSON: That is under (3). “A vacancy on the board shall be filled using the procedure prescribed by the regulations made under this Act within 90 days.” Is that okay? Attorney-General?

MR OGWANG: Madam Chairperson, that is okay.

MR MAGOGO: Proceed.

THE CHAIRPERSON: I put the question that clause 30 be amended as proposed by the Attorney-General and Hon. Basalirwa.

(Question put and agreed to.)

Clause 30, as amended, agreed to.

Clause 31

MR JOHN TWESIGYE: Madam Chairperson, clause 31: Termination of appointment of the board.

Clause 31 is amended -

- (a) in subclause (2)(h) by inserting immediately after the word “notice” the words “all sufficient cause” and;
- (b) inserting immediately after subclause (2) the following:

“The minister shall, before terminating a member of the board under subsection (2)(a), (b), (c), (d), (e) or (h), afford the member an opportunity to be heard.”

Justification

1. To take care of circumstances where a member might not be in position to give notice of absence as a result of factors beyond his/her control including sickness, among others.
2. To provide for a fair hearing before a member of the board is terminated.

MR KIRYOWA KIWANUKA: The reading of (2)(h) will give us a bit of a challenge. It says, "The minister may terminate the appointment of a member of the board where, for the absence without prior notice or sufficient cause to the chairperson of the board for more than four consecutive meetings."

I think it should read, "... without prior notice to the chairperson of the board, is absent for four consecutive meetings of the board, without sufficient cause."

I think that is what you are trying to introduce; that there must be sufficient cause for it. It should be redrafted.

What the clause is saying is, being absent for four consecutive meetings without sufficient cause is good enough to terminate your contract. If, for example, you are unwell and in hospital and you could not communicate, that is sufficient cause.

MR OGWANG: I agree with the amendment proposed by the Attorney-General.

MR MAGOGO: No objection.

THE CHAIRPERSON: I put the question that clause 31 be amended as proposed -

MR BASALIRWA: I want to bring to the attention of the House, the consequential amendment. When we were dealing with the removal of a General Secretary, we captured abuse of office. We also provided for declaration of bankruptcy by a competent court under clause 27(5) and consequentially -

THE CHAIRPERSON: What is your amendment?

MR BASALIRWA: I want to move that abuse of office be included. And (g) where a member is declared bankrupt by a competent court. I beg to submit.

THE CHAIRPERSON: It is basically an inclusion of the -

MR OGWANG: No objection.

THE CHAIRPERSON: I put the question that clause 31 be amended as proposed by the honourable Attorney-General and Hon. Basalirwa.

(Question put and agreed to.)

Clause 31, as amended, agreed to.

New clause

MR JOHN TWESIGYE: Madam Chairperson, insert a new clause immediately after clause 31 to read as follows: "Directions by the minister. The minister may, in writing, give direction to the council with respect to the policy to be observed and implemented by the council."

Justification is to ensure that the National Council of Sports adheres to policy directions given by the responsible minister to facilitate a harmonised implementation of Government policies and programmes.

MR KIRYOWA KIWANUKA: No objection.

THE CHAIRPERSON: I put the question that a new clause be inserted as proposed.

(Question put and agreed to.)

New clause, inserted.

Insertion of New Parts

THE CHAIRPERSON: There is an insertion of new parts.

MR JOHN TWESIGYE: Madam Chairperson, before clause 32, we have insertion of new parts. Insert two new parts immediately after Part IV as follows:

“Sports for schools and institutions of higher learning

Authorised sports activities for schools and institutions of higher learning

- (1) The council shall, with the approval of the ministry and in consultation with the ministry responsible for health, authorise the sports activities in which pupils and students in schools and institutions of higher learning may participate.
- (2) A school and an institution of higher learning shall offer at least fifteen sports activities for the pupils or students which shall be sports activities authorised by the council under subsection (1).

Participation for pupils and students

A pupil and a student shall be entitled to participate in the sports activities offered by the school or institution of higher learning of the pupil or student as the case may be.

National sports competitions

- (1) The ministry shall, in consultation with the council, organise sports competitions for schools and institutions of higher learning for the sports discipline authorised by the council under section 36.
- (2) The schools and institutions of higher learning referred to in subsection (1) shall be categorised as:
 - a) Primary level schools.
 - b) Secondary level schools.
 - c) Tertiary institutions.
 - d) Universities.
- (3) The sports competitions for the primary level of education shall be for pupils of up to fourteen years and up to twenty years for the post-primary level of education.

- (4) The sports competitions, including training for the competitions, shall be undertaken in accordance with the schedule issued by the ministry.

Sports associations and national sports committee

- (1) For purposes of the national sports competitions referred to in section 38, each category of schools or institutions of higher learning referred to in the section shall have a sports association.
- (2) There shall be appointed, each year, a national sports committee to organise sports competitions for schools and institutions of higher learning for the specific year.
- (3) The national sports committee shall comprise nine members who shall be appointed by the minister from amongst persons nominated by the respective sports associations.
- (4) For the purposes of subsection (3), each sports association shall nominate twenty members, from whom the minister shall appoint members of the national organising committee.

Sports academies

- (1) There shall be, in Uganda, sports academies to provide specialised training, in particular sports disciplines, for athletes and sportspersons who are minors.
- (2) The ministry shall license the businesses that seek to operate as sports academies, as may be prescribed by regulations made under this Act.
- (3) A sports academy to be registered under this Act shall, prior to registration, be approved for suitability for the sports discipline by the relevant sports federation.
- (4) The minister may, in consultation with the minister responsible for health, as may be necessary, by regulation, prescribe:

- (a) the requirements for eligibility to operate as a sports academy; and
- (b) for the conditions to be fulfilled by a sports academy with respect to the academic schedule, the health care standards and the nutritional requirements of the athletes.”
- (5) The person who is dissatisfied with the decision of the national sports federation under subsection (2) shall appeal to the council.”

Justification

- (a) To promote sports in schools and institutions of higher learning.
- (b) To build capacity in sports through establishment of sports academies.
- (c) To identify young talent in school.

THE CHAIRPERSON: Thank you. Proposed amendment?

MR MAGOGO: Madam Chairperson, there is a proposed amendment as far as sports academies are concerned. It reads:

“Sports academies

- (1) There shall be, in Uganda, sports academies to provide specialised training, in particular sports disciplines, for athletes and sportspersons” – dropping the word “minor” because some of these academies go up to 23 years and a “minor” is defined to be up to 18 years.
- (2) “A person who seeks to operate a sports academy in respect to a sports discipline shall be licensed by the relevant national sports federation.
- (3) A national sports federation shall transmit to council, for registration, the list of sports academies licensed under subsection (2).
- (4) A national sports federation shall, in licensing a sports academy, safeguard the welfare, rights and the best interests of a child.

MR KIRYOWA KIWANUKA: Madam Chairperson, we agree that sports academies need to be licensed, but the question is, by whom? The Government cannot allow private citizens to license academies because academies are taking in children and other people.

We are proposing that a person who seeks to operate a sports academy in respect of a sports discipline shall be licensed by the council.

We can do it by regulations prescribed by the minister which involve all the players to participate in that process, but the Government must know what that academy is doing, who is running it, who is there and what they are doing there. This is because if tomorrow they come and tell us that there was an academy where 10 children died and we do not know about it - Government cannot relinquish that role.

I am proposing that we amend subsection (2) to read:

“(2) A person who shall seek to operate a sports academy, in respect of a sports discipline, shall be licensed by council under regulations to be prescribed by the minister under this Act.”

MR MAGOGO: Madam Chairperson, I would like to give the justification. Within international regulations, protection is given to people who are developing these children in the academies, including benefiting from their transfers eventually when they become professionals – even up to the age of 23 years. If they are not licensed by the federations, it means that whoever is participating in these sports academies will not benefit.

Today’s biggest business in player development is getting compensation in terms of the development of young players. We believe that this would encourage people who are investing in developing young players to benefit.

The way it is being worded leaves it open; players can transfer the way they want and there would be no benefit to the people who are investing in these young players and creating these academies.

We think this would be detrimental to the development of these people yet they should be protected and helped in their development.

We can harmonise the position, but what is important is that – Even what is taught in these academies, for example, is supposed to be a curriculum that is developed at the level of the federation. Much as you are teaching, what are you teaching and who is the person teaching?

As we speak, FIFA has come up with a curriculum for every country – not only Uganda – after doing research in every country: what do you need to do to a child who is five years old? What do you need to do to a child who is 10 years old as far as football is concerned?

At the end of the day, when you say the council will license, what are they licensing? What will they enforce and how will they protect the people who are investing in this particular activity?

THE CHAIRPERSON: Why don't we say that the council will recommend or license with a recommendation from a federation? Let the federation recommend – because these are our children. The federation can recommend to the council for licensing.

MR KIRYOWA KIWANUKA: Thank you, Madam Chairperson, for your wise counsel.

THE CHAIRPERSON: I can see everybody is a sports promoter. *(Laughter)*

MR KAYEMBA: Thank you, Madam Chairperson. If the Government says that the National Council of Sports needs to license the academies, that means it will also take the sports clubs, which is impossible.

The federations know their regulations and how those academies are going on. Let me give

you an example. We have academies, which we call academies -

THE CHAIRPERSON: What is the amendment?

MR KAYEMBA: The federations should license the academies and then give their lists to National Council for Sports.

MR KIRYOWA KIWANUKA: Honourable colleagues, not so long ago, we were discussing health centres. Parliament was saying that the Government must know the qualifications of the people dealing with these health centres and giving people massages because people are getting hurt.

Now, if the Government does not know who is teaching your children how to swim in a swimming academy, if your child dies, who is responsible? *(Applause)*

THE CHAIRPERSON: Honourable members, licensing is only based on the approval of the federation. That is what is going to be done; the federation must approve the licensing.

MS AISHA KABANDA: Madam Chair, initially, when the Attorney-General submitted, I was on his side because I have children in those academies. However, when the private Member made his submission, I moved to his side because we take our children to these academies to promote their talents and make them rise to those levels.

I also wonder when you say the council - The council cannot recommend federations because it is a higher body and federations are a bit -

THE CHAIRPERSON: I am not sure whether he said the council should recommend. Federations recommend these academies to the council. The reason we are bringing the council in this aspect is because of safety. As Ugandans, we are responsible to the council because it is a Government entity as opposed to a private federation.

MS AISHA KABANDA: I would like to conclude my point. Madam Speaker, initially you advised that the minister is going to come up with a statutory instrument and in the statutory instrument, the minister would stipulate what is required for these academics to be registered and whoever is registering will have to comply with the instructions given in the statutory instrument. I do not see a problem with federations registering. I support the private Member that the federations register so that the talents of our children are promoted.

MR KIRYOWA KIWANUKA: Thank you, Madam Chairperson. I actually agree with the recommendation that we should have the federations to recommend. However, I have got another issue on the earlier clause, which is about every school having at least 15 different sports activities. I am actually concerned because those are quite a lot; 15 different sports activities. If we say 15 different sports activities - some of our schools do not even have the space for that. I think the number is a bit big.

MR OGWANG: Madam Chairperson, let us understand our English. We are saying “at least”, but also, this is a policy. It is actually erroneous for any school to operate without a sports facility. That school must be closed. We are saying, “at least”; we are not saying have all. Thank you.

THE CHAIRPERSON: Hon. Ariko. Honourable Members, what is the issue? Let me hear from there and then I come back to you. We are looking at licensing of the relevant academies.

MR ARIKO: Madam Chairperson, thank you for the opportunity. I also thank you for taking this House back to this particular element.

When we define this facility as an academy, what is the understanding of an academy? An academy means that beyond the exercise of talent and expertise, there is the element of instruction and instruction should have a guided curriculum.

It therefore means that there must be somebody responsible for standards. Now, where are standards in education vested? It is in the ministry. Therefore, there is no problem for federations to process the documentation. However, the preserve of issuing a licence must be with the regulatory body that is directly attached to the Government and that is the National Council of Sports. Thank you.

MR OTIMGIU: I would like to inform my honourable colleagues. *(Interjection)* No, I am not smuggling; I am just informing him.

THE CHAIRPERSON: Can we first hear from the private Member? I want everybody with an academy to declare interest. *(Laughter)* Please declare your interests.

MR MAGOGO: Madam Chairperson, the proposal by the committee says the minister shall licence the businesses. These sports academies are not entirely set up for the business; there is also development. When doing the modification, we need approval from the federation and when we get the approval, we will be in control -

THE CHAIRPERSON: Propose the amendment.

MR MAGOGO: The amendment is: “A person who seeks to operate a sports academy, in respect to a sports discipline, shall be licensed by the council on approval of the respective national sports federation”.

THE CHAIRPERSON: Attorney-General, is it on the approval of declaration?

MR KIRYOWA KIWANUKA: No objection. What we are saying is that it is a shared responsibility.

THE CHAIRPERSON: I put the question that a new part be inserted as proposed and amended by Hon. Magogo.

(Question put and agreed to.)

New part inserted.

Substitution of Part V

THE CHAIRPERSON: We will correct the mistakes. *(Laughter)* Part V.

MR JOHN TWESIGYE: Madam Chairperson, Part V is substituted for the following:

THE CHAIRPERSON: Hon. Ssewungu, kindly listen.

MR JOHN TWESIGYE: Part V is substituted for the following:

“Part V - National Anti-Doping Organisation

Establishment of National Anti-Doping Organisation

- (1) There is established, in accordance with the requirements of the World Anti-doping Code, the National Anti-Doping Organisation in Uganda.
- (2) The National Anti-doping Organisation shall be a body corporate with perpetual succession and shall have an official seal.
- (3) The National Anti-doping Organisation shall, in its own name, be capable of suing and being sued and may, for the discharge of its functions under this Act -
 - a) acquire, hold and dispose of movable and immovable property; and
 - b) do acts and things the body corporate may lawfully do.

Composition of the National Anti-doping Organisation

- (1) The National Anti-doping Organisation shall consist of the following members:
 - a) a Chairperson; and
 - b) four other members with knowledge and experience in the field of anti-doping or sports.

(2) The minister shall appoint members of the National Anti-doping Organisation on such terms and conditions as the minister may determine.

(3) A member of the National Anti-doping Organisation shall hold office for a period of three years and is eligible for reappointment for one more term only.

(4) A member of the National Anti-doping Organisation shall be paid such remuneration as the minister may, in consultation with the Minister for Finance, Planning and Economic Development, determine.

Functions of national anti-doping organisation:

- (1) The national anti-doping organisation shall promote anti-doping in sports in Uganda –
 - (a) and shall for this purpose -
 - (i) in collaboration with the ministry, develop a national strategy to address doping in sport;
 - (ii) promote and implement the world anti-doping code and associated international standards;
 - (iii) periodically publish the international standards on anti-doping in the Gazette;
 - (iv) provide athletes and athlete support personnel with the procedures for the collection and testing of samples of specimens as specified by the world anti-doping code and international standards;
 - (v) select the spokespersons to provide bodily samples for testing and collect the samples in accordance with the approved world anti-doping code and international standards; and
 - (vi) implement the Anti-doping Administration and Management System Programme;

- (b) by testing and analysing samples of specimen of sportspersons using laboratories accredited by the world anti-doping agency and securing the safe transmission of the samples to those laboratories;
- (c) by undertaking or causing research to be undertaken in the field of performance-enhancing substances and methods and doping practices in sports;
- (d) by carrying out investigations in matters of doping in sports and may, for this purpose, summon any person and examine any document or evidence;
- (e) by operationalising the prohibited list of the World Anti-Doping Agency;
- (f) by maintaining a Whereabouts Register and a Registered Testing Pool.
- (g) by conducting anti-doping education, and
- (h) by carrying out any other function conferred under this Act and any other relevant treaty.
- 2) The national anti-doping organisation shall, in the performance of its functions -
- a) respect the rights of every person involved in anti-doping control process, including children and persons with disabilities.
- b) cooperate with the ministry and other ministries, departments and agencies of Government non-governmental organisations; and
- c) not require the consent or permission of any person or be under the direction or control of any person or authority.
- 3) The minister shall, by statutory instrument, make regulations to prescribe the management and effective functioning of the national anti-doping organisation.
- Justification
- To specifically create a national anti-doping organisation in Uganda as an independent body in compliance with the world anti-doping code, which requires the World Anti-Doping Agency, an international agency created to promote and coordinate at the international level, to fight against doping in sport in all its forms. The agency requires such bodies to be independent in order to ensure transparency and prevent its decisions being influenced.
- The proposal in the Bill to have the national anti-doping organisation under the council removes the required independence.
- MR KIRYOWA KIWANUKA:** Madam Chairperson, we have no objection to that inclusion.
- MR OGWANG:** Madam Chairperson, I have no objection.
- MR MAGOGO:** No objection.
- THE CHAIRPERSON:** I put the question that Part V be amended as proposed.
- (Question put and agreed to.)*
- Part V, as amended, agreed to.*
- Clause 32, agreed to.*
- Clause 33, agreed to.*
- Clause 34, agreed to.*
- Clause 35, agreed to.*
- Clause 36, agreed to.*
- Clause 37, agreed to.*
- Clause 38, agreed to.*
- Clause 39, agreed to.*

Clause 40

Justification

MR JOHN TWESIGYE: Clause 40 – Role of Uganda Olympic Committee. Substitute for clause 40, the following:

“Continuation in existence of the Uganda Olympic Committee

The Uganda Olympic Committee, in existence immediately before the commencement of this Act, is continued in existence subject to the provisions of this Act.

(4) The Uganda Olympic Committee shall be a body corporate with perpetual succession and an official seal and may, for the discharge of its functions under this Act -

- a) acquire, hold and dispose of movable and immovable property;
- b) sue and be sued in its corporate name, and
- c) do all acts and things as a body corporate may lawfully do.

(5) The membership of the Uganda Olympic Committee shall be in accordance with the provisions of the Olympic Charter.

(6) The Uganda Olympic Committee shall, in collaboration with the ministry and the council -

- a) organise the participation of Uganda athletes in Olympic Games;
- b) promote the development of athletes and the training of coaches and athletes to participate in Olympic Games; and
- c) perform any other function prescribed under the Olympic Charter.

(7) The Uganda Olympic Committee shall, in the performance of its functions under this Act and the Olympic Charter, recognise a national sports federation that is registered by the council.”

1. To provide for the continuation of the Uganda Olympic Committee since it is already registered under the Companies Act and it is the National Olympic Committee recognised by the International Olympic Committee, in accordance with the Olympic Charter.

2. To require the Uganda Olympic Committee to deal with only sports federations that are registered and recognised by the National Council of Sports to avoid confusion and ensure orderly participation of Uganda in the Olympic Games and other international games.

MR KIRYOWA KIWANUKA: We have no objection to that inclusion, Madam Chairperson.

MR OGWANG: I am at one with the Attorney-General.

MR MAGOGO: No objection.

THE CHAIRPERSON: I put the question that clause 40 be amended as proposed.

(Question put and agreed to.)

Clause 40, as amended, agreed to.

Clause 41, agreed to.

Clause 42

MR JOHN TWESIGYE: Clause 42: Prohibition of unlawful utilisation of commercial rights. Clause 42 is amended by numbering the current provision as subclause (1) and thereafter insert a new subclause immediately after subclause (1) as follows:

“Court may, in addition to the penalty imposed under subsection (1), order the person convicted to pay to the national sports federation or athlete, compensation equivalent to the value of the commercial right utilised.”

Justification

To provide for a civil remedy for the aggrieved party.

MR KIRYOWA KIWANUKA: No objection, Madam Chairperson.

MR MAGOGO: No objection.

MR OGWANG: No objection –

THE CHAIRPERSON: To what?

MR OGWANG: To the proposed amendment.

THE CHAIRPERSON: I put the question that clause 42 be amended as proposed.

(Question put and agreed to.)

Clause 42, as amended, agreed to.

Clause 43, agreed to.

Clause 44, agreed to.

Clause 45

MR JOHN TWESIGYE: Clause 45: Prohibition of manipulation of sports results or sports competition. Clause 45 is amended in subclause (3) by deleting the words “or intends to commit”.

Justification

To avoid ambiguity by clearly providing for the ingredients of the offence.

MR MAGOGO: Madam Chairperson, clause 45 is amended, in subclause (3), by deleting the words “intends to commit”. We agree with that, but we would like to amend the second part by substituting the words, “council or a person authorised by the council” with the words, “the respective national sports federation”.

MR KIRYOWA KIWANUKA: I have no objection.

MR OGWANG: Madam Chairperson, you have to bear with me because of the issue of the paralympic. That is why you see –

THE CHAIRPERSON: Honourable minister?

MR PETER OGWANG: I have no objection.

MR ODUR: Madam Speaker, I would like to seek clarification on clause 45(3) and (4). It appears that this clause is imposing criminal liability on a person who has not reported an offence. We need that to be very clear.

MR KIRYOWA KIWANUKA: Yes, that is what it is doing.

THE CHAIRPERSON: Is that okay with you?

MR KIRYOWA KIWANUKA: The Member wanted to get clarification on the intention of the provision and we told him, yes, the provision is intended to penalise a person who knows of an offence and does not report it.

MR ODUR: The problem with this is that somebody else has to know that the other person knew and never reported and the chain will continue. How do you know that the other person knows and has not reported a matter?

MR KIRYOWA KIWANUKA: If I did not know that you know then you will not be arrested. However, by the time I report that I know, I must have evidence of your knowledge. This is like aiding and abetting the commission of an offence.

THE CHAIRPERSON: Actually, when you look at clause 45(2)(d), it talks about aiding and abetting.

MR ODUR: The issue is on clause 45(3) –

THE CHAIRPERSON: Redraft it in the way you think it should be.

MR ODUR: I want clause 45(3) to be deleted because it says, “...a person who knows or has reason to believe that a crime has been

committed and fails to report...” This is very ambiguous. When you are making a law, especially one that sends someone to prison, it must be very clear from the start. If you are punishing aiding and abetting then subsection (4) will clearly take care of that.

THE CHAIRPERSON: Subsection (4) talks about five years.

MR MAGOGO: Madam Chairperson, the international practice about match fixing is about the three Rs and they are all punishable as if they were one and the same. One, you are expected to Resist. If you do not, you are expected to Report, and if you do not, you are expected to Recognise.

Therefore, you knowing and not reporting means you are part and parcel of it. That is the practice, internationally, where this has been legislated.

THE CHAIRPERSON: I put the question that clause 45 be amended as proposed by Hon. Magogo.

(Question put and agreed to.)

Clause 45, as amended, agreed to.

Clause 46

MR JOHN TWESIGYE: Clause 46: Prohibition of acts of violence and hooliganism

Clause 46 is amended:

(a) In subclause (1) by deleting the words “organised by a national sports federation”;

(b) By substituting for subclause (2) the following:

“For the purposes of subsection (1), a person shall be taken to have committed an act of violence or hooliganism at a sports event or sports competition where the act:

(a) leads to destruction or damage to property;

(b) physically injures a person;

(c) disturbs the peace and order at a sports competition or at a sporting event;

(d) with the intent to disrupt a sports competition or a sporting event or to intimidate or annoy a match official, a referee, an umpire, a match adjudicator, a coach, a trainer, an athlete, or any other participant in a sports discipline -

(i) threatens, injures, assaults, shoots or unlawfully restrains that person;

(ii) throws a projectile, a liquid, a substance upon or applies a fluid or substance to that person;

(iii) incites a person to do an act of violence against that person; or

(iv) abuses, uses obscene language or gestures or does any indecent act aimed at such a person;”

(c) By inserting, immediately after subclause (2), the following:

“A person who commits an act of violence or hooliganism at a sports event or sports competition organised by a national sports association or federation commits an offence and is, on conviction, liable to a fine not exceeding four hundred eighty currency points or to a term of imprisonment not exceeding three years, or both.”

(d) by substituting for subclause (3) the following:

“(3) Court may, in addition to the penalty imposed in this section:

(a) order the person convicted to make good the loss and damage suffered by a person as a result of the unlawful action; and

(b) make an order banning the person convicted from participating in or attending sports events and sports

competitions for a period not exceeding three years.”

The justification is:

- (i) To avoid restricting the offence of violence and hooliganism to only sports events or sports competitions organised by the national sports federations.
- (ii) To broaden the offence of violence and hooliganism to include the use of obscene language and indecent acts, among others.
- (iii) For clarity.
- (iv) To provide for a reasonable penalty for the offence. The sentence of 10 years is too harsh, given the nature of the offence.

THE CHAIRPERSON: There is a harmonised position where they said they wanted to maintain clause 46 as it is.

MR KIRYOWA KIWANUKA: Yes, we are proposing that we maintain clause 46 as it is. The same principles are being brought out here, but the drafting is extending it past the realms of possibility. We are proposing that we leave clause 46 as it is in the Bill.

MR OGWANG: Madam Chairperson, I agree with the Attorney-General.

MR MAGOGO: I have no objection.

MR JOHN TWESIGYE: Madam Chairperson, I concede.

THE CHAIRPERSON: I put the question that clause 46 stands part of the Bill.

(Question put and agreed to.)

Clause 46, agreed to.

Clause 47

MR JOHN TWESIGYE: Clause 47: Prohibition of exploitation of participants in sports activities

Clause 47 is amended in subclause (1) by deleting the words “organised by a national sports federation”.

The justification is, this is to allow the offence of exploitation of participants in sports activities to apply to all sports events or sports competitions.

MR KIRYOWA KIWANUKA: I have no objection.

MR OGWANG: I have no objection.

MR MAGOGO: I have no objection.

MR ODUR: Madam Chairperson, I propose a new subclause that, in addition to the punishment provided, court may award compensation or damages to the victim because we are talking about sexual exploitation, financial exploitation and emotional exploitation.

I am proposing a new subsection under clause 47 since it talks about sexual exploitation and financial exploitation. It would then read, “In addition, the court may award appropriate damages or compensation to the victim of the sexual exploitation or financial exploitation.”

MR KIRYOWA KIWANUKA: If on top of criminal liability, the court is to grant such penalty then we can legislate on it. I have no objection to that.

THE CHAIRPERSON: So, what is the amendment?

MR KIRYOWA KIWANUKA: The amendment is adding subclause 3 to section 47 to read that, “The court may, on top of the penalty granted in (2) above, grant a compensatory award to the victim.”

THE CHAIRPERSON: I put the question that clause 47 be amended as proposed by Hon. Odur and Attorney-General.

(Question put and agreed to.)

Clause 47, as amended, agreed to.

New clauses

MR JOHN TWESIGYE: Madam Chairperson, we have new clauses. Insert new clauses immediately after clause 47 to read as follows:

“Offense of illegal participation in sports competitions for schools and institutions of higher learning

- (1) A person shall not –
 - (a) falsify the information of the identity, age or level of education of a pupil or student who participates in a sports competition; or
 - (b) offer a parent or guardian of a pupil or student, a coach, a teacher, money or any other form of payment or settlement in exchange for the enrolment or registration of the transfer of the pupil or student in a specific school or institution of higher learning in order for the pupil or student to participate in a sports competition for that school or institution of higher learning
- (2) A person –
 - (a) who is not a pupil or student of a school or institution of higher learning shall not participate in a sports competition as a pupil or student of the school or institution of higher learning, or
 - (b) whose age is above the age specified under the law shall not participate in a sports competition; or
 - (c) shall not present for participation in a sports competition a person who is above the age as specified in this Act.
- (3) A person who contravenes this section commits an offence and, on conviction, is liable to a fine not exceeding two thousand currency points or to imprisonment for a period not exceeding ten years or both fine and imprisonment

Prohibition to act as agent, promoter or manager of an athlete without registration by a national sports federation

- (1) A person who is not registered by a national sports federation, as required under this Act, shall not act as an agent, promoter or manager of an authority.
- (2) A person who acts as an agent, promoter or manager of an athlete contrary to this Act commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points or imprisonment for a period not exceeding three years or to both fine and imprisonment.”

THE CHAIRPERSON: Thank you. Isn't 10 years too harsh? Attorney-General?

MR KIRYOWA KIWANUKA: This particular space where the committee is proposing 10 years is not too much because this area is where we may look at things like human trafficking. An agent takes children and starts saying “a money agent” so you do not know them. You do not want to reduce this. I have no objection and it is the committee's proposal. I am happy with such deterrent penalty. I have no objection to the amendment.

THE CHAIRPERSON: Leader of the Opposition?

MR MPUUGA: Thank you, Madam Chairperson. The learned Attorney-General needs to help this House in making this because we are not necessarily enacting a penal law.

When you look at the offence that this provision is creating, it is not creating a capital offence for 10 years because we distinguish that from other offences that are of a capital nature. This to me should be a misdemeanor, not necessarily a capital offense to attract that kind of –

THE CHAIRPERSON: Is human trafficking a capital offence?

MR MPUUGA: No, we are not dealing with human trafficking directly. He is just importing

and when you are importing just the meaning then justify the penalty. I want to invite the learned Attorney-General to look at it further.

MR KIRYOWA KIWANUKA: Madam Chairperson, the power to determine the penalty lies with this House. The committee has proposed 10 years and the learned Attorney-General does not have an objection, but the House can guide.

THE CHAIRPERSON: Leader of the Opposition, can you guide? What do you think is a sufficient deterrent?

MR MPUUGA: First of all, we need to agree that the provision is not intended to creating a capital offence in nature, but one that would deter participants in the sporting event not to falsify particular obligations. If it is a misdemeanour, I will go for six months.

THE CHAIRPERSON: Yes, can I hear from the chairperson?

MR JOHN TWESIGYE: Madam Chairperson, the committee took a long time to deliberate this. We are not saying the person must be imprisoned for 10 years; it is not exceeding 10 years. It can be three months or six months. So -

MR SSEWUNGU: Madam Chairperson, I want to thank my chair. When you talk about 10 years, as stated in the law, the judges have discretionary powers for the period. Secondly, 10 years is not for capital offences because that is life imprisonment.

THE CHAIRPERSON: He has said, “not exceeding 10 years”. It can even be one day. It is at the discretion of the judge.

MR SSEWUNGU: That is what I am saying, Madam Chairperson.

MR MPUUGA: Let us be clear. Of course, this is a new clause that is being introduced and we are talking about offences of illegal participation in sports competitions for schools and institutions of higher learning.

We are talking about children and teachers. To imagine that somebody, either erroneously or by misrepresentation, makes a mistake and you impose a penalty of 10 years is very strenuous. I would go for six months.

THE CHAIRPERSON: Leader of the Opposition, what is the difference between six months and not exceeding 10 years?

MR MPUUGA: When you say, “not exceeding 10 years”, you have left latitude for the discretion of the court to determine the sentence. Why we distinguish between offences is to guide the court with a premise within which they cannot exceed particular offenses.

Madam Chairperson, I do not think we should leave it to court. If the school from which the learned Attorney-General studied loses a match and he is at the bench and wants to determine an offence out of anger of losing - I am not saying he will do that, but we are trying to be as considerate as possible.

THE CHAIRPERSON: Leader of the Opposition, I know where your concern is coming from; being one of the owners of schools. Now we are dealing with children. When our children are sodomised, when our children are trafficked, it is a very serious thing. We need to have a stringent measure in this issue. We are all owners of schools, but we must be very-

MR MPUUGA: Madam Chairperson, let the chairperson introduce a new provision, read it again and the intentions because for every provision, there is an objective. Then we can understand this better. What you are saying is not the intention of this new provision; it is different.

MR ODUR: Madam Chairperson, I wanted the mover of the Private Member’s Bill to help us in this situation, even on the scale of weighing the offence under 41, which is about doping. Under 41, you refer somebody who has abused substance to be subjected to the world anti-doping agency sanctions. What are those

sanctions, if we could benefit from those? If somebody who has been caught in substance abuse that, for me, appears to be even a very serious offence, more than the one who has just falsified the age and you are referring them to the world anti-doping agency sanctions. How do you come to this other offence and create it to be even more serious than the other one?

How is FIFA handling that so that we bring that standard into this law?

MR MAGOGO: Madam Chairperson, some of the substances that are banned on this list are actually drugs for other diseases. So, do not look at the list and think when they say banned substances, it means hardcore drugs. Some of you are actually taking some of these drugs for different ailments. *(Laughter)*

THE CHAIRPERSON: Honourable members, can we work on the issue of the period?

MR KIRYOWA KIWANUKA: In order to move this along, I am thinking the committee, in the second offence, proposed a period not exceeding three years or both. Maybe we can put “not exceeding three years or both”.

THE CHAIRPERSON: Then you harmonise the currency points.

MR KIRYOWA KIWANUKA: Yes.

MR MPUUGA: Madam Chairperson, I would like to again make a final invitation from the chairperson and the learned Attorney-General. Sports indiscipline does not necessarily run on imprisonment. I would rather go for bans and financial penalties. I would like to move away from imprisonment to bans of particular periods and financial penalties. That is what I want him to - And I would go for -

THE CHAIRPERSON: Honourable LOP, I beg you - I request that we go for three years. Where we see that it is too harsh, we will come back and amend it in this House. Kindly.

MR MPUUGA: Let us do both; let us create the option of a ban for a particular period,

imprisonment and then financial penalties – those three options.

MR MAGOGO: Madam Chairperson, the challenge with the ban is that some of the perpetrators of these actions are not part of the sports community. What do you ban them from? You cannot ban somebody who is not part of the association.

THE CHAIRPERSON: Let me first allow Hon. Ariko because he was one of the people who suffered from being stoned.

MR ARIKO: I thank you, Madam Chairperson. The chairperson is speaking about the scar that I have on my face courtesy of the comrades of the learned Attorney-General; Express FC people. Besides what the Hon. Moses Magogo has mentioned regarding the people who may not necessarily be part of the sport, on the aspects proposed by the Leader of the Opposition of a fine, we must also look at the industry we are dealing with.

In some of them, the amounts of money involved are colossal - so much so that the moment we put in the legislation the fine, the persons will simply go to court with a view that whatever the penalty that I am given, I will simply pay and go back to the same thing without a deterrent. The law must provide a penalty that is deterrent. Thank you, Madam Chairperson.

MR BASALIRWA: Madam Chairperson, I seek your indulgence. The confusion began from the learned Attorney-General. Look at the head note of this provision; it is talking about the offence of illegal participation in sports competitions for schools and institutions of higher learning. That is the head note and then you are talking about falsifying information of the identity, age, level of education of a pupil or student who participates in a sports competition at that level.

The discussion here is assuming that this goes to the general sports we are talking about. Let us focus on the head note. That is why you are even landing into a problem of creating penal

provisions of three years. You are forgetting that you are dealing with the children.

THE CHAIRPERSON: Hon. JEEMA, we are talking about schools and institutions of higher learning. That is why we are saying we now harmonise the three years plus the currency points vis-à-vis what the Leader of the Opposition was proposing. Can you move the amendment?

MR BASALIRWA: Maybe, Madam Chairperson, as he comes -

THE CHAIRPERSON: We have a very important report that is coming on the Floor.

MR BASALIRWA: Madam Chairperson, as he comes, the learned Attorney-General should consider the fact that these are pupils and students. Secondly, consider that these are institutions of higher learning that actually aid and abet - capture that.

MR KIRYOWA KIWANUKA: Thank you, Madam Chairperson. Our football clubs in the Premier League are supplied by schools and institutions of higher learning. All our players are from this place. What we are telling you is that when these people do this, they kill the sport that we are going with. I am proposing that having taken into consideration that we are dealing with students and pupils, it reads as follows: "A person who contravenes this section commits an offence and on conviction is liable to a fine not exceeding two thousand currency points-"

THE CHAIRPERSON: No, five hundred. We agreed on five hundred.

MR KIRYOWA KIWANUKA: "...five hundred currency points" sorry - "or to imprisonment not exceeding three years, or to both fine and imprisonment". I beg to submit.

MR BASALIRWA: Madam Chairperson, the Attorney-General and I are officers of court and we have a duty to this House. The proposals you have also have implications on criminal liability and we are talking about

children. I want, in your proposals, to put that into consideration. If you do not do that, we shall be doing a disservice to this Parliament and the country.

MR KIRYOWA KIWANUKA: Hon. Basalirwa, I have put it into consideration. This offence here is telling you, Hon. Basalirwa, at the young age of 25 years going and holding out in a school that you are 17 years and you participate in those - That is the kind of offence you will commit here.

Madam Chairperson, the issue of penalties is an option and discretion is going to be exercised. It can be a fine, imprisonment or both, depending on the gravity of the offence committed or the circumstances surrounding that offence.

THE CHAIRPERSON: Attorney-General, I would like us to read from subclause (2).

"(2) A person –

- (a) who is not a pupil or student of a school or institution of higher learning, shall not participate in a sports competition as a pupil or student of the school or institution of higher learning; or
 - (b) whose age is above the age of a specified section shall not participate in a sports competition; or
 - (c) shall not present for participation in a sports competition...
- (3) A person who contravenes this section commits an offence..."

We are not talking about children.

MR KIRYOWA KIWANUKA: Yes, we are talking about Hon. Basalirwa going to the university and holding out to be a student.

THE CHAIRPERSON: Honourable members, I am reading this from the amendment. It is not something that is brought from nowhere. We are trying to destroy these masquerades. You are the same people who

went to South Sudan and were complaining about how South Sudan brought people who were - Let Hon. Santa contribute. *(Laughter)*

MS ALUM: Thank you, Madam Chairperson. I stand to give the experience that we always have in the sports competitions, where we have the masqueraders. In our games, parliamentary sports, we are supposed to deal with Members of Parliament and staff of Parliament, but we are faced with very difficult competitions arising from other participants bringing even professionals.

Therefore, I urge my brother, the chairperson of parliamentary sports, having experienced this in our own competition, to support this proposal from the committee. We are not here to promote immorality as far as sports is concerned.

I urge my chairperson to support this so that we iron out this from a national perspective and even go down to our own sports. If we begin supporting this – And the penalty is talking of not exceeding three years, which I think is not too much. I beg to submit.

THE CHAIRPERSON: Let me hear from the former minister of sports and he is the one who boxed a masquerade. *(Laughter)*

MR OBUA: Madam Chairperson, that is not true. *(Laughter)*

THE CHAIRPERSON: That was a light moment.

MR OBUA: Madam Chairperson, I would like to speak with evidence in support of the committee's proposal. When I was Minister of State for Sports, we were faced with all these challenges where, first of all, a school gets a non-student. After getting the non-student, they move ahead to even process our passport, but when the age is reduced. I can print and lay it on the Table the evidence, but I may not go into the details of the name. This particular student, in his first passport, was born on 9 October 1996 and the passport number is A00236115.

In the second passport, procured by the school that wanted to use him as their athlete, but in the league of those who are younger, his date of birth is 9 October 2004. He reduced his age by eight years and the passport number is A00444668. I may not mention the name, but if you want me to print, I can print and lay it on the Table.

Now, on the first passport of 1996, where does he come from? His place of birth is Bukwo. In the second passport – this is a runner, for clarity – his place of birth is Chelelelec Bay, but this is the same person with the same picture. Now, if we cannot criminalise such - Someone has reduced his age by eight years. At 40 plus years, I want to run with those who are 30 years. Isn't that criminal?

THE CHAIRPERSON: That can even injure our children. Yes, Leader of the Opposition?

MR MPUUGA: Thank you. I hear my friend and comrade, Hon. Hamson Obua. However, let us get to understand what the chairperson and the learned Attorney-General did not cure, which for me is sticky: schools' sports competitions. Schools should be handled differently.

Falsifying a passport is another offence. It has nothing to do with sports and it should be handled as such. If you want to handle that person, there are other laws of the land that can deal with it. If we want to leave this the way it is being proposed then we should remove "schools' competitions" and call it offences or illegally participating in a sporting competition in which case, the entire text will change.

THE CHAIRPERSON: That is okay. We can have that amendment and take it back to 10 years.

MR KIRYOWA KIWANUKA: We can amend it that way because even schools' competitions will be covered in this. The only problem is that maybe the penalty is a little smaller because the person who changes from eight years is normally -

THE CHAIRPERSON: Let us now remove the institutions and take it back to 10 years.

MR KIRYOWA KIWANUKA: Yes, thank you.

MR MPUUGA: I was insistent because the penalty proposed does not distinguish juvenile offenders and it is going to cause a problem when you are raising the sentence because it does not offer the distinction. It just embraces everyone, yet under it, you have juveniles.

So, let us remove schools and leave it general and then the courts will have jurisdiction to apply other attendant legislation to handle the offences as they arise.

THE CHAIRPERSON: Redraft.

MR MPUUGA: I need a minute to think through or, probably, the learned Attorney-General, having picked it, can redraft it.

THE CHAIRPERSON: I thought you were redrafting.

MR MPUUGA: Once the principle is agreeable, redrafting can be done. I do not think that is a problem.

MR KIRYOWA KIWANUKA: The headnote is, “The offence of illegal participation in sports competitions”. It reads: “A person shall not...” - it is a long one, but I am going to get to subclause (3).

“(3) A person who contravenes this section commits an offence and, on conviction, is liable to a fine not exceeding five hundred currency points or to imprisonment for a period not exceeding ten years or to both fine and imprisonment.”

THE CHAIRPERSON: In drafting, how will you handle the issue of falsifying information of identity, age and the level of education of a pupil? Remove “of a pupil or student”. It should be “of a person”.

MR KIRYOWA KIWANUKA: We will redraft and where we have “a pupil”, we shall replace it with “a person” so that it is consistent. Actually, LOP’s proposal is inclusive; it is a better proposal. Thank you.

THE CHAIRPERSON: I put the question that a new clause be inserted as proposed by the Leader of the Opposition and amended by the Attorney-General.

(Question put and agreed to.)

New clause inserted.

Clause 48

MR JOHN TWESIGYE: Madam Chairperson, clause 48 is about the general penalty.

Clause 48 is amended by substituting for the word “three” the word “one.”

The justification is to provide for a reasonable penalty.

THE CHAIRPERSON: Attorney-General?

MR KIRYOWA KIWANUKA: No objection.

THE CHAIRPERSON: Minister?

MR OGWANG: No objection.

THE CHAIRPERSON: Member?

MR MAGOGO: No objection.

THE CHAIRPERSON: I put the question that clause 48 be amended as proposed?

(Question put and agreed to.)

Clause 48, as amended, agreed to.

New clauses

MR JOHN TWESIGYE: Madam Chairperson, under the new clauses, we propose to insert three new clauses immediately after clause 50 to read as follows:

Prohibition of dealing with counterfeit sport materials

1. A person who imports, manufactures, distributes, produces, sells, offers for sale, trades or displays for sale any counterfeited Ugandan sports branded material, attire, apparel or any other item without the authorisation of National Sports Federation commits an offence.
2. A person who contravenes subsection (1) –
 - a) is liable, on conviction, to imprisonment for a period not exceeding five years, or to fine not exceeding one hundred twenty currency points or both; and
 - b) shall, in addition to the fine or penalty imposed under subsection (2)(a), pay the national sports federation damages and compensation for the loss suffered by the national sports federation.

Prohibition of unlawful access to sports events and competitions

- (1) A person who, without authorisation enters, stays, remains or allows a person to enter, stay, remain or access a sports event or competition organised by the national sports federation commits an offence and is liable on conviction to a fine not exceeding 120 currency points or imprisonment for a period not exceeding one year or both.
- (2) A person who contravenes subsection (1) may, in addition to the fine or penalty imposed under subsection (1), pay the national sports federation damages and compensation for the loss suffered by the National Sports Federation as may be determined by court.

Prohibition of electronic media production of sporting events and competitions

- (1) A person who, without authorisation of a national sports federation, captures, by

camera, the still or moving pictures or records by an audio recorder activities at an event or competition organised by the national sports federation commits an offence and is liable, on conviction, to fine not exceeding one hundred twenty currency points or a term of imprisonment not exceeding five years, or both.

- (2) A person who contravenes subsection (1) shall, in addition to the fine or penalty imposed under subsection (1), pay the national sports federation damages and compensation for the loss suffered by the national sports federation.

Imposition of administrative penalties

- (1) The council may, in addition to or as an alternative to the prescribed penalty, impose administrative penalties on a person, body or entity that infringes the provision of this Act.
- (2) The administrative penalties imposed by the council shall not exceed the fines imposed for breach of the relevant provision of this Act and where no fine is imposed, the administrative penalty shall not exceed five hundred currency points.”

The justification is that the new inserted clauses have been carried from the National Sports Bill, 2021 to take care of additional offences prevalent today in sports administration and to provide for administrative mechanisms of handling breaches.

THE CHAIRPERSON: Attorney-General.

MR KIRYOWA KIWANUKA: Thank you, Madam Chairperson. I have no objection to the inclusion of these new offences and the penalties. However, I have an objection to the imposition of administrative penalties by the National Council of Sports. It breaches fundamental rules of a fair hearing and it is going -

THE CHAIRPERSON: It is unconstitutional.

MR KIRYOWAKIWANUKA: Yes. I propose that it is dropped. We have no objection to the rest of the proposals by the committee.

THE CHAIRPERSON: Honourable minister?

MR OGWANG: Madam Chairperson, I agree with the proposal of the Attorney-General.

THE CHAIRPERSON: Private member?

MR MAGOGO: I agree with the proposed amendment by the Attorney-General.

THE CHAIRPERSON: LOP?

MR MPUUGA: Thank you, Madam Chairperson. Sport is supposed to be fun and enjoyable. The introduction of sub-clause (2) relating to media taking pictures - As long as you have allowed in people with their phones into a facility and they have paid their money, administratively, what are you trying to tell them?

We should borrow intentional practice. People enter stadiums with their phones, take pictures, wait for *selfies* - You are denying people light moments. I think this is not necessary for sports.

We are not enacting a penal law. We are enacting a facilitative legislation for sports. I would like to invite the chairperson and the movers of the Bill to drop this provision because it infringes on the right to enjoy sports. (*Applause*) It is like we are inviting people to a sport and then cage them. I have not found reason to justify that.

First of all, you will allow licensed journalists, but in the new world order, everyone with a camera you have allowed is a journalist in their own right and there are laws that govern infringement of privacy within this stadium and the two are different. Where is the infringement if someone took a picture of a sport for which they have paid to be a part of? I would like to invite the movers and the chairperson to drop this provision.

THE CHAIRPERSON: Assuming you say, “prohibition of unlawful electronic media production”?

MR MAGOGO: If you read what has been provided - Remember, at the beginning, we talked about national associations and federations. We are now on federations where we are talking about amateur and professional sport. We defined a “professional sport” to mean sporting activities for financial economic benefit, as a business.

As you are all aware, the sporting industry is a US\$ 600 billion business worldwide and in Uganda, we are not partaking of it because people undertake activities as we are saying. What we are saying is, “without authorisation”. When you do authorisation, it means you accredit the people. It means someone buys the ticket and in the terms of reference, may as well undertake what LOP is talking about.

If you do not control that, what happens is that anyone is free to record whatever they can, make a financial benefit and the actual artist, who is supposed to be benefiting from this, just goes yet, at the end of the day, someone broadcasts that and there is nothing you benefit out of it. Elsewhere, this has been regulated.

THE CHAIRPERSON: We are talking about authorisation and TV rights.

MR BASALIRWA: Thank you very much, Madam Chairperson. I think the focus here seems to lie more on broadcasting rights and licences. That is what I want to imagine. The provision should be structured in such a manner that the issue of broadcasting by any means, without authorisation should be penalised. Let us then try to address what broadcasting is.

The way it is structured here, you explain authorisation by buying a ticket, but in express terms, that may not amount to authorisation. I think this is where the problem is. You want to preserve the right of the federation to derive benefits from an event. That is perfectly okay. You do not structure it in this manner, with due respect.

Therefore, I would rather, learned Attorney-General, that we focus on protecting broadcasting rights. Anybody who does broadcast in whatever form, without authorisation, should be penalised.

MR KIRYOWA KIWANUKA: Proposed redraft: “A person who, without authorisation of a national sports federation, captures by camera, the still or moving pictures or records by an audio recorder, activities of an event or competition organised by a national sports federation for commercial purposes, commits an offence and is liable, on conviction, to a fine not exceeding one hundred and twenty currency points or a term of imprisonment.” I beg to submit.

THE CHAIRPERSON: I put the question that a new clause as amended by the Attorney-General be inserted.

(Question put and agreed to.)

New clause inserted.

Clause 49, agreed to.

Clause 50, agreed to.

Clause 51

MR JOHN TWESIGYE: Clause 51: Vesting of sports infrastructure in council. We propose to delete clause 51.

The justification is to avoid contradiction with clause 21.

MR KIRYOWA KIWANUKA: That is correct. I have no objection.

MR OGWANG: No objection.

MR MAGOGO: No objection.

THE CHAIRPERSON: I put the question that clause 51 be deleted as proposed.

(Question put and agreed to.)

Clause 51, deleted.

THE CHAIRPERSON: Go ahead with your notice. I thought you had given notice that you are bringing a repeal.

MR BASALIRWA: Yes, at this point.

THE CHAIRPERSON: No, you are going to bring a formal motion. We are going to reach 54 on repeal.

New clause

MR TWESIGYE: Insert a new clause immediately after clause 51 to read as follows:

“Settlement of sports disputes.

- (1) A sports dispute shall be determined through arbitration in accordance with the Arbitration and Conciliation Act Cap 4.
- (2) The council shall provide a list of arbitrators from whom parties to a sports dispute may choose an arbitrator.
- (3) The council shall update the list of arbitrators annually.
- (4) A person shall not be qualified to be included on the list of arbitrators referred to in subsection (2), unless the person has:
 - (a) technical knowledge in sport;
 - (b) experience in sports administration and management; or
 - (c) participated in a sports discipline.
- (5) The council shall publish the list of arbitrators under subsection (2) in the Gazette and a newspaper of wide circulation.
- (6) Each party to a sports dispute shall bear the costs it incurs during arbitration.
- (7) A national sports federation shall provide in its constitution the following:
 - (a) The determination of sports disputes between the national sports federation and its members through arbitration.

- (b) An obligation on a national sports federation and its members to comply with a decision arising from arbitration.
- (8) The council shall not register a national sports federation that does not comply with subsection (6).
- (9) In this section, ‘sports dispute’ means a dispute between a national sports federation and its members or any other person relating to -
- (a) the interpretation of the constitution of a national sports federation;
 - (b) the interpretation of statutes and rules governing the sports disputes; or
 - (c) a decision taken by a national sports federation in exercise of its functions under this Act, constitution or statutes and rules governing the sports discipline.”

Justification

Provisions on settlement of sports disputes are to introduce practices that allow settlement of sports disputes by persons with knowledge and experience in sports matters in order to ensure timely and efficient determination of sports disputes.

MR KIRYOWA KIWANUKA: Madam Chairperson, we have a proposed amendment. We are keeping the principal. I think let the Member move it.

MR MAGOGO: Madam Chairperson, once again this was provided to the committee. We would like to propose to make some amendments as follows:

In addition, we continue to say,

“(1) “The minister” - instead of the council - “shall appoint from nominees made by council and each national sports federation.” The justification being that council may also be subject to the same list of arbiters.

- (2) “The parties to a sports dispute may choose at least three arbiters from a list of arbitrators appointed under subsection (1).
- (3) For avoidance of doubt, the number of arbitrators chosen by the parties shall be an odd number.
- (4) The minister shall update the list of arbitrators once in two years.
- (5) A person shall not be qualified to be appointed an arbitrator, under subsection (1), unless -
- (a) he is an advocate of the High Court;
 - (b) has worked with the national sports federation for at least three years;
 - (c) has not been convicted of an offence under this Act;
 - (d) has not been declared bankrupt by a competent court;
 - (e) Has not been banned by a national sports federation for a period more than three years from the date of appointment.
 - (6) The minister may remove an arbitrator for inability to perform his or her functions arising from mental incapacity, abuse of office, misbehaviour or misconduct, incompetence or failure to handle at least three sports dispute resolutions once appointed by a party to the dispute.
 - (7) For purposes of arbitration in respect of a matter, which this Act has not explicitly made a provision, the Arbitration and Conciliation Act shall apply with the necessary modifications.

Costs of arbitration

- (1) Each party to a sports dispute shall bear costs it incurs during arbitration.
- (2) Notwithstanding subsection (1), every national federation shall pay an annual

arbitration fee to the council and the minister, by statutory instrument, shall prescribe the amount of the annual arbitration fee referred to in section (2).

- (3) The council shall apply the administration fees referred to in subsection (2) to offset the costs incurred during arbitration.

Arbitration to be provided in the constitutions -

- (1) there shall be a provision in the constitution of every national sports organisation:

(a) recognising the jurisdiction of the arbitrators appointed under this Act and obligating the settlement of sports disputes between the national sports organisation, its members on the council.

(b) recognising the decision of the arbitrators as final;

(c) obligating a national sports organisation and its members to respect and comply with the decisions of the arbitrators; and

(d) prohibiting the settlement of sports disputes between national sports organisations and its members by courts of judicature, including interpretation and application of the constitution and regulations of the national sports organisation.

(2) A constitution of a national sports organisation that deviates or does not make a provision for matters referred to in subsection (1) shall be null and void.

(3) The council shall not register a national sports organisation that does not include provisions prescribed in subsection (1) in its respective constitutions.”

I beg to move.

MR KIRYOWA KIWANUKA: I have no objection.

MR OGWANG: I have no objection.

MR JOHN TWESIGYE: I have no objection, Madam Chairperson.

THE CHAIRPERSON: I put the question that a new clause be inserted as proposed by Hon. Magogo.

(Question put and agreed to.)

New clause inserted.

New Clause

MR JOHN TWESIGYE: Madam Chairperson, we propose to insert a new clause immediately after clause 51 to read as follows:

“Participation of minors in sports activities

(1) A minor of sixteen years of age or more may participate in a sports activity with adult participants.

(2) For the purposes of subsection (1) –

(a) the sports activity shall be authorised by the council in accordance with this Act;

(b) the minor and the parent or guardian of the minor shall receive legal advice on the matter from the organisers of the sports activity, and the parent or guardian of the minor shall give consent, in writing, to the participation of the minor; and

(c) where payment is to be made for the participation of the minor, the parent or guardian of the minor shall enter into a contract for the minor, with organisers of the sports activity.”

This is to regulate the participation of minors in sports activities.”

MR KIRYOWA KIWANUKA: I have no objection.

MR OGWANG: I have no objection.

THE CHAIRPERSON: I put the question that a new clause be inserted as proposed by the committee.

(Question put and agreed to.)

New clause, agreed to.

Clause 52

MR JOHN TWESIGYE: Clause 52: Regulations

Clause 52 is amended in subclause (2) by substituting for paragraph (a), the following:

“(a) for the management and maintenance of public sports facilities managed by the council.”

The justification is that this is to ensure clarity.

MR KIRYOWA KIWANUKA: Madam Chairperson, I would like to propose this as a consequential amendment to what we have already done:

“(a) for management and maintenance of public sports facilities vested in the council.”

I beg to move.

MR OGWANG: I support the proposal which the Attorney-General has brought forward.

THE CHAIRPERSON: I put the question that clause 52 be amended with the proposal by the Attorney-General.

(Question put and agreed to.)

Clause 52, as amended, agreed to.

Clause 53, agreed to.

Clause 54

MR JOHN TWESIGYE: Clause 54: Repeal and savings

Clause 54 is amended by substituting for subclause (5), the following:

“(5) A national sports federation existing immediately before the commencement of

this Act shall, within twelve months from the commencement of this Act, comply with the provisions of this Act.”

Justification

To require the existing national sports federations to comply with the provisions of the proposed law within 12 months of its commencement, Madam Chairperson.

MR KIRYOWA KIWANUKA: Madam Chairperson, I am proposing a redraft.

One, I propose to keep clause 54(5) as it is and add to read as follows:

“(5) A national sports federation, which was duly registered by the council before the commencement of this Act and which is in existence before the commencement of this Act, shall have effect as if it was registered under this Act provided it shall, within 12 months from the commencement of this Act, comply with the provisions of this Act.”

The provision, as had been proposed by the council, did not tell me what happens between the date we gazette and the date they comply. So, I want to make sure that the sports federation remains alive for that period and it is after 12 months when it can be considered to have failed. I beg to submit.

MR OGWANG: Madam Chairperson, I support the amendment proposed by the Attorney-General.

MR MAGOGO: I have no objection.

MR BASALIRWA: Thank you very much, Madam Chairperson. I want to propose an amendment to clause 54 by including a new subclause before subclause (1) to read as follows:

“The Nakivubo -

THE CHAIRPERSON: Hon. Basalirwa, didn't we grant you leave Nakivubo under miscellaneous amendment Bill?

MR BASALIRWA: Madam Chairperson, you did.

THE CHAIRPERSON: Right now, you are somersaulting. *(Laughter)*

MR BASALIRWA: I am not somersaulting. Madam Chairperson, you recall –

THE CHAIRPERSON: What happens to what we granted you leave for?

MR BASALIRWA: The leave you granted me had about seven pieces of legislation. When the Bill went before the Committee on Legal and Parliamentary Affairs, the Attorney-General graciously conceded to including my views in the Government Bill – you recall that there was a Government Bill and my Bill. He graciously conceded to remove section 8 of the Public Order Management Act; section 50 of the Penal Code Act and the others.

On Nakivubo, his advice and guidance was that it could not be handled under the Law Revision (Miscellaneous Amendment) Bill. We were in Entebbe – the members of the Committee on Legal and Parliamentary Affairs are here, including the vice-chairperson, Hon. Mutembuli.

When we were in Entebbe, the Attorney-General advised that Nakivubo could not be handled under the Law Revision (Miscellaneous Amendment) Bill. He said I either bring a Bill to repeal it or have it discussed under the parent law, which is this one. It is in that spirit –

THE CHAIRPERSON: Is this the parent law?

MR BASALIRWA: It is not the parent, but a sectoral law. I want to propose - because this is a matter that was even discussed in the committee.

I want to use this opportunity - and I actually did inform the Committee on Legal and Parliamentary Affairs that once the views are captured, I will come here and have my Private Member's Bill withdrawn because, then, everything will have been captured.

In the premises, Madam Chairperson – *(Interruption)*

MR KIRYOWA KIWANUKA: First of all, Hon. Basalirwa has reported, candidly, our conversation in the committee. He is right. He raised the issue and I did advise him that he brought it under the wrong law.

I also advised him that maybe he could consider another law. However – *(Interruption)*

MR BASALIRWA: Correct the record: you did not advise that I brought it under the wrong law. My conviction is that it is the right law. However, you said it would be better covered here. You are assuming that I do not know the law, which is not correct. You also know that I know the law. *(Laughter)*

MR KIRYOWA KIWANUKA: Hon. Basalirwa knows the law and he knows if he brings a motion here to amend the Nakivubo War Memorial Stadium Act, which is seated with properties belonging to the Government, we will have financial implications on the Government because those properties belong to the Government and that would be contrary to Article 93. But he knows the law. I beg to submit. *(Laughter)*

MR BASALIRWA: Madam Chairperson, I beg that you allow me move the amendment and I will make the justification.

I move that we add, immediately after clause 54, that the Nakivubo War Memorial Stadium Trust Act, Cap 47 be repealed.

The justification is to create a single uniform law governing management and administration of sports and sports facilities.

We are making a law on sports and sports facilities yet we are being selective. We are leaving some facilities outside the law which is supposed to govern sports and sports facilities. We now have an opportunity to have a uniform single law that encompasses all sports facilities in the country; not leaving some outside. This is the time and the opportunity to have a single uniform law that encompasses all

sports facilities and sports management and administration in the country. I beg to move.

MR KIRYOWA KIWANUKA: We oppose that for four reasons: One, Nakivubo War Memorial Stadium Act provides for vesting of properties of the Government in that law. If you repeal it, the properties are left hanging. The proposal he made was to repeal the law. If he repeals the law, he has not provided for a replacement.

THE CHAIRPERSON: Let him finish his submission.

MR ODUR: Order. The Attorney-General moved an amendment here vesting all public sports facilities under the National Council of Sports, which is Government. How come he now changes his position and yet in an earlier clause, we had already, on his move, vested all public sports facilities, including Nakivubo in the National Council of Sports?

THE CHAIRPERSON: No, there was no inclusion of Nakivubo because Nakivubo has its own Act.

MR ODUR: Under that Act, I moved an amendment and we deleted it. They were trying to save Nakivubo War Memorial Stadium Act under that and we deleted it.

THE CHAIRPERSON: Can we hear from the Attorney-General?

MR KIRYOWA KIWANUKA: One, the motion is moved by a private Member and it is contrary to Article 93 of the Constitution.

Two, Article 93 of the Constitution says “We shall not proceed on a Bill –

THE CHAIRPERSON: Members, stop heckling. First listen. You will speak.

MR KIRYOWA KIWANUKA: We can read the Constitution. It says, “We shall not proceed on a Bill or motion which has a financial implication.”

What my learned friend just did was to move a motion and that is what Article 93 says; you cannot move a motion, even on a Government Bill, which has a financial implication as it will be contrary to the Constitution.

Three, the Nakivubo War Memorial Stadium land has issues, which are subject of a dispute currently between the Government of Uganda and Hamis Kiggundu. (*Interjections*) I have never informed Parliament and that is correct, but I apologise.

Now that my honourable member has advised me, I am going to bring all my work and advice Parliament on everything that I do. There is a live dispute between the Government and the developer at Nakivubo War Memorial Stadium. My job is only to advise. (*Interjections*) I am clear.

THE CHAIRPERSON: I know you like quarreling, but why don't you keep quiet for once?

MS NABUKENYA: Madam Chairperson, the Attorney-General had the opportunity to meet with the committee several times and he was privy to the two Bills and aware of what was in the report.

It is not okay for him to come here and start saying, “We cannot amend this specific provision because there are issues in court”. You never informed this committee that there are issues with Nakivubo War Memorial Stadium or that the Government has a case in court. You are just saying it now. Why didn't you inform the committee?

You should advise us on what to do. Why didn't you inform the committee that there are issues in court? Madam Chair, Nakivubo land is Government land; not personal.

MR KIRYOWA KIWANUKA: Thank you very much for the clarification.

THE CHAIRPERSON: I can see how you are deviating from the Bill. Can I hear from Hon. Katuntu?

MR KATUNTU: Thank you very much, Madam Chairperson.

THE CHAIRPERSON: Members, listen.

MR KATUNTU: If there is an issue of law that has been raised on the Floor, we should first resolve it. Does the motion moved by Hon. Basalirwa offend Article 93 of the Constitution? If it does, that is where it ends unfortunately. It is until we resolve it - It does not need a lot of interpretation. [*Mr Ssewungu rose*]

THE CHAIRPERSON: Hon. Ssewungu, when your elder is speaking, sit down. It is a matter of manners.

MR KATUNTU: It is an Article that does not need a lot of interpretation or even debate. What that constitutional provision provides is, if there is any motion or Act that would require to take a charge on the Consolidated Fund then you must seek consent of the Government because you need to know whether that motion will certainly require funds, which may not be there, whether in the short run, midterm or even in the long run. That is the purpose of this Article. My view is that Hon. Basalirwa should have explained whether his motion has got a charge on the Consolidated Fund or not.

Secondly, I would like to differ a bit from the learned Attorney-General. If there are issues in court, what are the issues? I think we need to give him an opportunity to explain the issues which are in court. Are they proprietary issues or any other issues? If they are proprietary issues pending in court and we are busy amending the law that affects the proprietary interest of the litigators then that causes a problem.

THE CHAIRPERSON: Thank you. You have a rebuttal? We need clarification first on whether your motion - You are the one who moved a motion. First respond to what Hon. Abdu was asking.

MR BASALIRWA: Thank you, Madam Chairperson. First of all, this motion has no effect whatsoever on Article 93. The simplicity of it is that we are repealing a law and taking

whatever there is to the body that is being created under a new law and it is a Government body. In other words, if there are properties, if there are employees, if there are rights, there are obligations, there are contracts and all of them will be vested in a new council, which we are making under the new law. There cannot be any effect on Article 93, with due respect.

Chairperson, look at the law we are making. Every law has what we call transitional provisions and this is what the Attorney-General does not want to tell you. You are talking about repeal and savings. That is the heading. By the way, I am moving under the heading of repeal and savings.

Even if there were court cases, what do the transitional provisions say? Any pending court proceedings or execution of orders of court, which were enforceable by or against the council shall now be enforced against the council under the new law. Even if there are court proceedings, they will now be enforced against the council under this law. Even if there are court cases they will not be affected because of the transitional and saving provisions. That is one.

Two, look at the issue of loss because it is talking about a loss. You are saying that this property is managed under a separate law. Yes. Does that stop us from repealing that law and securing that property under a council that we are promulgating today? Does it stop us from saying so?

Three, for the record, when we are talking about repealing, we do not want anybody to create an impression that there is going to be a vacuum. There can never be a vacuum with the saving and transitional provisions. In fact, as a matter of fact, Chairperson, I would propose that for the case of Nakivubo, both the Minister of Education - he is here - and National Council, in the meantime, as a transitional measure, should be responsible for the management and control of the assets and liabilities until the council is fully constituted and this should be in the law to avoid a gap that the Attorney-General is anticipating. I beg to submit. There is no charge whatsoever, there is no effect.

MR KIRYOWA KIWANUKA: Thank you. This title is currently registered in the names of Nakivubo War Memorial Stadium and for you to transfer it, we go under the Registration of Titles Act. You will be required to pay stamp duty, and registration fees and this is charged on the Consolidated Fund. I beg to submit that this offends Article 93.

MR BASALIRWA: That is also a lie. Chairperson, I do not know whether the Attorney-General -

THE CHAIRPERSON: Hon. Basalirwa, we have heard from you and we have heard from the Government. Let us not err and if we are to err then we will make an amendment later.

Hon. Basalirwa, I gave you leave to bring Nakivubo in the House; a repeal. I am still waiting for your Bill. I granted leave for repeal of Nakivubo. Why are you somersaulting and you want it to be included here? Members, let us legislate systematically.

MR SILWANY: I want to seek the indulgence of honourable members. It is very important, when you are handling a Bill like this, to move together because there was a harmonisation committee and what is important is that we work with both the Opposition and the Attorney-General. Why we always have challenges is because we pass a Bill and then the Bill comes back to Parliament. This is because the Attorney-General will go and advise the President otherwise *-(Interjections)* Listen, I am driving my point. Honourable members, I wish you would allow me to drive my point -

THE CHAIRPERSON: Honourable Commissioner, can you sit? Honourable members, I am making a law for national sports. I have an Act on Nakivubo War Memorial, which Act we believe must be repealed and because we believe it must be repealed, that is why we gave permission to Hon. Asuman and I am waiting for his Bill on the Floor. Let us finalise this Bill, as we wait for the rest.

Honourable Members, let me put a vote. If the "Nays" take it, you take it.

I put the question that clause 54 be amended as proposed by Attorney-General.

(Question put and agreed to.)

Clause 54, as amended, agreed to.

Clause 55, agreed to.

Clause 56, agreed to.

Clause 1

THE CHAIRPERSON: Is there anybody adding to clause 1? I put a question that clause 1 be amended as proposed.

(Question put and agreed to.)

Clause 1, as amended, agreed to.

Schedule 1, agreed to.

Schedule 2, agreed to.

Schedule 3

MR JOHN TWESIGYE: Madam Chairperson, we propose to amend schedule 3 by deleting "Nakivubo War Memorial Stadium".

Justification

The inclusion of Nakivubo War Memorial Stadium among the public sports facilities to be managed and maintained by the National Council of Sports contradicts clause 51(6), which excludes Nakivubo War Memorial Stadium.

THE CHAIRPERSON: The harmonised position?

MR KIRYOWA KIWANUKA: Madam Chairperson, during the discussion on these facilities, we found that some of these facilities are vested in district land boards and municipal councils. So, we said we will provide for the vesting and then go and handle each title.

We propose to remove the schedule and just go and do the vesting, facility by facility.

THE CHAIRPERSON: I put the question that schedule 3 be amended as proposed –

MR ODUR: Madam Chairperson, there are two positions: the Attorney-General recommended the deletion of schedule 3 while the chairperson recommended the deletion of only Nakivubo. So, which one are we dealing with?

THE CHAIRPERSON: I put a question that schedule 3 be amended as proposed by the Attorney-General.

(Question put and agreed to.)

Schedule 3, deleted.

THE CHAIRPERSON: The schedule is deleted.

New Schedule

MR JOHN TWESIGYE: Madam Chairperson, we propose to insert a new schedule immediately after schedule 2, as follows:

National sports disciplines

1. American Football
2. Archery
3. Athletics
4. Badminton
5. Baseball and Softball.
6. Basketball
7. Body Building and Fitness.
8. Boxing
9. Canoe Kayak
10. Chess
11. Cricket
12. Cycling
13. Darts
14. Deaf Sports
15. Dragon Boat

16. Draughts
17. Fencing
18. Floorball
19. Football
20. Golf
21. Gymnastics
22. Handball
23. Hockey
24. Judo
25. Kabaddi
26. Kick Boxing
27. Lacrosse
28. Ludo
29. Motor Sports
30. Netball
31. Paralympic
32. Pool
33. Roll Ball
34. Rowing
35. Rugby
36. Scrabble
37. Skating
38. Sports Climbing
39. Squash Rackets
40. Swimming
41. Table Tennis
42. Taekwondo
43. Tennis
44. Ultimate Frisbee
45. University Sports
46. Volleyball
47. VX
48. Weightlifting
49. Woodball
50. Wrestling
51. Zurkhaneh Sports

MR KIRYOWA KIWANUKA: I have no objection to the inclusion of the schedule.

MR MPINDI: Thank you, Madam Chairperson. I would like to put it on record that paralympic is not a discipline. Paralympic is a national sports body that is charged with the development of sports for persons with

disability and under it, there are 22 sports federations.

THE CHAIRPERSON: So, what is the discipline?

MR MPINDI: We can call it “parasport” not “paralympic”.

THE CHAIRPERSON: Make a change to parasport. Is that okay with you?

MR KIRYOWA KIWANUKA: I have no objection.

MR MAGOGO: This schedule is of sports disciplines in the country at the time of enacting this law. There is no sports called, “university Sports” and I propose that we delete it.

THE CHAIRPERSON: So, we are taking the amendment of Hon. Mpindi and also deleting University Sports.

DR RUTAHIGWA: Madam Chairperson, since we have chess among the sports, I was wondering about *Omweso* and *Matatu*. *(Laughter)* Thank you.

THE CHAIRPERSON: Doctor, these are the ones with federations, but you and I can form ours of *Omweso*. *(Laughter)*

Honourable members, I put the question that the proposed new schedule, with the amendments of Hon. Mpindi and Hon. Magogo, stands as part of the Bill.

(Question put and agreed to.)

New schedule, as amended, agreed to.

Short title

MR JOHN TWESIGYE: Madam Chairperson, substitute for the short title the following: “The National Sports Bill.”

THE CHAIRPERSON: Justification?

MR JOHN TWESIGYE: The justification is that this is to keep the short title within the scope of the Bill since there is no provision relating to physical activity.

MR KIRYOWA KIWANUKA: I have no objection.

THE CHAIRPERSON: Minister?

MR OGWANG: No objection.

THE CHAIRPERSON: Private Member?

MR MAGOGO: No objection.

THE CHAIRPERSON: I put the question that the short title of the Bill be substituted with, “National Sports Bill”.

(Question put and agreed to.)

The short title, as amended, agreed to.

MOTION FOR THE HOUSE TO RESUME

7.24

THE MINISTER OF STATE FOR EDUCATION AND SPORTS (SPORTS) Mr Peter Ogwang: Madam Chairperson, I move a motion that the House do resume and the Committee of the whole House reports thereto.

THE CHAIRPERSON: I put the question that the House does resume and the Committee of the whole House reports thereto.

(Question put and agreed to.)

(The House resumed, the Speaker presiding.)

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

7.24

THE MINISTER OF STATE FOR EDUCATION AND SPORTS (SPORTS) Mr Peter Ogwang: Madam Speaker, I beg to report that the Committee of the whole House has considered “The Physical Activity and Sports Bill, 2022” and passed it with amendments.

MOTION FOR ADOPTION OF THE
REPORT OF THE COMMITTEE OF THE
WHOLE HOUSE

7.25

THE MINISTER OF STATE FOR EDUCATION AND SPORTS (SPORTS) (Mr Peter Ogwang): Madam Speaker, I beg to move that the House adopts the report from the Committee of the whole House.

THE SPEAKER: I put the question that the House adopts the report from the Committee of the whole House.

(Question put and agreed to.)

Report adopted.

THE SPEAKER: *[Mr Odur rose]* I do not have anything for recommittal. I am surprised you are just bringing recommittal and you did not give us notice.

MR ODUR: Madam Speaker, I will read to you rule 138 -

THE SPEAKER: What are you committing?

MR ODUR: I will read rule 138(2). It says, "A notice of motion for recommittal is not required and if the motion is agreed to, the Bill shall stand so recommitted and the House shall proceed, in accordance with subrule (1) of rule 131, to resolve itself into a Committee of the whole House to consider the Business recommitted."

Madam Speaker, the rule, therefore, does not require me to give you any notice.

THE SPEAKER: What are you committing?

MR ODUR: I beg to move that the House do recommit Clause 54 of the Physical Activity and Sports Bill, 2022. I beg to move.

THE SPEAKER: Which clause?

MR ODUR: Clause 54 of the Physical Activity and Sports Bill, 2022.

THE SPEAKER: Honourable members, I am putting the question that the House recommits clause 54.

(Question put and negatived.)

BILLS
THIRD READING

THE PHYSICAL ACTIVITY AND SPORTS
BILL, 2022

7.28

THE MINISTER OF STATE FOR EDUCATION AND SPORTS (SPORTS) (Mr Peter Ogwang): Honourable members, I beg to move that the National Sports Bill, 2022, be read a third time and do pass.

THE SPEAKER: I put the question that the National Sports Bill, 2022 be read for a third time and do pass.

(Question put and agreed to.)

A BILL FOR AN ACT ENTITLED "THE
NATIONAL SPORTS ACT, 2023"

THE SPEAKER: Bill passed and title settled.
(Applause)

7.29

MR JOHN TWESIGYE (NRM, Bunyaruguru County, Rubirizi): I would like to take this opportunity to thank you, Madam Speaker, for the intense exercise we have gone through. I thank you very much for giving us an opportunity to be able to conclude this Bill.

Secondly, I would like to thank the whole House; honourable colleagues, members of my committee, the Attorney-General and the private Member for supporting the committee to come up with this new business that we have concluded. I thank you very much. May God bless you.

THE SPEAKER: Thank you. Shadow minister and then the minister.

7.30

MR GEOFFREY KAYEMBA (NUP, Bukomansimbi South County, Bukomansimbi): Thank you very much, Madam Speaker. I want to thank the House for the step taken since 1964. Although we have a lot of amendments to make in the near future, at least now you have made the first step for the sports world. Thank you very much.

7.31

THE MINISTER OF STATE FOR EDUCATION AND SPORTS (SPORTS) (Mr Peter Ogwang): Thank you very much, Madam Speaker. I want to begin by thanking Eng. Moses Magogo. I thank Members, the Chairperson of the Committee on Education and Sports and all the members of the committee.

In a special way, I would like to thank all of you, colleagues, for the good work we have done as far as the management of the sport sub-sector is concerned. I am very happy that I have now joined a sector where I have an up to date law which is going to help all of us manage the affairs of sports in this country. Let us first congratulate ourselves for this. *(Applause)*

I would like to thank my Minister of Education and Sports. Of course, in a special way, I thank the Attorney-General. Thank you very much for the good work you have done. I know it has been a long one, but thank you for guiding us up to this moment when we have passed this law.

Madam Speaker, I would like to thank my predecessor, Hon. Hamson Obua *–(Applause)* – because the initiation of this law started with him. I am not happy today that he has been very quiet. I have been here on the firing line while he is there. I thought he would have helped me, but I am happy he handed over the office to me.

Last, but not least, let me thank Hon. Asuman Basalirwa, Hon. Jonathan Odur and the Leader of the Opposition for the amendments they brought which helped us in supplementing the efforts of this Bill. I thank you.

I also thank our technical people from the Attorney-General Chambers, the Parliamentary Commission and the Ministry of Education and Sports for the work done. Thank you very much. I say all this for God and my country.

Madam Speaker, above all, I thank you for guiding us. I think this has been the first Bill where you have insisted repeatedly; “Go back and harmonise”. No wonder we have not had any controversial issues. Thank you.

THE SPEAKER: Hon. Magogo and then Attorney-General. Honourable members, Hon. Asuman has a point. Attorney-General, I would like you to resolve the issues of Nakivubo. Can we have the issues of Nakivubo resolved?

7.33

THE ATTORNEY-GENERAL (Mr Kiryowa Kiwanuka): Madam Speaker, first of all, I thank you very much for the stewardship you have given us today. I have been engaging with my learned friend, Hon. Basalirwa and he knows that he advised me and I took the advice. We shall ensure that the property in Nakivubo is protected for the benefit of all our people. I beg to submit.

7.34

MR MOSES MAGOGO (NRM, Budiope East County Buyende): Madam Speaker, this is a historic moment for us. Since 1964 and despite several attempts, today this House takes the credit that we have now come up with a modern sports law to govern the subsector. In the interest of time, I may not thank everybody, but I would like to thank everyone who has made a contribution in different capacities; technical, legal and whatever perspective.

I would like to thank Hon. Basalirwa, the seconder of the motion, the Attorney-General and of course, the minister and the entire Government apparatus.

I would like to also inform this House that this particular Bill is likely to be assented to easily because we have moved along with the Attorney-General and he has been in agreement

with everything. I do not expect that there should be any other challenge that this law is not assented to.

Let me also take this opportunity to inform this House that we shall have a better sports sector that is providing employment to very many young people and to the benefit of those who are investing in sports. I beg to move.

THE SPEAKER: But you have not thanked me –*(Laughter)* – Private member, I want to be thanked.

MR MAGOGO: Madam Speaker, I started by thanking you and also crediting you; that it is history that you chaired this House that passed this historic moment. *(Laughter)*

THE SPEAKER: Honourable members, in a very special way, I want to thank the Members of Parliament who have endured to stay here up to this time. You are very special Members of Parliament.

Hon. Odur, I love your brains –*(Applause)*– I am not just being sarcastic. You have been instrumental. Leader of the Opposition, thank you for guiding the House. Attorney-General, this is a Bill that we have made together. I believe it will be assented to.

Thank you very much for your time. Thank you for everything. Hon. Moses, thank you for bringing the Bill. Honourable Minister, Hon. Peter, you have been in Parliament throughout regarding harmonisation. The Government Chief Whip, thank you for whipping everybody towards this and in a very special way, Thank you, Hajji Basalirwa, the seconder.

Honourable members, we had promised that we were going to continue with NSSF, but one of the ministers who is mentioned in that report, Hon. Kasaija, the Minister for Finance, is not here. We do not want it said that a verdict was passed when he was not in the House. We are now going to push this to Tuesday when all of them are aware that they have to be in the House.

Honourable members, kindly allow us push this to Tuesday. After the debate, in the evening, we will travel for Women’s Day. The essence of my postponing this debate is because of one minister who is missing and they are all crucial in the decisions that we are going to take. It is the principle of fair hearing. Are we together, honourable members? I now adjourn the House to Tuesday at 2 o’clock.

(The House rose at 7.38 p.m. and adjourned until Tuesday, 7 March 2023 at 2.00 p.m.)