

BILLS SUPPLEMENT

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Bill No. 35

*Non-Governmental Organisations
(Amendment) Bill*

2024

**THE NON-GOVERNMENTAL ORGANISATIONS
(AMENDMENT) BILL, 2024**

MEMORANDUM**1. Policy and principles of the Bill**

The policy behind the Bill is to give effect to the Government Policy for Rationalisation of Government Agencies and Public Expenditure (RAPEX) which was adopted by the Cabinet on 22nd February 2021.

2. Defects in existing law

The Constitution establishes a definite number of Government agencies, including constitutional commissions, authorities, boards, local councils and other statutory bodies. These were established to perform certain specified constitutional functions. Over the years, however, there has been a proliferation of agencies established by Acts of Parliament, Executive Orders and administrative arrangements. Whereas most of the agencies are necessary due to the critical nature of the functions they perform, Government has established that a certain limited number of agencies were established without due consideration to the aspects of institutional harmony, functional duplications, overlaps and affordability. Government has also established that some agencies have served the purpose for which they were established. The mandate of a few other agencies has been overtaken by events. Such agencies need to be rationalised.

More importantly, the proliferation of agencies has created mandate overlaps and jurisdictional ambiguities among the agencies. Additionally, the high cost of administering the agencies has drained the national treasury at the expense of effective service delivery. This has overstretched the capacity of Government to sustain them. Government has also established that the generous salary structures of the agencies has created salary disparities between employees of the agencies and public officers in the traditional civil service leading to demotivation of human resources in the mainstream public service.

3. Remedies proposed in the Bill

The intention of the Bill is to amend the Non-Governmental Organisations Act, 2016, Act 5 of 2016, to—

- (a) enable the mainstreaming and rationalisation of the functions of the National Bureau of Non-Governmental Organisations into the Ministry responsible for internal affairs thereby, *inter alia*, relieving the Government of the financial drain on its resources and the burden of wasteful administration and expenditure of maintaining a fully-fledged corporate National Bureau of Non-Governmental Organisations yet the functions of the Bureau may be performed by a department in the Ministry like it was before 2016 when the Bureau was a department in the Ministry;
- (b) facilitate efficient and effective service delivery by clearly delineating the mandates and functions of the Ministry responsible for internal affairs in relation to the functions of the Bureau and other government agencies and departments, thereby avoiding duplication of mandates and functions;
- (c) promote coordinated administrative arrangements, policies and procedures for—

- (i) ensuring the efficient and successful management, financial accounting and budgetary discipline of government agencies and departments;
 - (ii) enabling the Government to play its proper role more effectively; and
 - (iii) enforcing accountability;
- (d) to restructure and re-organise the Bureau by eliminating bloated structures and functional ambiguities in order to operate effectively as a department in the Ministry.

4. Provisions of the Bill

The Bill has 25 clauses. Clause 2 of the Bill provides for the objectives of the Bill. Clause 3 provides for the purpose of amendment of the Non-Governmental Organisations Act, 2016, which is to mainstream the functions of the National Bureau of Non-Governmental Organisations into the Ministry responsible for internal affairs. Clause 4 seeks to dissolve the National Bureau of Non-Governmental Organisations as a distinct legal entity and re-establish it as a department within the structure of the Ministry responsible for internal affairs.

MAJ. GEN. (RTD) KAHINDA OTAFIIRE
Minister for Internal Affairs.

**THE NON-GOVERNMENTAL ORGANISATIONS (AMENDMENT)
BILL, 2024****ARRANGEMENT OF CLAUSES***Clause*

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A Bill for an Act

ENTITLED

**THE NON-GOVERNMENTAL ORGANISATIONS
(AMENDMENT) BILL, 2024**

An Act to amend the Non-Governmental Organisations Act, 2016, Act 5 of 2016; mainstream the functions of the National Bureau of Non-Governmental Organisations into the Ministry responsible for internal affairs in order to give effect to the Government Police on Rationalisation of Government Agencies and public Expenditure, and for related purposes.

BE IT ENACTED by Parliament as follows:

1. Interpretation

In this Act, unless the context otherwise requires—

“agency” means a body established by an Act of Parliament and includes an authority;

“commission” means a body established by the Constitution;

“Government” means the Government of Uganda.

“Ministry” means the Ministry responsible for internal affairs.

2. Objectives

(1) The main objective of this Act is to give effect to the Government Policy for Rationalisation of Government Agencies and Public Expenditure adopted by the Cabinet on 22nd February, 2021 and contained in Cabinet Minute No. 43(CT 2021).

(2) Without prejudice to the general effect of subsection (1), the following objectives shall be deemed to fall under the objective specified in that subsection—

- (a) the merging, mainstreaming and rationalisation of agencies, commissions, authorities and public expenditure thereby, *inter alia*, relieving the Government of the financial drain on its resources and the burden of wasteful administration and expenditure;
- (b) the facilitation of efficient and effective service delivery by clearly delineating the mandates and functions of government agencies and departments and thereby avoiding duplication of mandates and functions;
- (c) the promotion of coordinated administrative arrangements, policies and procedures for—
 - (i) ensuring the efficient and successful management, financial accounting and budgetary discipline of government agencies and departments;
 - (ii) enabling the Government to play its proper role more effectively; and
 - (iii) enforcing accountability; and
- (d) the restructuring and re-organisation of agencies and departments of Government by eliminating bloated structures and functional ambiguities in Government agencies and departments.

3. Purpose of amendment of Act 5 of 2016

(1) The purpose of amendment of the Non-Governmental Organisations Act, 2016, Act 5 of 2016 is to mainstream the functions of the National Bureau of Non-Governmental Organisations into the Ministry responsible for internal affairs.

(2) The amendment dissolves the board of directors of the National Bureau of Non-Governmental Organisations as a distinct legal entity and re-establishes it as a Government department within the structure of the Ministry responsible for internal affairs.

4. Dissolution of National Bureau of Non-Governmental Organisations

(1) On the commencement of this Act, the National Bureau of Non-Governmental Organisations established under Act 5 of 2016 as a distinct legal entity shall be dissolved.

(2) The National Bureau of Non-Governmental Organisations shall continue to exist under this Act as a government department, within the structure of the Ministry responsible for internal affairs.

5. Amendment of long title to Act 5 of 2016

The long title to the Non-Governmental Organisations Act, 2016, hereinafter referred to as the “principal Act”, is amended by repealing the words “to provide for the board of directors”.

6. Amendment of section 3 of principal Act

Section 3 of the principal Act is amended by repealing the definitions of “board of directors”, “Chairperson” and “Executive Director”.

7. Amendment of section 5 of Act 5 of 2016

Section 5 of the principal Act is amended by repealing subsections (2) and (3).

8. Amendment of section 6 of principal Act

Section 6 of the principal Act is amended by repealing paragraph (c).

9. Amendment of section 8 of principal Act

Section 8 of the principal Act is amended by substituting for “Executive Director” wherever it appears the word “secretary”.

10. Substitution of title to Part III of principal Act

For the title of Part III of the principal Act, there is substituted the following—

“PART III—COMPOSITION OF BUREAU”

11. Amendment of section 9 of principal Act

Section 9 of Act 5 of the principal Act is amended—

(a) by substituting for the headnote, the following—

“9. Composition of Bureau”

(b) by repealing subsection (1);

(c) by substituting for subsection (2) the following—

“(2) The members of the bureau shall be appointed by the Minister and approved by Cabinet and shall consist of—

(a) a chairperson;

(b) a vice chairperson;

(c) two representatives from the non-governmental organisations sector in Uganda; and

(d) three other persons.”;

- (d) in subsection (3) by substituting for “board of directors” the word “Bureau”;
- (e) in subsection (4) by substituting for “board of directors” the word “Bureau”;
- (f) in subsection (5) by substituting for “board of directors” the word “Bureau”;
- (g) in subsection (6) by substituting for “board of directors” wherever it appears the word “bureau”; and
- (h) in subsection (7) by substituting for “board of directors” the word “Bureau”.

12. Amendment of section 10 of principal Act

Section 10 of the principal Act is amended by substituting for “board of directors” wherever it appears the word “Bureau”.

13. Repeal of section 11 of principal Act

Section 11 of the principal Act is repealed.

14. Amendment of section 12 of principal Act

Section 12 of the principal Act is amended by substituting for “board of directors” wherever it appears the word “bureau”.

15. Amendment of section 13 of principal Act

Section 13 of the principal Act is amended by substituting for “board of directors” wherever it appears the word “bureau”.

16. Amendment of section 14 of principal Act

Section 14 of the principal Act is amended by substituting for “board of directors” wherever it appears the word “bureau”.

17. Substitution of title to Part IV of principal Act

For the title of Part IV of the principal Act, there is substituted the following—

“PART IV—COMMITTEES OF BUREAU”

18. Amendment of section 15 of principal Act

Section 15 of the principal Act is amended by substituting for “board of directors” the word “bureau”.

19. Substitution of title to Part V of principal Act

For the title of Part V of the principal Act, there is substituted the following—

“PART V—SECRETARIAT OF THE BUREAU”

20. Substitution of section 16 of principal Act

For section 16 of the principal Act, there is substituted the following—

“16. Secretariat of Bureau

(1) The Bureau shall have a secretariat in the Ministry which shall be headed by a secretary whose office shall be a public office within that Ministry.

(2) The secretary, shall be appointed by the Minister, in consultation with the Ministry responsible for the public service.

(3) The secretary shall not be a member of the Bureau

(4) The secretary shall be responsible for—

(a) the day to day operations of the Bureau;

(b) the management of the funds of the Bureau;

(c) the administration and management of the property of the Bureau;

- (d) the supervision and control of the officers and other staff of the Bureau;
- (e) keeping a register of registered organisations;
- (f) implementing the decisions of the Bureau;
- (g) reporting to the Ministry on the operations of the Bureau;
- (h) certifying documents upon payment of the prescribed fee; and
- (i) performing any other functions assigned to him or her by the Bureau.”

21. Repeal of section 17 of principal Act

Section 17 of the principal Act is repealed.

22. Repeal of section 18 of principal Act

Section 18 of the principal Act is repealed.

23. Repeal of Part VII of principal Act

Part VII (sections 22, 23, 24, 25, 26, 27, 28) of the principal Act is repealed.

24. Repeal of section 42 of principal Act

Section 42 of the principal Act is repealed.

25. Savings

(1) On the commencement of this Act, all the property, assets, rights, obligations, and liabilities of the National Bureau of Non-Governmental Organisations as established by Act 5 of 2016 shall vest in the Government of Uganda under the Ministry responsible for internal affairs.

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(2) Any proceedings commenced by or against the National Bureau of Non-Governmental Organisations as established by Act 5 of 2016 may be continued by or against the Attorney General.

(3) A licence, permit, certificate or authorisation issued by the National Bureau of Non-Governmental Organisations which is in force immediately before the commencement of this Act shall have effect from the commencement of this Act as if granted by the Bureau under this Act.

(4) The terms and conditions including the rights and obligations under a licence, permit, certificate or authorisation in force immediately before the commencement of this Act, shall not be less favourable than those that applied immediately before the commencement of this Act.

(5) The board of directors and staff of the National Bureau of Non-Governmental Organisations serving immediately before the commencement of this Act shall be paid their terminal benefits in accordance with the terms and conditions of their service.

(6) Compensation is not payable to any member of the board of directors of the National Bureau of Non-Governmental Organisations for loss of office resulting from the abolition of the board of directors by this Act.

(7) The staff of the National Bureau of Non-Governmental Organisations serving immediately before the commencement of this Act may be redeployed to serve in the public service subject to availability of positions.