
BILLS**SUPPLEMENT No. 1****15th February, 2024****BILLS SUPPLEMENT***to The Uganda Gazette No. 14, Volume CXVII, dated 15th February, 2024*Printed by UPPC, Entebbe, by Order of the Government.

Bill No. 2 *National Records and Archives (Amendment) Bill* 2024**THE NATIONAL RECORDS AND ARCHIVES
(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, therefore, is to —

- (a) enable the mainstreaming of the National Records and Archives Agency thereby, *inter alia*, relieving the Government of the financial drain on its resources and the burden of wasteful administration and expenditure;
- (b) facilitate efficient and effective service delivery by clearly delineating the mandates and functions of the Ministry in respect to the agency, 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 the National Records and Archives Agency;
 - (ii) enabling the Government to play its proper role more effectively; and
 - (iii) enforcing accountability;
- (d) to restructure and re-organise National Records and Archives Agency by eliminating bloated structures and functional ambiguities.

4. Provisions of the Bill

Clause 1 provides for the objectives of this Act as contained in the Government Policy for Rationalisation of Government Agencies and Public Expenditure (RAPEX). Clause 3 states that on the commencement of this Act, the National Records and Archives Agency established by the National Records and Archives Act, 2001, shall be dissolved. Clauses 4 to 20 seek to amend the Act to mainstream the functions of the agency into the Ministry responsible for the public service.

WILSON MURULI MUKASA
Minister of Public Service.

**THE NATIONAL RECORDS AND ARCHIVES (AMENDMENT)
BILL, 2024**

ARRANGEMENT OF CLAUSES

Clause

1. Interpretation
2. Objectives of this Act
3. Dissolution of National Records and Archives Agency
4. Amendment of section 2 of principal Act
5. Amendment of heading of Part II of principal Act
6. Substitution of section 4 of principal Act
7. Amendment of section 5 of principal Act
8. Amendment of principal Act
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10. Amendment of section 8 of principal Act
11. Amendment of section 12 of principal Act
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17. Amendment of section 31 of principal Act

18. Substitution of section 32 of principal Act
19. Repeal of section 33 of principal Act
20. Repeal of Second Schedule to principal Act

A Bill for an Act

ENTITLED

**THE NATIONAL RECORDS AND ARCHIVES
(AMENDMENT) ACT, 2024**

An Act to mainstream the functions of the National Records and Archives Agency into the Ministry responsible for the public service and for related purposes.

BE IT ENACTED by Parliament as follows:

1. Interpretation

In this Act, unless the context otherwise requires—

“Agency” means the National Records and Archives Agency established by the Act;

“Government” means the Government of Uganda;

“Ministry” means the Ministry responsible for the public service.

2. Objectives of this Act

(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. Dissolution of National Records and Archives Agency

On the commencement of this Act, the National Records and Archives Agency established by the National Records and Archives Act, 2001, Act 12 of 2001 shall be dissolved.

4. Amendment of section 2 of Act 12 of 2001

Section 2 of Act 12 of 2001, hereinafter referred to as the “principal Act” is amended—

- (a) by repealing the definitions of “Advisory Committee”, “Agency” and “Director”; and
- (b) in the definition of “currency point” by substituting for “First Schedule” the word “Schedule” and repealing “First Schedule” wherever it appears in the principal Act and substituting for it the word “Schedule”.

5. Amendment of heading of Part II of principal Act

For the heading of Part II of the principal Act, there is substituted the following—

PART II—ADMINISTRATION OF ACT”

6. Substitution of section 4 of Act 12 of 2001

For section 4 of the principal Act, there is substituted the following—

“4. Administration of Act

This Act shall be administered by the Ministry responsible for the public service.”.

7. Amendment of section 5 of principal Act

Section 5 of the principal Act is amended—

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

“5. Functions of the Ministry”;

- (b) by substituting for “Agency” the word “Ministry”.

8. Amendment of Act of principal Act

For the word “Director” wherever it appears in the principal Act, there is substituted the word “Ministry”.

9. Repeal of section 6 of principal Act

Section 6 of the principal Act is repealed.

10. Amendment of section 8 of principal Act

Paragraph (c) of section 8 of the principal Act is amended by substituting for “his or her” the word “its”.

11. Amendment of section 12 of principal Act

Section 12 of the principal Act is amended—

- (a) in paragraph (b) by substituting for “his or her” the word “its”;
- (b) in paragraph (c) by substituting for “his or her” the word “its”;
- (c) in paragraph (d) by substituting for “his or her” the word “its”; and
- (d) in paragraph (e) by substituting for “his or her” the word “its”.

12. Amendment of section 13 of principal Act

Section 13 of the principal Act is amended —

- (a) in subsection (1)(b) by substituting for “his or her” the word “its”;
- (b) in subsection (1)(e) by substituting for “his or her” the word “its”;
- (c) in subsection (1)(f) by substituting for “his or her” the word “its”;
- (d) in subsection (1)(g) by substituting for “his or her” the word “its”;
- (e) in subsection (2) by substituting for “his or her” the word “its”; and
- (f) in subsection (2)(c) by substituting for “his or her” the word “its”.

13. Amendment of section 16 of principal Act

Section 16 of the principal Act is amended—

- (a) in subsection (1) by substituting for “his or her” the word “its; and
- (b) in subsection (3) by substituting for “his or her” the word “its.

14. Amendment of section 18 of principal Act

Section 18(1) of the principal Act is amended by substituting for “his or her” the word “the Ministry’s”;

15. Repeal of Part VI of Act 12 of 2001

The principal Act is amended by repealing Part VI consisting of sections 24, 25, 26, 27, 28 and 29.

16. Repeal of section 30 of principal Act

Section 30 of the principal Act is repealed.

17. Amendment of section 31 of principal Act

For section 31 of the principal Act, there is substituted the following—

“31. Regulations

The Minister may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or which are necessary or convenient to be prescribed, for giving full effect to the provisions of this Act.”.

18. Substitution of section 32 of principal Act

For section 32 of the principal Act, there is substituted the following—

“32. Amendment of Schedule

The Minister may, with the approval of Cabinet, by statutory instrument amend the Schedule.”.

19. Repeal of section 33 of principal Act

Section 33 of the principal Act is repealed.

20. Repeal of Second Schedule to principal Act

The Second Schedule to the principal Act is repealed.