

THE REGISTRATION OF PERSONS BILL, 2014

ARRANGEMENT OF CLAUSES

Clause

PART I—PRELIMINARY

1. Application.
2. Purpose of the Act.
3. Interpretation.

PART II—NATIONAL REGISTRATION AND
IDENTIFICATION AUTHORITY

4. Establishment of the National Registration and Identification Authority.
5. Functions of the Authority.
6. Cooperation with other agencies.
7. Powers of the Authority.
8. Powers of Minister
9. Board of the Authority.
10. Disqualification from appointment
11. Tenure of office of members of the Board.
12. Remuneration of members of the Board.
13. Functions of the Board.
14. Meetings of Board and related matters.
15. Committees of the Board.
16. Delegation of functions of the Authority.

PART III—STAFF OF THE AUTHORITY.

17. Executive Director.
18. Functions of Executive Director.
19. Secretary to the board.
20. Other officers and staff of Authority.

PART IV—FINANCES

21. Funds of Authority.
22. Duty to operate on sound financial principles.
23. Power to open and operate bank accounts.

Clause

24. Borrowing powers.
25. Investment of surplus funds.
26. Estimates.
27. Financial year of Authority.
28. Accounts and audit.

PART V—COMPULSORY REGISTRATION

29. Compulsory registration.
30. Registration requirements.
31. Registration period.
32. Cancellation of registration.

**PART VI—REGISTRATION CENTRES AND RESPONSIBILITIES OF
REGISTRATION OFFICERS.**

33. Designation of registration centres in Uganda.
34. Registration centres abroad.
35. Responsibilities of registration officers.
36. Non-disclosure of information by registration officers.

PART VII—NATIONAL IDENTIFICATION REGISTER.

37. National Identification Register.
38. Content of Register.
39. Continuous update of information.
40. Use of information in the register.
41. Mandatory use of national identification cards.
42. Access to information.

**PART VIII—NATIONAL IDENTIFICATION CARDS AND
RELATED PROVISIONS.**

43. National identification number.
44. National identification card.
45. Cancellation of national identification card.
46. Surrender of national identification card.
47. Aliens identification number.
48. Alien's identification card.
49. Cancellation of alien's identification card.
50. Surrender of alien's card.

Clause

PART IX—OFFENCES AND PENALTIES.

51. Registration offences.
52. Offences relating to identification cards.
53. Offences relating to production of identification cards.
54. Unauthorised disclosure, submission or transfer of information from the Register.

PART X—MISCELLANEOUS

55. Protection of members and employees from personal liability.
56. Review of decision of Authority and appeal.
57. Amendment of Schedules.
58. Regulations.
59. Consequential amendments.
60. Transitional provisions.

SCHEDULES

A Bill for an Act

ENTITLED

THE REGISTRATION OF PERSONS ACT, 2014.

An Act to harmonise and consolidate the law on registration of persons; to provide for registration of individuals; to establish a national identification register; to establish a national registration and identification authority; to provide for the issue of national identification cards and aliens identification cards and for related matters.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Application.

- (1) This Act applies to the registration of all persons in Uganda.
- (2) Notwithstanding subsection (1), this Act does not apply—
 - (a) to a person who is not a resident or a person visiting Uganda for a period not exceeding ninety days;
 - (b) to a refugee recognised by the Government and the United Nations High Commissioner for Refugees.

2. Purpose of the Act.

The purpose of this Act is—

- (a) to remove duplication from the processes and laws relating to registration of persons;

- (b) to harmonise and consolidate the law on registration of persons;
- (c) to establish a central registration body for the registration of all persons in Uganda;
- (d) to establish a national identification register of all persons in Uganda; and
- (e) to provide for access and use of the information contained in the national identification register.

3. Interpretation.

In this Act, unless the context otherwise requires—

“alien” means a person who is not a citizen of Uganda;

“alien’s identification card” means an alien’s identification card issued under this Act;

“applicant” means an individual who makes an application for an entry to be made in the Register or for the issue or re-issue of a national identification card or aliens identification card;

“Authority” means the National Identification and Registration Authority established under this Act;

“Board” means the Board of the Authority established under this Act;

“citizen” means a citizen of Uganda;

“currency point” has the value assigned to it in Schedule 1;

“data” means facts or information which may be—

- (a) recorded with the intention that it may be processed;
- or

- (b) recorded as part of a relevant filing system or with the intention that they form part of a relevant filing system.

“document” includes any medium in which information is recorded, whether printed or on tape or film or by electronic means or otherwise and a map, diagram, photograph, film, microfilm, video-tape, sound recording, machine-readable record, or any record which is capable of being produced from a machine-readable record by means of equipment or a programme or a combination of both and which is used for that purpose by the authority which holds the record;

“electronic database” means a collection of electronic records organised for ease and speed of search and retrieval using specific data management software;

“Executive Director” means the Executive Director of the National Identification and Registration Authority;

“fingerprint” means a record of the unique pattern of curves formed by the ridges and valleys and other characteristics of the fingers of an individual;

“holder” means an individual to whom the lawful possession of a national identification card or alien’s identification card has been granted under this Act;

“identity data” means the physiographic characteristics of an individual including the biometric information of an individual required for the purpose of establishing that individual’s identity;

“identity document” includes the following—

- (a) birth certificate;

- (b) baptism certificate;
- (c) birth weighing card;
- (d) a voter's identification card;
- (e) an immigration document;
- (f) a valid Uganda or foreign passport or a document that may be used in place of a passport;
- (g) a valid driving licence;
- (h) a valid residence permit; or
- (i) a certificate of acquired citizenship;

“information” means data about a person that is recorded in any form including—

- (a) data that relates to the nationality, age or marital status of the person;
- (b) data that relates to the educational level, or occupation of the person or data that relates to a financial transaction in which the person has been involved;
- (c) an identification number, symbol or other particulars assigned to the person; and
- (d) identity data;

“Minister” means the Minister responsible for internal affairs;

“pass” means a special pass, pupils or students pass, prohibited immigrant pass, interstate pass, visitors pass, in-transit pass, dependent pass and reentry pass;

“person” means an individual or natural person;

“record” includes information that is recorded in any form or in any medium of writing, print, photographic, electronic or otherwise, but does not include a computer programme or other mechanism that can produce a record;

“refugee” means, subject to the Constitution, a person who is recognised as a refugee by the Government and the United Nations High Commissioner for Refugees (UNHCR) under the relevant refugee instruments and the Refugees Act, 2006;

“Register” means the national identification register established under this Act;

“residence permit” means a permit granted to a foreign national who intends to remain in the country for a substantial period which in the first instance does not exceed four years and may be extended.

PART II—NATIONAL IDENTIFICATION AND REGISTRATION AUTHORITY

4. Establishment of the National Identification and Registration Authority.

(1) There is established a National Identification and Registration Authority.

(2) The Authority 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 moveable 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. Functions of the Authority

(1) The functions of the Authority are—

- (a) to create, manage, maintain and operate the National Identification Register;
- (b) to register citizens of Uganda;
- (c) to register non-citizens of Uganda who are lawfully resident in Uganda;
- (d) to register births and deaths;
- (e) to assign a unique national identification number to every person registered in the Register;
- (f) to issue national identification cards and aliens identification cards;
- (g) to harmonise and incorporate into the Register, where applicable, information from other databases in Government agencies relating to registration of persons;
- (h) to verify and authenticate information relating to the registration and identification of persons;
- (i) to collate information obtained under this Act and reproduce it as may be required, from time to time;
- (j) to ensure the preservation, protection and security of any information or data collected, obtained, maintained or stored in the Register;
- (k) to promote the use of national identification cards to advance the economic, political and social activities in the country;
- (l) to research on the developments in the identity management sector; and

- (m) to perform such other duties which, in the opinion of the Authority, are necessary or expedient for the discharge of its functions under this Act.

(2) In the performance of its functions, the Authority shall observe generally accepted information security practices and procedures, and specific industry or professional rules and regulations.

6. Cooperation with other agencies.

(1) The Authority shall cooperate with other government ministries, departments and agencies in the implementation of this Act.

(2) For the purpose subsection (1) all ministries, departments and agencies of government shall accord to the Authority such assistance as may be necessary to ensure the proper discharge of the functions of the Authority.

7. Powers of the Authority.

In carrying out the functions specified under this Act, the Authority may—

- (a) establish a mechanism for collaboration and promotion of partnerships between various categories of players in the registration and identification of persons sector;
- (b) charge fees for services provided by the Authority.

8. Powers of Minister.

The Minister may give directions in writing to the Authority with respect to the policy to be observed and implemented by the Authority, and the Authority shall comply with those directions.

Board of the Authority

9. Board of the Authority.

(1) The Authority shall have a Board, which shall be the governing body of the Authority.

(2) The Board shall comprise of—

(a) a chairperson;

(b) a representative of—

(i) the Ministry responsible for internal affairs;

(ii) the Electoral Commission;

(iii) the Uganda National Citizenship and Immigration Board;

(iv) the Uganda Registration Services Bureau;

(v) the National Information Technology Authority – Uganda;

(vi) the Solicitor General; and

(vii) the Uganda Bureau of Statistics.

(c) one person to represent the public; and

(d) the Executive Director, who shall have no right to vote.

(3) The chairperson and the person referred to in subsection 2(c) shall be appointed by the Minister from among persons with knowledge and proven experience in any of the following fields registration of persons, law, information and communications technology, public administration, immigration management or national security.

(4) The Minister shall, in appointing the members of the Board, ensure that there is a balance of skills and gender.

10. Disqualification from appointment

A person shall not be appointed to the Board who—

(a) has been convicted of an offence under this Act or of an offence involving dishonesty or fraud by a competent court in Uganda or elsewhere;

- (b) is an undischarged bankrupt, or has made any assignment or arrangement with his or her creditors;
- (c) has been convicted of an offence and sentenced to a term of imprisonment for six months or more without the option of a fine by a competent court in Uganda or elsewhere; or
- (d) is a Member of Parliament, a Minister, a member of a local government council.

11. Tenure of office of members of the Board.

(1) A member of the Board shall hold office for four years and is eligible for reappointment for one further term.

(2) The chairperson and members of the board shall hold office on terms and conditions specified in their instruments of appointment.

(3) A member of the Board may, at any time, resign his or her office by letter addressed to the Minister, giving notice of not less than one month.

(4) The Minister may, at any time, remove a member of the Board only—

- (a) for inability to perform the functions of his or her office arising from infirmity of body or mind;
- (b) for misbehaviour or misconduct;
- (c) for incompetence;
- (d) for absence without prior permission of the chairperson, or without reasonable cause to the satisfaction of the Minister, for more than four consecutive meetings of the Board;
- (e) for bankruptcy or insolvency;

- (f) for conviction of a criminal offence, in Uganda or elsewhere, in respect of which the maximum penalty exceeds six months imprisonment without the option of a fine; or
- (g) where information relating to the conduct of a member, which could have precluded his or her appointment if it had been made available to the Minister, is brought to the attention of the Minister.

(5) Where it appears to the Minister that there is cause to remove a member under subsection (3), the Minister shall notify the member concerned in writing and shall give the member an opportunity to submit his or her explanation to the Minister.

(6) Where a member is removed from office, the Minister may appoint another qualified person to replace the member, and to hold office for the remainder of the term of the previous member.

12. Remuneration of members of the Board.

The chairperson and the members of the Board shall be paid such remuneration as may be specified in their instruments of appointment.

13. Functions of the Board.

(1) The Board is responsible for the general direction and supervision of the Authority.

(2) Without limiting the general effect of subsection (1), the Board shall—

- (a) oversee the operations of the Authority;
- (b) advise the Minister on registration and identification of persons, related policy and strategic issues;
- (c) review and approve business and operating plans, budgets, reports and audited financial statements of the Authority;
- (d) determine the objectives of the Authority;

- (e) establish and approve rules and procedures for appointment, promotion, termination, discipline, and terms and conditions of service of the staff of the Authority;
- (f) provide guidance to the Executive Director and staff of the Authority;
- (g) review the management of the Authority; and
- (h) perform any other function conferred by this Act or which may be necessary for the proper implementation of this Act.

14. Meetings of the Board and related matters.

Schedule 2 has effect in relation to meetings of the Board and other matters provided for in that Schedule.

15. Committees of Board.

- (1) The Board may appoint committees of the Board—
 - (a) to inquire into and advise the Board on any matter concerning the functions of the Authority as the Board may refer to the committee;
 - (b) to exercise such powers or perform such functions of the Authority as the Board may delegate or refer to the committee.

(2) A committee appointed under subsection (1) shall consist of a chairperson and other persons, whether members of the Board or not, as the Board may determine.

(3) The Board may require a committee appointed under this section to act jointly or in co-operation with any other committee.

(4) The members of a committee appointed under this section may be paid such allowances as the Board may, with the written approval of the Minister, determine.

(5) Subject to any direction given by the Board, a committee appointed under this section may regulate its own procedure.

16. Delegation of functions of Authority.

(1) The Board may, by instrument of delegation, delegate to the chairperson, a member of the Board, an officer of the Authority or to a committee established under section 15, any of the powers, duties or functions of the Authority under this Act.

(2) The terms and conditions regulating the exercise of the powers delegated under this section shall be contained in the instrument of delegation.

(3) A person aggrieved by the decision of a delegate in the exercise of powers under this section may appeal to the Board.

(4) A person shall, in the exercise of a delegated power under this section, comply with directions or guidelines as the Board may, from time to time, issue in writing.

PART III—STAFF OF THE AUTHORITY.**17. Executive Director.**

(1) The Authority shall have an Executive Director who shall be appointed by the Minister on the recommendation of the Board on terms and conditions specified in his or her instrument of appointment.

(2) The Executive Director shall be a person of high moral character and proven integrity, with the relevant qualifications and experience in immigration management, public administration, law, or information and communications technology.

(3) The Executive Director shall hold office for five years and is eligible for reappointment for one further term.

- (4) The Executive Director shall cease to hold office where—
- (a) he or she resigns;
 - (b) he or she is declared or becomes bankrupt or insolvent or has made an arrangement with his or her creditors;
 - (c) he or she is convicted of a criminal offence, in Uganda or elsewhere, in respect of which the maximum penalty exceeds six months imprisonment without the option of a fine;
 - (d) he or she is removed from office by the Board for inability to perform the functions of his or her office arising from infirmity of body or mind; or
 - (e) he or she is removed from office for misbehaviour, misconduct or incompetence.

18. Functions of Executive Director.

(1) The Executive Director is responsible for the day to day operations and administration of the Authority.

(2) Subject to this Act and to the general supervision and control of the Board , the Executive Director is responsible for—

- (a) the implementation of the policies and programmes of the Authority and reporting on them to the Board ;
- (b) the proper management of the funds and property of the Authority;
- (c) the organisation and control of the staff of the Authority;
- (d) the development of an operating plan to guide the Authority in achieving its objectives;
- (e) co-operation with other lead agencies and organisations in matters related to registration of persons;

- (f) the development of an economic, efficient and cost effective internal management structure;
- (g) proposing and implementing the strategic plan, business plan and annual plan of the Authority;
- (h) ensuring that the policies of the Authority are implemented and that the agreed objectives, targets and service standards are met;
- (i) providing advice as required on all matters within the Authority's responsibility; and
- (j) performing any other duty necessary for the implementation of this Act as may be assigned to him or her by the Board.

(3) The Executive Director is answerable to the Board.

19. Secretary to the Board.

(1) There shall be a secretary to the board who shall be appointed by the Board on terms and conditions specified in the instrument of appointment.

(2) The secretary to the Board shall be responsible for—

- (a) arranging the business at meetings of the Board;
- (b) taking minutes of the meetings of the Board;
- (c) keeping the records of the decisions of the Board; and
- (d) performing any other function assigned by the Board.

(3) In the performance of his or her functions, the secretary is answerable to the Executive Director.

20. Other officers and staff of the Authority.

(1) The Board may appoint registration officers and other officers and staff of the Authority as may be necessary for the proper and efficient performance of the functions of the Authority.

(2) The employees appointed under this section shall hold office on such terms and conditions as may be determined by the Board and specified in their instruments of appointment.

(3) The Board shall regulate the manner of appointment, terms and conditions of service and the discipline of the staff appointed under this section.

PART IV—FINANCES.**21. Funds of Authority.**

(1) The funds of the Authority shall consist of—

- (a) money appropriated by Parliament for the purposes of the Authority;
- (b) grants, gifts or donations from the Government or other sources made with the approval of the Minister and the Minister responsible for finance;
- (c) revenue earned from activities of the Authority under this Act;
- (d) fees charged and civil fines and penalties recovered by the Authority; and
- (e) any other funds received by the Authority in the performance of its functions under this Act.

(2) All fees charged for services rendered under this Act by the Authority and civil fines and penalties expressed in monetary terms and recovered by the Authority under this Act shall be retained by the Authority and used to offset the costs of administering this Act.

22. Duty to operate on sound financial principles.

In the performance of its functions under this Act, the Authority shall have due regard to sound financial principles.

23. Power to open and operate bank accounts.

(1) The Board shall open and maintain such bank accounts as are necessary for the performance of the functions of the Authority.

(2) The Executive Director shall ensure that all money received by or on behalf of the Authority is banked as soon as practicable after being received.

(3) The Executive Director shall ensure that no money is withdrawn from or paid out of any of the Authority's bank accounts without the authority of the Board.

24. Borrowing powers.

(1) The Board may, with the approval of the Minister given in consultation with the Minister responsible for finance, borrow money from any source as may be required for meeting its obligations or for the discharge of the functions of the Authority under this Act.

(2) The Authority may, with the prior approval of the Minister for the purpose of any borrowing under subsection (1), charge any asset or property of the Authority with the repayment of any money so borrowed.

25. Investment of surplus funds.

Any funds of the Authority not immediately required for any purpose under this Act may be invested in a manner, which the Board may, with the approval of the Minister, after consultation with the Minister responsible for finance, determine.

26. Estimates.

(1) The Executive Director shall, within three months before the end of each financial year, cause to be prepared and submitted to the Board for its approval, estimates of the income and expenditure of the Authority for the next financial year.

(2) The Board shall, within two months of receipt of the estimates referred to in subsection (1), cause to be submitted to the Minister for his or her approval, the estimates of income and expenditure as approved by the Board.

27. Financial year of Authority.

The financial year of the Authority shall be same as the financial year of Government.

28. Accounts and audit.

(1) The Authority shall keep proper books of accounts and all records relating to the transactions and affairs of the Authority.

(2) The Auditor General or an auditor appointed by the Auditor General shall, in each financial year, audit the accounts of the Authority.

(3) The Auditor General or an auditor appointed by the Auditor General shall within three months after receipt of the accounts submit to the Minister and Parliament a report on the audited accounts of the Authority.

PART V—COMPULSORY REGISTRATION**29. Compulsory registration.**

(1) The following persons shall register with the Authority—

- (a) citizens of Uganda resident in or outside Uganda;
- (b) subject to this Act, alien residents issued with a permit, certificate or pass under the Uganda Citizenship and Immigration Control Act.

(2) In the case of a person—

- (a) below the age of eighteen years, it is the duty of the parent, guardian or other person responsible for the supervision or welfare of the person to take steps to cause the person to be registered; and

- (b) incapacitated by illness, old age or other reason from applying for registration, it shall be the duty of the guardian or other person responsible for the supervision or welfare of the person to take steps to cause the person to be registered.

30. Registration requirements.

(1) For the purposes of registration, every person shall provide to the Authority the information specified in Schedule 3.

(2) The Authority may, before registering a person, require the person to provide proof of the information required for the purposes of this Act.

(3) The Authority may require a person applying to be registered to produce any of the following—

- (a) a birth certificate;
- (b) where applicable, a voter's card, a driving permit, a passport, a baptismal certificate;
- (c) any other information prescribed under the Act.

(4) Where an applicant is unable to produce any of the documents, a relative of the applicant or a person prescribed by the Minister, may identify the applicant under oath.

(5) Without limiting the general effect of subsection (1), an individual—

- (a) who has acquired dual citizenship status shall produce the relevant certificate of the other citizenship;
- (b) who has acquired Uganda citizenship by registration or naturalisation shall produce the certificate of registration or naturalisation.

31. Registration period.

(1) The Minister shall, from time to time, by notice in the Gazette and the mass media, prescribe the dates upon which every person required to register under this Act shall register.

(2) The Minister may divide the persons required to register into different categories and appoint different dates for registration of persons in the different classes of locations.

(3) A person, who is outside Uganda at the time prescribed for registration, shall within thirty days of returning to Uganda attend before a registration officer for registration.

32. Cancellation of registration.

The Authority shall cancel the registration of a person where—

- (a) a person has ceased to be a citizen of Uganda;
- (b) the registration is based on inaccurate or incomplete information;
- (c) the registration was obtained by fraud, false representation, bribery or deceit;
- (d) the card needs to be re-issued due to a defect or other tangible reason.

PART VI—REGISTRATION CENTRES AND RESPONSIBILITIES OF
REGISTRATION OFFICERS

33. Designation of registration centres in Uganda.

(1) The Authority shall by notice in the Gazette designate registration centres for the purpose of registration.

(2) For the purposes of subsection (1), the Authority may use the polling stations created by the Electoral Commission.

(3) Notwithstanding subsection (1), the Authority may adopt other means that it considers appropriate to access persons to be registered.

34. Registration centres abroad.

(1) The official premises of a Uganda Mission shall serve as a registration centre for the purpose of this Act.

(2) Notwithstanding subsection (1), the Board may designate other locations outside Uganda as registration centres after consultation with the Minister responsible for foreign Affairs.

35. Responsibilities of registration officers.

(1) A registration officer shall—

- (a) ensure the accurate recording of information of an applicant;
- (b) exercise control over the registration processes at a registration centre;
- (c) have custody of registration forms, equipment and other materials assigned to the registration centre;
- (d) promptly and in the most practicable manner report any difficulty that is encountered at the registration centre;
- (e) at the conclusion of each registration exercise personally return to the Executive Director each registration form in addition to registration materials in the custody of that registration officer.

36. Non-disclosure of information by registration officers.

A registration officer or a person, who processes personal data on behalf of the Authority, shall treat the information which comes to the knowledge of the person as confidential and shall not disclose the information unless required by law, or in the course of discharging his or her functions.

PART VII—NATIONAL IDENTIFICATION REGISTER.

37. National Identification Register.

(1) The Authority shall establish a National Identification Register.

(2) The register shall be maintained as an electronic database.

38. Content of Register.

The Register shall contain information on all persons required to be registered under this Act.

39. Continuous update of information.

(1) The Authority shall update the information contained in the Register on a continuing basis.

(2) For the purposes of this section, the Authority may use the information from other databases in Government agencies relating to registration of persons to update the Register.

(3) A person registered under this Act shall notify the Authority of any change or error in the information recorded about the person in the Register.

(4) The notification shall be given within thirty days after the change in circumstance occurs or when the person becomes aware of the error.

(5) A person who without reasonable cause fails to comply with subsection (1) or (2), commits an offence and is liable on conviction to a fine not exceeding fifty currency points or imprisonment not exceeding three years or both.

40. Use of information in the register

(1) The information in the Register shall be used for—

(a) issuing national identification cards and alien's identification cards;

- (b) issuing passports;
- (c) immigration and passport control;
- (d) national security purposes;
- (e) statistical purposes;
- (f) monitoring money laundering and human trafficking;
- (g) taxation purposes;
- (h) law enforcement;
- (i) public administration;
- (j) providing social services, including social security services, health, education and welfare benefits;
- (k) facilitating the provision of information to a person entitled to receive the information; or
- (l) any other purpose as may be determined by the Minister.

(2) The Electoral Commission may use the information contained in the Register to compile, maintain, revise and update the voters register.

(3) For the purposes of this section, a ministry, department or agency of Government may access the information contained in the Register.

41. Mandatory use of national identification cards.

(1) A ministry, department or agency of government or any other institution providing a public service shall require a person accessing the service to produce a national identification number or national identification card or alien's identification number or alien's identification card.

(2) For the avoidance of doubt, a ministry, department or agency of government or any other institution providing the following services shall require a person to produce a national identification number or national identification card or alien's identification number or alien's identification card—

- (a) employment;
- (b) identification of voters;
- (c) application for, and issuance of a passport;
- (d) opening of bank accounts;
- (e) purchase of insurance policies;
- (f) the purchase, transfer and registration of land by any individual or any transaction connected with the purchase, transfer and registration of land;
- (g) pension and social security transactions;
- (h) all consumer credit transactions;
- (i) payment of taxes;
- (j) financial services;
- (k) registration services;
- (l) statistical services; or
- (m) any other purpose as may be prescribed by the Minister.

42. Access to information.

(1) Access to the register shall be restricted to the information required by a ministry, department or agency of Government.

(2) The Board shall determine the levels of access relating to information in the Register under this section.

(3) A person other than a ministry, department or agency of Government may access the information in the Register in accordance with Regulations issued by the Board after consultation with the Minister.

PART VIII—NATIONAL IDENTIFICATION CARDS AND RELATED PROVISIONS

43. National identification number.

(1) The Authority shall, upon entering a person's information in the Register, allocate to that person a unique national identification number.

(2) Where any enactment requires a person to prove citizenship, the production of the unique national identification number shall be *prima facie* evidence of citizenship.

44. National identification card.

(1) The Authority shall issue to every citizen allocated a unique national identification number a national identification card.

(2) A national identification card is *prima facie* proof of the particulars contained in it.

(3) An issued national identification card remains the property of the Government.

(4) A national identification card is valid for ten years from the date of issue.

(5) Upon expiry, the Authority may, on the application by the holder, renew a national identification card.

45. Cancellation of national identification card.

The Authority shall cancel a national identification card where—

- (a) the Authority cancels the registration of a person;
- (b) the national identification card is lost, stolen, defaced or damaged, tampered with or destroyed;
- (c) the Authority has modified the information in the Register in relation to the person.

46. Surrender of national identification card.

A person shall surrender the national identification card to the Authority or to the nearest police station where—

- (a) the Authority cancels the registration of a person or the national identification card;
- (b) a person—
 - (i) finds a national identification card that does not belong to that person or comes into possession of one without the authority of the holder or the Authority;
 - (ii) to whom a new national identification card is re-issued, regains possession of the original national identification card; or
 - (iii) comes into possession of a national identification card that has expired, been cancelled, is of a description that the Authority requires to be re-issued or is otherwise invalid.

Alien's identification number and identification card

47. Aliens identification number

The Authority shall, upon entering an alien's information in the Register, allocate to that alien a unique identification number.

48. Alien's identification card

(1) The Authority shall issue to every alien allocated a unique identification number an alien's identification card.

(2) An alien's identification card is *prima facie* proof of the particulars contained in it.

(3) An issued alien's identification card remains the property of the Government.

(4) An alien's identification card is valid for the period of residence or visit.

(5) Upon expiry, the Authority may, on the application by the holder, renew an alien's identification card.

49. Cancellation of alien's identification card.

The Authority shall cancel an alien's identification card where—

- (a) the Authority cancels the registration of a person;
- (b) the alien's identification card is lost, stolen, defaced or damaged, tampered with or destroyed;
- (c) the Authority has modified the information in the Register in relation to the person.

50. Surrender of alien's card.

A person shall surrender the alien's identification card to the Authority or to the nearest police station where—

- (a) the Authority cancels the registration of a person or the alien's identification card;
- (b) a person—
 - (i) finds an alien's identification card that does not belong to that person or comes into possession of one without the authority of the holder or the Authority;
 - (ii) to whom a new alien's identification card is re-issued, regains possession of the original alien's identification card; or
 - (iii) comes into possession of an alien's identification card that has expired, been cancelled, is of a description that the Authority requires to be re-issued or is otherwise invalid.

PART IX—OFFENCES AND PENALTIES

51. Registration offences.

(1) A person who—

- (a) does not register in accordance with this Act;
- (b) gives false information or makes a false statement when providing information for an entry, making a modification to an entry, making a confirmation of the content of an entry or obtaining the issue or re-issue of a national identification card or alien's identity card;
- (c) fraudulently obtains for the use of that person or for the use of another person, a national identification card or alien's identification card;
- (d) forges an identity document for the purpose of registration;
- (c) illegally influences the decision of a registration officer;
- (d) falsely alleges the loss or destruction of that person's national identification card or alien's identification card and applies for a new card while in possession of an identification card or alien's identification card;
- (e) tampers with the Register by causing an unauthorised modification of information in the Register, or preventing or delaying the retrieval of relevant information in a legible form from a computer used for the purposes of this Act,

commits an offence and is liable on conviction to a fine not exceeding forty eight currency points or imprisonment not exceeding three years or both.

52. Offences relating to identification cards

(1) A person who—

- (a) wilfully destroys or attempts to destroy, or mutilates or attempts to mutilate, a national identification card or alien's identification card;
- (b) without authority deprives or dispossesses a holder of his or her national identification card or alien's identification card;
- (c) uses another person's national identification card or alien's identification card;
- (d) unlawfully alters or modifies information on a national identification card or alien's identification card;
- (e) unlawfully keeps or takes possession of a national identification card or alien's identification card that belongs to another person;
- (f) is in possession of more than one national identification card or alien's identification card that is intended to show the person's identity; or
- (g) permits a person to use his or her national identification card or alien's identification card or a national identification card or alien's identification card issued to another person,

commits an offence and is liable on conviction to a fine not exceeding forty eight currency points or imprisonment not exceeding three years or both.

53. Offences relating to production of identification cards.

(1) A person shall not make, produce, manufacture, print, bind, design, distribute any document purporting that document to be a national identification card or alien's identification card.

(2) A person who—

- (a) makes, produces, manufactures, prints, binds, designs, distributes any document purporting that document to be a national identification card or alien's identification card;
- (b) use any equipment or apparatus to produce a document purporting that document to be a national identification card or alien's identification card,

commits an offence and is liable on conviction to imprisonment not exceeding ten years.

54. Unauthorised disclosure, submission or transfer of information from the Register.

A registration officer or any other officer of the Authority who without authority discloses, submits or transfers data from the Register to any other person, commits an offence and is liable on conviction to a fine not exceeding seventy two currency points or imprisonment not exceeding five years or both.

PART X—MISCELLANEOUS

55. Protection of members and employees from personal liability.

A member of the Board or staff of the Authority or a person acting on the directions of such a person is not personally liable for any act or omission done or omitted to be done in good faith in the exercise of the functions of the Authority.

56. Review of decision of Authority and appeal.

(1) A person who is dissatisfied with a decision of the Authority may apply to the Minister.

(2) A person dissatisfied with the decision of the Minister may appeal to court.

57. Amendment of Schedules.

The Minister may, by statutory instrument, amend the Schedules to this Act.

58. Regulations.

(1) The Minister may, by statutory instrument, make regulations to give effect to the provisions of this Act.

(2) Without prejudice to subregulation (1), the Minister may make regulations—

- (a) prescribing the form for the application for registration;
- (b) prescribing conditions and requirements for registration;
- (c) prescribing further information required to be recorded in the Register;
- (d) providing the manner of attending before a registration officer;
- (e) relating to verification of information entered in the Register;
- (f) prescribing the size, description, and content of a national identification card or alien's identification card;
- (g) providing for the procedure for renewal or replacement of a national identification card or alien's identification card;
- (h) providing the manner in which consent of the owner of information may be given to persons or for services not provided for in this Act;
- (i) prescribing the fees for services rendered by the Authority;
- (j) prescribing the manner in which aliens' identification cards may be surrendered in the case of aliens whose period of stay is due to expire or has expired;

- (k) providing for the imposition in respect of the contravention of the regulations of a fine not exceeding seventy two currency points or imprisonment not exceeding five years.

59. Consequential amendments.

(1) The National Citizenship and Immigration Control Act, Cap. 66 is amended—

- (a) by repealing section 7(1)(a) and (e);
- (b) in section 7(2) by repealing the reference to “(a)”;
- (c) by repealing Part IV - sections 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 and 38;
- (d) by repealing sections 56, 67, 68, 69, 70, 71, 72, 73, 74, 79;
- (e) in the Third Schedule by repealing forms D and F

(2) The First Schedule to the Uganda Registration of Services Bureau Act, Cap. 210 is amended by repealing paragraph 2 – the reference to the Births and Deaths Registration Act.

60. Transitional provisions

A national identification card or alien’s identification card issued and valid at the commencement of this Act under any enactment shall remain in force until the card is replaced by a national identification card issued under this Act.

SCHEDULES

SCHEDULE 1

Currency point

One currency point is equivalent to twenty thousand shillings

SCHEDULE 2**Meetings of the Board.****1. Meetings of the Board.**

(1) The Board shall meet at least once every two months at such places and at such times as may be decided upon by the Board.

(2) The chairperson shall preside at every meeting of the Board and in his or her absence, the members present shall elect from among their number, an acting chairperson.

(3) The meetings of the Board shall be convened by the Executive Director.

2. Quorum.

(1) The quorum for a meeting of the Board is five members.

(2) Where a member declares an interest in an agenda item or in a matter before the Board, the member shall not be counted for purposes of forming a quorum in relation to that item or matter in question.

3. Decisions of the Board.

(1) All decisions at a meeting of the Board shall be by simple majority of the votes of the members present and where there is an equality of votes, the person presiding at the meeting shall have a casting vote.

(2) A decision may be made by the Board without a meeting, by the circulation of information electronically or using hard copies, among members of the Board and by the expression of the views of the majority of the members in writing, but any member shall be entitled to require that the decision be deferred and the matter on which a decision is sought be considered at a meeting of the Board.

(3) The validity of any proceedings of the Board shall not be affected by any vacancy amongst the members or any defect in the appointment of a member.

(4) The decision reached by the Board shall be binding on all members.

4. Disclosure of interest.

(1) A member of the Board who has a direct or indirect personal interest in a matter being considered or which is about to be considered by the Board shall, as soon as possible after the relevant facts have come to his or her knowledge, disclose the nature of the interest to the Board.

(2) A disclosure of interest under subparagraph (1) shall be recorded in the minutes of the meeting of the Board and the member who makes the disclosure shall not, unless the Board otherwise determines in respect of that matter—

- (a) be present during any deliberation on the matter by the Board;
- (b) take part in the decisions of the Board.

(3) For the purpose of making a decision by the Board under subparagraph (2), in relation to a member who makes a disclosure under subparagraph (1), the member who makes the disclosure shall not—

- (a) be present during the deliberations of the Board for making the determination;
- (b) influence any other member or participate in the making by the Board of the determination.

(4) Where there is no quorum for the continuation of a meeting only because of the exclusion of a member from the deliberations on a matter in which he or she disclosed a personal interest, the other members present may—

- (a) postpone the consideration of that matter until a quorum, without that member is realised; or
- (b) proceed to consider and decide the matter at a subsequent meeting.

5. Minutes of proceedings.

(1) The Board shall cause the minutes of all proceedings of its meetings to be recorded and kept, and the minutes of each meeting shall be confirmed by the Board at the next meeting and signed by the Executive and secretary to the Board.

(2) The Chairperson shall submit to the Minister a copy of the minutes of each meeting of the Board as soon as the minutes are confirmed.

6. Residual power of Board to regulate its proceedings.

Subject to this Schedule, the Board shall regulate its proceedings and may make rules regarding the holding of meetings, notice to be given, the keeping of minutes or any other matter relating to its meetings.

SCHEDULE 3**Information required at registration**

- (a) Name and date of birth;
- (b) Information relating to citizenship and details of such citizenship;
- (c) Information relating to—
 - (i) sex;
 - (ii) marital status;
 - (iii) details of spouse, where applicable;
 - (iv) details to parents;
 - (v) education and profession;
 - (vi) occupation;
 - (vii) address;
- (d) passport number, where applicable;
- (e) personal biometric information including fingerprint or any other biometric information prescribed by the Minister.

BILLS SUPPLEMENT

to the Uganda Gazette No. 41 Volume CVII dated 18th July, 2014.

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Bill No. 10

Registration of Persons Bill

2014

THE REGISTRATION OF PERSONS BILL, 2014.

MEMORANDUM

1. The object of this Bill is to harmonise and consolidate the law on registration of persons; to provide for registration of individuals; to establish a national identification register; to establish a national registration and identification authority; to provide for the issue of national identification cards and aliens identification cards and for related matters.
2. At present, the registration of persons as citizens of Uganda, the registration of citizens for other lawful purposes and the registration of voters is currently conducted by the Uganda Citizenship and Immigration Control Board under the Uganda Citizenship and Immigration Control Act, Cap. 66, the Uganda Registration Services Bureau Act, Cap. 210, the Electoral Commission under the Electoral Commission Act, Cap. 140 respectively.
3. Registration may also be required if a person wishes to access certain services from Government including a driving permit, medical services, education services, payment of taxes.
4. The information collected by the institutions with the mandate to register persons for one reason or another is of a general nature. Some of the information collected by the various institutions includes the following: name of the person, age, gender, date and place of birth, names of parents and children, tribe, address, marital status, employment status and history.

5. The registration of persons under various laws by collecting essentially the same information creates duplication, and disintegration and implementation of government programmes.
6. There is, therefore, need to have one harmonized law dealing with the registration of persons. A harmonized law creates linkage in the institutions collecting information with the ultimate purpose of doing away with the need to carry out multiple registrations.
7. Also, due to the passage of time, some aspects of the laws dealing with registration of persons have become outdated, especially in the light of the present day policies, international obligations, globalisation and technological developments.

Hence the need to produce a new Bill that harmonises and consolidates the law on registration of persons in Uganda and puts it on a basis fit for the twenty first century.

PROVISIONS OF THE BILL

8. The Bill is a key legislation relating to registration and identification of persons in Uganda. One important principle of the Bill is that it aims at removing duplication in the registration and identification of persons in Uganda by centralising registration and identification into one body.
9. The Bill comprises ten Parts and three Schedules.

PART I OF THE BILL – PRELIMINARY

10. This Part comprises application, purpose of the Act and interpretation.

PART II OF THE BILL – NATIONAL REGISTRATION AND IDENTIFICATION AUTHORITY

11. This part deals with establishment of the National Registration and Identification Authority. It also provides for the functions of the Authority.

The functions of the Authority among others are: to create, manage, maintain and operate the National Identification Register; to register citizens of Uganda; to register non-citizens of Uganda who are lawfully resident in Uganda; to register births and deaths; to assign a unique national identification number to every person registered in the Register; to issue national identification cards and aliens identification cards; to verify and authenticate information relating to the registration and identification of persons (clause 5).

12. This Part further mandates the Authority to cooperate with other government ministries, departments and agencies in the implementation of this Act (clause 6).
13. Clause 9 of this Part creates the Board of the Authority which shall be the governing body of the Authority. Clause 11 provides for the tenure of the members of the Board as four years.

PART III OF THE BILL –STAFF OF THE AUTHORITY

14. This Part deals with all matters relating to the staff of the Authority. The Part provides for an Executive Director who shall be responsible for the day to day operations and administration of the Authority (clauses 17, 18).
15. Clause 20 provides for the appointment of registration officers and other officers and staff of the Authority as may be necessary for the proper and efficient performance of the functions of the Authority.

PART IV OF THE BILL – FINANCES

16. According to clause 21, the funds of the Authority include the following: money appropriated by Parliament for the purposes of the Authority; grants, gifts or donations from the Government or other sources made with the approval of the Minister and the Minister responsible for finance; revenue earned from activities

of the Authority under this Act; fees charged and civil fines and penalties recovered by the Authority; and any other funds received by the Authority in the performance of its functions under this Act.

17. Clause 22 requires the Authority, in its operations, to give regard to sound financial principles.
18. In clause 27, it is stated that the financial year of the Authority shall be same as the financial year of Government.
19. Clause 28(1) requires the Authority to keep proper books of accounts and all records relating to the transactions and affairs of the Authority.

PART V OF THE BILL – COMPULSORY REGISTRATION

20. This Part deals with the compulsory registration of persons in Uganda.
21. Clause 29 provides for the compulsory registration of all persons in Uganda including citizens of Uganda resident in or outside Uganda and in appropriate cases subject to this Act, alien residents issued with a permit, certificate or pass under the Uganda Citizenship and Immigration Control Act.
22. Where the person is below the age of eighteen years, it is the duty of the parent, guardian or other person responsible for the supervision or welfare of the person to take steps to cause the person to be registered (clause 29(2)(a)).
23. Clause 29(2)(b) – where a person is incapacitated by illness, old age or other reason from applying for registration, it shall be the duty of the guardian or other person responsible for the supervision or welfare of the person to take steps to cause the person to be registered.

24. Clause 30 provides for registration requirements which are set out in a Schedule. A person registering may also be required to produce any of the following: a birth certificate; where applicable, a voter's card, a driving permit, a passport, a baptism certificate.
25. Clause 32 deals with cancellation of registration. It provides that the Authority shall cancel the registration of a person where a person has ceased to be a citizen of Uganda, the registration is based on inaccurate or incomplete information, the registration was obtained by fraud, false representation, bribery or deceit or the card needs to be re-issued due to a defect or other tangible reason.

PART VI OF THE BILL – REGISTRATION CENTRES AND RESPONSIBILITIES OF REGISTRATION OFFICERS

26. Clause 33 –the Authority shall by notice in the Gazette designate registration centres for the purpose of registration under the Act but the Authority may adopt other means that it considers appropriate to access persons to be registered.
27. Under clause 34, the official premises of a Uganda Mission shall serve as a registration centre for the purpose of this Act though the Board may designate other locations outside Uganda as registration centres after consultation with the Minister responsible for foreign Affairs.
28. Clause 35 provides for the responsibilities of registration officers which include ensuring the accurate recording of information of an applicant and exercise control over the registration processes at a registration centre. Further a registration officer has to take custody of registration forms, equipment and other materials assigned to the registration centre and promptly and in the most practicable manner report any difficulty that is encountered at the registration centre.

PART VII OF THE BILL – NATIONAL IDENTIFICATION REGISTER

29. This Part provides for the establishment of the National Identification Register. Clause 37(2) provides that the register shall be maintained as an electronic database.
30. Clause 39 provides for the continuous update of the information in the national register.
31. Clause 40 provides for use of the information in the register. The information may be used for issuing national identification cards and alien's identification cards; issuing passports; immigration and passport control; national security purposes; statistical purposes; monitoring money laundering and human trafficking; taxation purposes; law enforcement; public administration; providing social services, including social security services, health, education and welfare benefits; facilitating the provision of information to a person entitled to receive the information.
32. According to clause 41, a ministry, department or agency of government or any other institution providing a public service shall require a person accessing the service to produce a national identification number or national identification card or alien's identification number or alien's identification card.
33. Clause 42 - Access to the register is restricted to the information required by a ministry, department or agency of Government.

PART VIII OF THE BILL – NATIONAL IDENTIFICATION CARDS AND RELATED PROVISIONS

34. This Part provides for the issuance of a unique national identification number and identification cards to persons registered in the Register.

35. Under clause 44(4), a national identification card is valid for ten years from the date of issue.
36. Clause 45 provides for the cancellation of national identification card where the Authority cancels the registration of a person or the national identification card is lost, stolen, defaced or damaged, tampered with or destroyed.

PART IX OF THE BILL – OFFENCES AND PENALTIES

37. This Part sets out the offences and penalties for contravention of the provisions of the Bill.

PART X OF THE BILL – MISCELLANEOUS

38. This Part deals with miscellaneous matters including protection of members and employees of the Authority from personal liability, review of decision of Authority and appeal, amendment of Schedules, power of the Minister to make regulations and repeal and transitional provisions.

GEN. ARONDA NYAKAIRIMA cgsc (MP),
Minister of Internal Affairs.