



PARLIAMENT OF UGANDA

# PARLIAMENTARY DEBATES

(HANSARD)

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OFFICIAL REPORT

SECOND SESSION - THIRD MEETING

TUESDAY, 14 MARCH 2023





PARLIAMENT OF UGANDA

## IN THE PARLIAMENT OF UGANDA

### Official Report of the Proceedings of Parliament

#### SECOND SESSION - 16TH SITTING - THIRD MEETING

**Tuesday, 14 March 2023**

*Parliament met at 1.59 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 know it is a rainy day, but I welcome all of you who have come. I believe the rest are coming, especially the Front Bench. Remember, today we are receiving the ministerial policy statements.

I would like to commend Members for the good work. They are always in the House legislating for their people. Hon. Bahati, we missed you. Welcome back.

Honourable members, pursuant to Section 12 of the Public Finance Management Act, 2015, Parliament is required to analyse the policies and programmes that affect the economy and the annual Budget, where necessary. This is the rationale we are using and we are asking that the ministerial policy statements must be laid on the Table today.

Pursuant to Section 13(13) of the Public Finance Management Act, 2015 and rule 146 of the Rules of Procedure, the Front Bench is required to present the ministerial policy statements for the Financial Year 2023/2024

and that is supposed to be done today. Under our rules, it is supposed to be done by the 15<sup>th</sup>. So, we opted to have it done today so that we have enough time to look at them.

Similarly, under rule 147, the alternative Cabinet led by Hon. Odur is supposed to present its alternative statements by 29 March 2023. We require you to present them early so that we are able to study and forward them to the committees.

Rule 149(1) of the Rules of Procedure requires the sectoral committees of Parliament to look at the ministerial policy statements and by 20 April, they should have reported back to the House. We are, therefore, asking the committee chairpersons to look at these ministerial policy statements and report back to the House before 20<sup>th</sup> because we need time to understand these reports, debate them, and forward them to the Budget Committee. We will have the reports laid on the Table and forwarded to the various committees.

Once again, I would like to thank you for coming. Honourable members, today we have a congested Order Paper. Thank you.

**MR SSEMUJJU:** Thank you, Madam Speaker. At the beginning of this Parliament, you procured a very big tent for bigger meetings to take place at Parliament.

Madam Speaker, I would like to be helped - the President, under Article 101 of the Constitution, may request to address Parliament. However,

there is no way, either in the Constitution or our Rules of Procedure, he must determine the venue to the extent that MPs must be made to test for COVID-19, leave all their items, go to Kololo and be subjected to harassment by his security.

The Constitution says “He may request...” which means it is the meeting of Madam Speaker and her MPs. Madam Speaker, why did we buy a very big tent for big meetings yet we are now abandoning it to be subjected to this inhumane treatment by going to Kololo?

Most important is that the President considers Kololo his venue. Do you remember when we raised points of order? He ran to the microphone and he was the one answering because he thought maybe we were in his compound. Hon. Ssewungu raised a point of order, but he quickly ran to the microphone and started speaking even before getting the permission of the Speaker.

Madam Speaker, can you persuade the President that if he wants to speak to Parliament - we all want to listen to him, but he should come to Parliament; here. If he does not want to speak inside here, we can go outside so that he addresses us from the tent instead of summoning us to what he has turned into his compound.

**THE SPEAKER:** Thank you, Hon. Ssemujju. That is a very good concern. First of all, the point of order raised by Hon. Ssemujju was not correct because when the President is speaking, he must be heard in silence.

Two, the Head of Parliament is the Speaker. The Speaker decided that because of limited space, since we expect all the 555 Members, we opted to have the meeting in an open place. It is not actually the President that decided. If there is anyone to be blamed, then blame your own leader.

Also, Kololo is not the President’s venue. That is our venue as Ugandans. Kololo belongs to us; it does not belong to the President. It is the State House that belongs to the President.

Kololo is not his compound. Just feel free, no one is going to harass you. We will have our session. There was something from Hon. Katusabe.

2.09

**MR ATKINS KATUSABE (FDC, Bukonzo County West, Kasese):** Thank you very much, Madam Speaker, for your very kind heart. I have just alerted you, Madam Speaker – As I was walking into the Chamber, I received a call from my community that an international bridge had given way and collapsed. This is the international border between Bwera, Mpondwe and the actual border.

First of all, we would like to thank Government, specifically the President, that when it gave way in 2020, I alerted the President and he took action by directing the Minister of Works and Transport.

Madam Speaker, I am asking very kindly that in the same spirit, Government undertakes - I have just communicated with the manager, UNRA in Kasese and he is right now on site. The feedback that I have just gotten from the manager is that they do not have capacity to address a challenge of that scale.

I am asking you very kindly to direct the Minister of Works and UNRA to ensure that they mobilise and assemble the technological capabilities and structural support that we need to have that challenge addressed as soon as immediately. I really want to appreciate you for your generosity.

**THE SPEAKER:** Thank you. Government Chief Whip -

2.11

**THE GOVERNMENT CHIEF WHIP (Mr Hamson Obua):** Madam Speaker, this is an occurrence that has just happened and has been reported. I request that the district local government of Kasese makes the report available to the relevant ministry - in my humble opinion, the Ministry of Works and Transport - to see if there is something that can be done in the interim or under an emergency arrangement. I beg to submit.

**THE SPEAKER:** Thank you. Can you get a letter from the district and forward it to the ministry then give us a copy for easy follow-up? There is a procedural matter here.

**MR KATUSABE:** Madam Speaker, thank you very much. I have just gotten feedback from the manager UNRA that he has contacted Kampala and I have also tried to reach out to the minister. It is not the first occurrence; Government has always stepped in and I appreciate that the necessary support needed will be delivered. Thank you very much.

**THE SPEAKER:** I think Government needs to issue warning statements to all those areas that are prone to disaster so that they can be alert on what is likely to happen. This is a rainy season and you cannot do much; it is something that we cannot avoid. Yes, Hon. Nathan?

**MR NATHAN TWESIGYE:** Madam Speaker, thank you. I rise on a point of procedure after Hon. Ssemujju has raised an issue of the President being in the House. Rule 10 of our Rules of Procedure talks about the presence of the President in the House and the Constitution, which he has quoted, talks about the President addressing Parliament on a matter of national importance.

Madam Speaker, as a Member of Parliament, I have very many questions from the constituency and I do not know which one will be considered a matter of national importance. Since rule 10 talks about the President being heard in silence, I wanted to propose that this rule be suspended since it is not an entrenched rule.

**THE SPEAKER:** Are you aware that the President has ministers that represent him?

**MR NATHAN TWESIGYE:** Madam Speaker, my request is -

**THE SPEAKER:** Okay, move a motion to suspend if you think you want the President to listen to you.

**MR NATHAN TWESIGYE:** Madam Speaker, that is why I am bringing it now because I do not want to bring it up when the President is in the House.

**THE SPEAKER:** Of course you cannot do it. Who will allow you to do it?

**MR NATHAN TWESIGYE:** Madam Speaker, that is why I am saying it now so that we can have a chance to interact with the President.

**THE SPEAKER:** Hon. Nathan, we have very important things to discuss. Hon. Nathan -

**MR BYANYIMA:** Thank you, Madam Speaker. My humble request to you is to appeal to our colleagues, the ministers, that as they read their policy statements on the Floor, they must give the same to Members of Parliament.

I would want this honourable Parliament to be more knowledgeable and look at the sectors of this country –*(Interjection)*- fairly, but only one copy comes here and possibly some to the sessional committees. We would love to have all the policy statements. I can look at one for water, the Presidency and I have a record - It is not a lot of money to print copies of all the statements for each Member. *(Interjection)* The iPad cannot serve - if you feel that they can serve, for some of us who want to have a record, let us have them. I thank you, Madam Speaker.

**THE SPEAKER:** Thank you. Government Chief Whip, the Members are asking for copies of the ministerial policy statements, which are going to be laid on the Table.

**MR OBUA:** Madam Speaker, to the best of my recollection, we had a rule under the COVID-19 period where the institution of Parliament procured iPads for all Members of Parliament -

**THE SPEAKER:** There is a procedural matter.

**MR OBUA:** Unless this particular rule is suspended -*(Interruption)*

**MR SSEMUJJU:** Madam Speaker, our two colleagues - Hon. Allan Ssewanyana and Hon. Ssegirinya - were released and we are very happy. This morning, all the newspapers have names of colleagues, including the Hon. Hamson Obua, who have been summoned by the police over iron sheets. He has not briefed this Parliament and he knows how much pain we face when MPs are sent to jail. The procedural issue I am raising is whether a suspect under investigation can continue addressing Parliament.

**THE SPEAKER:** Hon. Ssemujju, Hon. Obua is not a suspect because he is not a Minister for Karamoja. There is nowhere reported in this country that there was theft of iron sheets. If iron sheets were given to Hon. Obua or to anybody else - I told you that iron sheets were taken to my district without my knowledge. Am I a thief?

I have said several times that everybody must carry his or her own cross. Do not start diverting people. If somebody diverted iron sheets, that is his or her problem. We did not ask or apply for them.

Secondly, are people in Bukedea not vulnerable? They are also vulnerable. They are poor. Do you get it? So, they served the poor. To my recollection, if the iron sheets were given to Government schools, we are complementing what Government is doing. So, Hon. Obua is a very clean man *—(Laughter)—* and since you are trying to divert me, I do not *—(Laughter)—* you are trying to divert me; let me now go to the point.

Hon. Obua, I know you will talk about the cost of printing 556 ministerial statements. We will look at it and get back to you. Let us look at it and see how we can handle it. It is really good for our Members to have that information because when they are going to the committee, they should be equipped with the information. Yes, Hon. Jona?

2.19

**MR JONATHAN ODUR (UPC, Erute County South, Lira):** Thank you, Madam Speaker. On behalf of the shadow Cabinet, I would like to assure you that the alternative policy statements on our side will be ready. We started the process a long time ago and we have been on standby to take advantage of any slack on the side of Government.

However, Madam Speaker, the main point I would like to make is that in the past, some ministerial policy statements that did not meet the standards were laid here, including laying ministerial policy statements of the previous financial year just to hoodwink the House that they have laid something.

I would like to invite you, Madam Speaker, to pay critical attention and ensure that the policy statements laid here, on the side of Government, are for Financial Year 2023/2024.

Also, there are ministers who have failed to meet the deadlines of this House and have gone scot-free. This time, I plead with you that these ministers face sanctions by the end of tomorrow if they do not lay those ministerial policy statements.

**THE SPEAKER:** Thank you, Hon. Jonathan. We want ministerial statements for Financial Year 2023/2024. I will ask the chairpersons of committees to verify these statements and report back to the House on whether these are the correct statements and whether they meet the standards that we require.

Honourable members, in the public gallery this afternoon, we have students from Conquerors Secondary School and Rena College, Mayuge. They are represented by the Rt Hon. Rukia Nakadama and Hon. Iddi Isabirye. They are here to observe the proceedings. You are very welcome. Please, stand up. Join me in welcoming them. *(Applause)* Thank you for sending very good Members of Parliament.

Still in the public gallery we have officials from Serere Town Council represented by Hon.

Emmanuel Omoding Okabe and Hon. Hellen Adoa, the Minister for Fisheries. You are most welcome. *(Applause)* This is your Parliament. We are taking very good care of your MPs and they are very good. Keep bringing them back. *(Laughter)* I am not campaigning; I am just appreciating my Members.

BILLS  
FIRST READING

THE PUBLIC SERVICE PENSION FUND  
BILL, 2023

2.23

**THE MINISTER OF STATE FOR PUBLIC SERVICE (Ms Grace Mary Mugasa):** Thank you, Madam Speaker. With me is the Public Service Pension Bill. I beg that it be read for the first time. I beg to move. *(Laughter)* The Bill is entitled, “The Public Service Pension Bill, 2023.” I beg to lay.

**THE SPEAKER:** The Bill stands referred to the Committee on Public Service and Local Government, pursuant to rules 121 and 129(2) of the Rules of Procedure of Parliament. Thank you. Where is the Certificate of Financial Implications?

**MS MUGASA:** Madam Speaker, I was given this Bill today. *(Laughter)*

**THE SPEAKER:** The certificate is there.

**MS MUGASA:** The certificate is here. *(Laughter)* I beg to lay. Thank you.

**MR SSEMUJJU:** Madam Speaker. I think the Government has a duty. You can go around picking people to be ministers, but at least train them. As a minister of Government, you appear to lay a Bill and you do not even know what to do and you are just being helped – even with a certificate. Do not make Government look so simple.

Madam Speaker, can you ask the Government Chief Whip to organise a retreat for ministers? Some of us can volunteer to go and train them. *(Laughter)*

**THE SPEAKER:** Hon. Ssemujju, all of us have gone through training and learning is a process. You used to be a journalist; you came here and are now a very good legislator. Congratulations! *(Laughter)*

LAYING OF PAPERS

A) THE PRIVATE SECTOR  
DEVELOPMENT (PSD) PROGRAMME  
ANNUAL PERFORMANCE REPORT FOR  
FINANCIAL YEAR 2021/2022

B) MINISTERIAL POLICY STATEMENTS  
AND BUDGET ESTIMATES FOR  
FINANCIAL YEAR 2023/2024

**THE SPEAKER:** What happened to the Private Sector Development report?

Honourable members, the ministerial policy statements and the budget estimates for Financial Year 2023/2024 - We are doing this pursuant to Section 13(13) of the Public Finance Management Act and rule 146(1) of the Rules of Procedure of Parliament that requires us to get the ministerial policy statements. We will start with our own, the Parliamentary Commission.

2.27

**MR SOLOMON SILWANY (NRM, Bukooli County, Central, Bugiri):** Madam Speaker, I beg to lay the ministerial policy statement for Vote 104 – Parliamentary Commission for Financial Year 2023/2024.

**THE SPEAKER:** Thank you. The policy statement stands referred to the Committee on Legal and Parliamentary Affairs.

MINISTRY OF HEALTH

2.28

**THE MINISTER OF STATE FOR HEALTH (GENERAL DUTIES) (Ms Anifa Kawooya):** Thank you, Madam Speaker. I beg to lay the ministerial policy statement for the health sub-programme for Financial Year 2023/2024 and other sectors under it.

**THE SPEAKER:** Which Vote is that?

**MS KAWOOYA:** Vote 014 – Ministry of Health.

**THE SPEAKER:** Read all the Votes in the policy statement.

**MS KAWOOYA:** Thank you, Madam Speaker. I would like to lay on the Table the policy statement for the health sub-programme for Financial Year 2023/2024:

Vote 014 – Ministry of Health  
 Vote 114 - Uganda Cancer Institute  
 Vote 115 – Uganda Heart Institute  
 Vote 116 - National Medical Stores  
 Vote 127 - Uganda Virus Research Institute

Vote 134 - Health Service Commission  
 Vote 151 - Uganda Blood Transfusion Service  
 Vote 401 - Mulago National Referral Hospital  
 Vote 402 - Butabika Hospital  
 Vote 403 - Arua Regional Referral Hospital  
 Vote 404 - Fort Portal Regional Referral Hospital

Vote 405 - Gulu Regional Referral Hospital  
 Vote 406 - Hoima Regional Referral Hospital  
 Vote 407 - Jinja Regional Referral Hospital  
 Vote 408 - Kabale Regional Referral Hospital  
 Vote 409 - Masaka Regional Referral Hospital

Vote 410 - Mbale Regional Referral Hospital  
 Vote 411 - Soroti Regional Referral Hospital  
 Vote 412 - Lira Regional Referral Hospital  
 Vote 413 - Mbarara Regional Referral Hospital  
 Vote 414 - Mubende Regional Referral Hospital

Vote 415 - Moroto Regional Referral Hospital  
 Vote 416 - Naguru National Referral Hospital  
 Vote 417 - Kiruddu Regional Referral Hospital  
 Vote 418 - Kawempe Regional Referral Hospital  
 Vote 419 - Entebbe Regional Referral Hospital

Vote 420 - Mulago Specialised Women and Neonatal Hospital  
 Vote 421 - Kayunga Referral Hospital

Vote 422 - Yumbe Referral Hospital  
 Vote 612 - Local Governments and the other annex attached.

Madam Speaker, I beg to lay.

**THE SPEAKER:** Thank you. It is referred to the Committee on Health.

#### MINISTRY OF LOCAL GOVERNMENT

2.31

**THE MINISTER OF STATE FOR LOCAL GOVERNMENT (Ms Victoria Busingye):** Thank you, Madam Speaker. As I had asked, they are processing it and in 10 minutes, it will be here. Thank you.

**THE SPEAKER:** Have you just known today that we need them?

**MS BUSINGYE:** No, but there are problems in ministries so –(Laughter) Madam Speaker, the permanent secretary is processing it and in the next 30 minutes, it will be here. It is 10 minutes to the time he was given and I beg that you be patient with me because it will be here.

**THE SPEAKER:** Honourable Government Chief Whip, we asked for these reports from the beginning. These reports should have been processed from the time we passed the last budget. We have been telling you that we need these reports in the House today. What problems do your ministries have?

Honourable minister, we need your report in the next 10 minutes. We are not going - somebody said the minister should be punished. We do not want you to be among them. Please bring the report in the next 10 minutes. You can even go out to follow it up. Please go and follow it up.

**MS BUSINGYE:** Most obliged, Madam Speaker.

**THE SPEAKER:** Thank you. Next?



MINISTRY OF DEFENCE AND VETERAN  
AFFAIRS

2.33

**THE MINISTER OF DEFENCE AND VETERAN AFFAIRS (Mr Vincent Ssempijja):** Madam Speaker, allow me to repeat myself or the words of the Speaker that I am doing this pursuant to Section 13(13) of the Public Finance Management Act, 2015 and rule 146(1) of the Rules of Procedure of Parliament.

I, therefore, beg to lay on the Table the ministerial policy statement for the Ministry of Defence and Veteran Affairs for the Financial Year 2023/2024; Vote 004 - Ministry of Defence and Veteran Affairs. I beg to lay, Madam Speaker.

**THE SPEAKER:** Thank you. It is referred to the Committee on Defence and Internal Affairs. Are there no other Votes in the Ministry of Defence and Veteran Affairs?

MINISTRY OF AGRICULTURE, ANIMAL  
INDUSTRY AND FISHERIES

**THE SPEAKER:** Honourable ministers, you need to come with your copy. These are our copies.

2.34

**THE MINISTER OF STATE FOR AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES (Ms Hellen Adoa):** Madam Speaker, I would like to apologise that our copy is not among these and we expected it to be here. As you introduced my team, I came to Parliament today especially to welcome the team from Serere -

**THE SPEAKER:** Hon. Hellen is on maternity leave; so, she has just come to receive her team. *(Applause)*

**MS ADOA:** Thank you, Madam Speaker.

**THE SPEAKER:** Even when on leave, can we have the report? Follow it up with your team. I have given you 10 minutes, Hon. Hellen.

**MR SSEMUJJU:** Madam Speaker, there is a minister approved by this Parliament for agriculture. Why should an honourable colleague, who is on maternity leave, be the one to come? Certainly, it is natural that you expect her not to be organised. Where is the minister that was passed -

**THE SPEAKER:** You cannot say women who are on maternity leave are not organised.

**MR SSEMUJJU:** No, I said, “for Parliament.”

**THE SPEAKER:** Withdraw your statement.

**MR SSEMUJJU:** Madam Speaker, I am very sorry –

**THE SPEAKER:** The women of this Parliament cannot allow that statement.

**MR SSEMUJJU:** I am very sorry.

**THE SPEAKER:** Even your woman will not be happy.

**MR SSEMUJJU:** I am very sorry. I meant, why is the minister on maternity leave the one coming here?

**THE SPEAKER:** Hon. Hellen Adoa, the Minister of Fisheries, can you lay your ministerial policy statement on the Table?

**MS ADOA:** Thank you, Madam Speaker. I beg to lay the following Votes from the Ministry of Agriculture, Animal Industry and Fisheries: Votes 010, 121, 125, 142, 152, 155, 160, 601 -

**THE SPEAKER:** Hon. Hellen, read the Vote number and the name. If it is NAGRIC, read the name and the Vote number. Hon. Obua, you have left your work to somebody else; the man in white.

**MS ADOA:** Madam Speaker, I beg to lay the following Votes:

Vote 010 - Dairy Development Authority  
Vote 121 - National Animal Genetic Resources

Centre and DataBank (NAGRC)  
Vote 125 - National Agriculture Research Organisation

Vote 142 - National Agricultural Advisory Services

Vote 152 - Cotton Development Organisation

Vote 155 - Uganda Coffee Development Authority

Vote 160 - MDAs that contribute to agro-industrialisation programme like Local Government Agriculture Grants

Vote 601 - Government Agriculture Grants

Vote 122 - KCCA Agriculture Grant

Vote 011 – Ministry of Local Government

Vote 015 – Ministry of Trade, Industry and Cooperatives

Vote 019 - Ministry of Water and Environment

Vote 021 - Ministry of East African Community Affairs

Vote 108 - National Planning Authority

Vote 154 - Uganda National Bureau of Standards. I beg to lay

**THE SPEAKER:** Please lay. They are referred to the Committee on Agriculture, Animal Industrial and Fisheries.

MINISTRY OF JUSTICE AND  
CONSTITUTIONAL AFFAIRS

2.40

**THE MINISTER OF JUSTICE AND CONSTITUTIONAL AFFAIRS (Mr Norbert Mao):** Madam Speaker, in accordance with Section 13(13) of the Public Finance Management Act, 2015, I present to Parliament the ministerial policy statement for the Ministry of Justice and Constitutional Affairs together with the seven allied statutory institutions. It is for Shs 512.139 billion.

I now take the honour to table the policy statement for the ministry and these are the votes:

Vote 007 - Ministry of Justice and Constitutional Affairs

Vote 102 - Electoral Commission

Vote 105 - Uganda Law Reform Commission

Vote 106 - Uganda Human Rights Commission

Vote 119 - Uganda Registration Services Bureau

Vote 133 - Directorate of Public Prosecutions

Vote 148 - Judicial Service Commission

Vote 311 - Law Development Centre.

I beg to lay.

**THE SPEAKER:** Thank you, please lay. They are referred to the Committee on Legal and Parliamentary Affairs. Thank you very much, Hon. Mao.

MINISTRY OF FINANCE, PLANNING  
AND ECONOMIC DEVELOPMENT

2.42

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (GENERAL DUTIES)**

**(Mr Henry Musasizi):** Madam Speaker, I beg to lay on the Table the ministerial policy statement for the Ministry of Finance, Planning and Economic Development covering the following Votes:

Vote 008 - Ministry of Finance, Planning and Economic Development

Vote 123 - National Lotteries and Gaming Regulatory Board

Vote 129 - Financial Intelligence Authority

Vote 130 - Treasury Operations

Vote 138 - Uganda Investment Authority

Vote 140 - Capital Markets Authority

Vote 141 - Uganda Revenue Authority

Vote 143 – Uganda National Bureau of Statistics

Vote 149 - National Population Council

Vote 153 - Public Procurement and Disposal of Assets (PPDA)

Vote 161 - Uganda Free Zones Authority

Vote 162 – Uganda Microfinance Regulatory Authority (UMRA)

Vote 163 - Uganda Retirement Benefits Regulatory Authority

I beg to lay.

**THE SPEAKER:** Please lay. They are referred to the Committee on Finance, Planning and Economic Development.

#### MINISTRY OF INTERNAL AFFAIRS

2.44

**THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Gen. David Muhoozi):** Madam Speaker, pursuant to Section 13(13) of the Public Finance Management Act, 2015, I beg to lay on the Table the ministerial policy statement for the Ministry of Internal Affairs for the Financial Year 2023/2024 covering all the six Votes under the ministry notably:

Vote 009 - Ministry of Internal Affairs Headquarters

Vote 120 - National Citizenship and Immigration Control

Vote 135 - Government Analytical Laboratory

Vote 137 - National Identification and Registration Authority Vote 144 - Uganda Police Force

Vote 145 - Uganda Prisons Service.

I beg to lay.

**THE SPEAKER:** Thank you and please lay. They are referred to the Committee on Defence and Internal Affairs.

2.46

**THE GOVERNMENT CHIEF WHIP (Mr Denis Obua):** Madam Speaker, the Ministry of Education and Sports has humbly requested to lay its ministerial policy statement tomorrow. May I humbly convey their request to you, Madam Speaker, if it pleases you, to grant them the latitude. Thank you.

**THE SPEAKER:** Procedure?

**MR LUBEGA-SSEGGONA:** Madam Speaker, you will note the perennial absence of the Minister of Education and Sports from this House. As you know, she is a very experienced and dignified lady whose presence would add a lot of value to this House.

The Government Chief Whip is appointed to whip that side to be in attendance. I have noted, with concern, that the consistent conduct of the Government Chief Whip is actually to keep ministers away from the House. *(Laughter)*

The duty of the minister, in these circumstances, is to come and ask for an extension, but she is delegating the Chief Whip or her Whip to do this. Therefore, would it not find your pleasure, Madam Speaker, to instruct the Government Chief Whip to first of all ask the minister to come and explain her inability to come to Parliament consistently, persistently and perennially?

Two, the Government Chief Whip should desist from stretching his mandate of whipping people into attendance and instead doing the opposite. I respect the fact that the minister doubles as the First Lady and to me, that is a very dignified office in the land. However, she has a duty, equally as the person paid to do ministerial work, to be in Parliament and probably go and attend to her husband after 5.00 p.m. Otherwise, we also have people to attend to. As you are aware, Madam Speaker, I have a wife and children to attend to, but we are dealing with a minister who does not have young children.

**THE SPEAKER:** She has grandchildren. Honourable members, I have always seen the Minister of Education and Sports online; she attends virtually - that is one. Two, kindly present the report on education tomorrow without fail. Next item.

#### MINISTRY OF TOURISM, WILDLIFE AND ANTIQUITIES

**THE SPEAKER:** Honourable minister [*Mr Obua rose*] Are you the Minister of Tourism?

2.49

**THE GOVERNMENT CHIEF WHIP (Mr Denis Obua):** Madam Speaker, I was requested by the Minister of Tourism, Wildlife and Antiquities to lay the ministerial policy statement on behalf of the ministry.

**THE SPEAKER:** How many ministers are in tourism?

**MR OBUA:** There are two.

**THE SPEAKER:** They should stop disturbing you. This is the last time you are laying on their behalf.

**MR OBUA:** Madam Speaker, pursuant to Section 13(13) of the Public Finance Management Act, 2015, as amended, and rule 146(1) of the Rules of Procedure of Parliament, I beg to lay on the Table the ministerial policy statement for the Ministry of Tourism, Wildlife and Antiquities covering:

Vote 022 – Ministry of Tourism, Wildlife and Antiquities

Vote 117 – Uganda Tourism Board, for the Financial Year 2023/2024. I beg to lay.

**THE SPEAKER:** Thank you. It is referred to the Committee on Tourism, Trade and Industry. Next.

#### MINISTRY OF TRADE, INDUSTRY AND COOPERATIVES

**MR SSEMUJJU:** Madam Speaker, our rules changed to allow Members of Parliament to attend virtually. You have said the Minister of Education and Sports is online. Can we hear her ask for permission to lay tomorrow? *(Laughter)*

**THE SPEAKER:** Hon. Ibrahim Ssemujju, do you want to tell me that you have become the Speaker today? *(Laughter)* Next.

#### MINISTRY OF TRADE, INDUSTRY AND COOPERATIVES

**MR OBUA:** Madam Speaker, the Ministry of Trade, Industry and Cooperatives was represented by Hon. David Bahati, who requested for some little time to go and receive a copy of the ministerial policy statement to be laid.

**THE SPEAKER:** Do you people know that you have to present that report to the Office of the Clerk first before you bring it to the House? So, are you just getting it from the road there and bringing it directly to the House? That is the property of Parliament of Uganda and it is the Clerk to sanction whether it should come to the House or not.

**MR LUBEGA SSEGGONA:** Madam Speaker, as you know, my close relationship with the Government Chief Whip is deep and that is why I rise with a very heavy heart. The Government Chief Whip has just said the ministry was represented by Hon. David Bahati. What were the terms of representation if not to lay the paper as it appears on the Order Paper?

**MR OBUA:** Madam Speaker, just as I stated for Members who were here before, you saw Hon. David Bahati. He came - in my humble opinion - with instructions: one, to lay, but also to attend to other matters that will be raised by honourable members on behalf of the minister. He requested to move and come back and lay, I believe to fulfil the processes that Madam Speaker has talked about. Thank you.

**THE SPEAKER:** So, can we have that report laid? Let him know that we need the report. Next.

#### MINISTRY OF PUBLIC SERVICE

2.54

**THE MINISTER OF STATE FOR PUBLIC SERVICE (Ms Grace Mary Mugasa):** Madam Speaker, in accordance with Section 13(13) of the Public Finance Management Act, 2015, I beg to lay the ministerial policy statement for the Financial Year 2023/2024 for the Ministry of Public Service (Vote 005).

**THE SPEAKER:** Thank you. Please lay. Do you have only one Vote? Next.

**MR OPIO:** Madam Speaker, rule 146(2)(g) provides for a Certificate of Gender and Equity Responsiveness to be provided. However, I do not see any of the ministers laying that as one

of the documents. I just want to seek clarity whether we are proceeding right when this certificate is not being provided.

**THE SPEAKER:** The Minister of Finance, Planning and Economic Development will table that one; they do not do it individually. We have a finance minister here.

MINISTRY OF GENDER, LABOUR AND  
SOCIAL DEVELOPMENT

**THE SPEAKER:** Hon. Hellen, you can do it from there.

2.56

**THE MINISTER OF STATE FOR GENDER, LABOUR AND SOCIAL DEVELOPMENT (DISABILITY AFFAIRS) (Ms Hellen Asamo):** Thank you, Madam Speaker. I want to thank you for that consideration. Unfortunately, the books were read here so, I am doing it on behalf of the ministry.

Pursuant to Section 13(13) of the Public Finance Management Act, 2015, as amended, I hereby lay on the Table the ministerial policy statement for Vote 018 – Ministry of Gender, Labour and Social Development for the Financial Year 2023/2024. I beg to lay.

**THE SPEAKER:** Thank you. Please lay. *(Applause)*

**MS ASAMO:** Madam Speaker, pursuant to Section 13(13) of the Public Finance Management Act, 2015, as amended, I hereby lay the ministerial policy statement for Vote 124 – Equal Opportunities Commission for the Financial Year 2023/2024. I beg to lay.

**THE SPEAKER:** Thank you. Please lay. It is referred to the Committee on Gender, Labour and Social Development. Next.

MINISTRY OF INFORMATION,  
COMMUNICATION TECHNOLOGY AND  
NATIONAL GUIDANCE

**THE SPEAKER:** Ministry of ICT?

2.57

**THE MINISTER OF STATE FOR INFORMATION, COMMUNICATION TECHNOLOGY AND NATIONAL GUIDANCE (NATIONAL GUIDANCE) (Mr Godfrey Kabbyanga):** Madam Speaker, I request that you allow the Minister of ICT and National Guidance to lay her ministerial policy statement tomorrow. I beg, Madam Speaker.

**THE SPEAKER:** What is the reason for you to lay tomorrow? Didn't you get instructions that we needed them on the 14<sup>th</sup>?

**MR KABBYANGA:** There are some few things, which we are finalising, Madam Speaker.

**THE SPEAKER:** Honourable members, when we talk about some ministers not respecting the directives of Parliament - Now you can see them. *(Applause)* Ministry of ICT and National Guidance, you should be number one to have your documents ready.

**MR KABBYANGA:** Madam Speaker, we respect this institution, but I beg for your indulgence.

**THE SPEAKER:** I want to remind you people that the work we are doing is for you. It is not that we need them as Parliament.

**MR MBAZIIRA:** Thank you, Madam Speaker. There seems to be something fundamentally wrong with the workings of the ministries. The other minister said, "Ministries are having problems". The Minister in charge of ICT is telling us, "There are things". What are those things? You cannot come on the Floor of the House and tell us, "There are things". Are these ghosts that are stopping you from performing? If there is anything hindering the performance

of ministries, this is your home. Tell us what the problem is so that Parliament can help you.

**THE SPEAKER:** As far as I know, there are no problems in the ministries. The problem could be with the people, not the ministries.

OFFICE OF THE PRESIDENT

3.00

**THE MINISTER OF STATE FOR KAMPALA CAPITAL CITY AND METROPOLITAN AFFAIRS (Mr Kyofatogabye Kabuye):** Madam Speaker, I beg to lay on the Table the ministerial policy statement for the Office of the President with the following -

**THE SPEAKER:** Hon. Kyofa, they want to see your face. *(Laughter)* He has flu, let him put on his mask.

**MR KYOFATOGABYE:** It covers:

- Vote 001 – Office of the President
- Vote 002 – State House
- Vote 023 – Ministry for Kampala Capital City and Metropolitan Affairs
- Vote 107 – Uganda AIDS Commission
- Vote 112 – Ethics and Integrity
- Vote 158 – Internal Security Organisation
- Vote 159 – External Security Organisation

I beg to lay.

**THE SPEAKER:** Thank you. It is referred to the Committee on Presidential Affairs. Thank you, Hon. Kyofa.

MINISTRY OF TRADE, INDUSTRY AND COOPERATIVES

3.01

**THE MINISTER OF STATE FOR TRADE, INDUSTRY AND COOPERATIVES (INDUSTRY) (Mr David Bahati):** Madam Speaker, I beg to lay the ministerial policy statement for the Ministry of Trade, Industry and Cooperatives for the following Votes for Financial Year 2023/2024:

Vote 015 – Ministry of Trade, Industry and Cooperatives

Vote 136 - Uganda Export Promotion Board

Vote 154 – Uganda National Bureau of Standards

Votes 601 - 935 Local Governments

I beg to lay.

**THE SPEAKER:** Thank you. It is referred to the Committee on Tourism, Trade and Industry.

MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT

**THE SPEAKER:** Honourable Government Chief Whip?

3.03

**THE GOVERNMENT CHIEF WHIP (Mr Denis Obua):** Madam Speaker, I beg to request that the Ministry for Lands, under the circumstances, be given up to tomorrow to lay the ministerial policy statement. If they fail, the onus will be on the Ministry for Lands.

**MS AISHA KABANDA:** Thank you, Madam Speaker. Is it not procedurally right that we get to know the circumstances? He is quoting a circumstance that we are not privy to. May we know the circumstances under which -

**THE SPEAKER:** In the circumstance that they are not in the House at the moment.

MINISTRY OF FOREIGN AFFAIRS

3.04

**THE MINISTER OF FOREIGN AFFAIRS (Gen. (Rtd) Jeje Odongo):** Madam Speaker, pursuant to Section 13(13) of the Public Finance Management Act, 2015 and rule 146(1) of the Rules of Procedure of Parliament, I beg to lay on the Table the ministerial policy statement for the Ministry of Foreign Affairs for Financial Year 2023/2024 covering Vote 006 and Votes 501-528; missions abroad. I beg to lay, Madam Speaker.

**THE SPEAKER:** Thank you. It is referred to the Committee on Foreign Affairs.

MINISTRY OF EAST AFRICAN  
COMMUNITY AFFAIRS

3.05

**THE MINISTER OF STATE FOR EAST AFRICAN COMMUNITY AFFAIRS (Mr James Magode):** Madam Speaker, pursuant to the provisions of the Public Finance Management Act, as already enunciated by you, I hereby lay before this House the ministerial policy statement for the Ministry of East African Community Affairs for Financial Year 2023/2024. It is Vote 021. I hereby lay.

**THE SPEAKER:** Thank you. It is referred to the Committee on East African Community Affairs.

MINISTRY OF ENERGY AND MINERAL  
DEVELOPMENT

3.06

**THE MINISTER OF STATE FOR ENERGY AND MINERAL DEVELOPMENT (MINERALS) (Mr Peter Lokeris):** Thank you, Madam Speaker. At times it is good to joke with elders.

Madam Speaker, pursuant to the sections that my colleagues have already stated, I beg to lay on the Table the ministerial policy statement for the Ministry of Energy and Mineral Development for Financial Year 2023/2024 under Votes –(*Interruption*)

**MS CECILIA OGWAL:** Madam Speaker, you have made reference to very many provisions. Can he, specifically, tell us which Act and section he is quoting?

**THE SPEAKER:** All the ministerial statements are laid under Section 13(13) of the Public Finance Management Act and rule 146(1) of the Rules of Procedure.

**MR LOKERIS:** Madam Speaker, if I am requested to read as the others have done, the statements are here -

**THE SPEAKER:** You know, they are age-mates; so –(*Laughter*)– Size mates – (*Laughter*)

**MR LOKERIS:** Thank you. You know age-mates play. (*Laughter*) We do not get annoyed. Those days of annoyance have gone. There are remaining days of playing and happiness, ready to go where people go. (*Laughter*)

**THE SPEAKER:** Please, lay the documents.

**MR LOKERIS:** Pursuant to Section 13 (13) of the Public Finance Management Act –

**THE SPEAKER:** I have already given you the citation. Please just lay.

**MR LOKERIS:** I beg to lay on the Table the ministerial policy statement of the Ministry of Energy and Mineral Development for the Financial Year 2023/2024 under the Votes:

Vote 017 - Ministry of Energy and Mineral Development

Vote 139 - Petroleum Authority of Uganda

I beg to lay.

**THE SPEAKER:** Thank you; they are referred to the Committee on Environment and Natural Resources.

MINISTRY OF WATER AND  
ENVIRONMENT

**THE SPEAKER:** Hon. Obua was requested to lay it.

3.09

**THE GOVERNMENT CHIEF WHIP (Mr Denis Obua):** Madam Speaker, I beg to lay the ministerial policy statement for the Ministry of Water and Environment for the Financial Year 2023/2024 covering the following Votes:

Vote 019 - Ministry of Water and Environment

Vote 150 - National Environment Management Authority

Vote 157 - National Forestry Authority

Vote 109 - Uganda National Meteorological Authority.

I beg to lay.

**THE SPEAKER:** Thank you, Hon. Obua, but ask those ministers if they are allergic to Parliament because they have three ministers and none of them is here. It is referred to the Committee on Environment and Natural Resources.

MINISTER OF WORKS AND TRANSPORT

**THE SPEAKER:** Ministry of Works - Gen. Katumba, you are welcome. While you were away, we got a report here of a bridge in Kasese that has given way.

3.10

**THE MINISTER OF WORKS AND TRANSPORT (Gen. Katumba Wamala):** Madam Speaker, I already got communication from Hon. Atkins about that bridge and UNRA is already proceeding to the area to access the problem.

**THE SPEAKER:** Thank you.

**GEN. KATUMBA WAMALA:** Madam Speaker, I beg to lay before Parliament the ministerial policy statement for the Integrated Transport Infrastructure and Service Programme. The statement contains:

Vote 016 - Ministry of Works and Transport  
Vote 113 - Uganda National Roads Authority  
Vote 118 - Uganda Road Fund  
Vote 609 - Local Government

I beg to lay.

**THE SPEAKER:** Thank you so much. It is referred to the Committee on Physical Infrastructure.

THE INSPECTORATE OF GOVERNMENT

3.12

**MR SOLOMON SILWANY (NRM, Bukooli County, Central, Bugiri):** Madam Speaker, I beg to lay the policy statement for the Inspectorate of Government; Vote 103, for the Financial Year 2023/2024. I beg to lay.

**THE SPEAKER:** Thank you. It is referred to the Committee on Legal and Parliamentary Affairs.

MINISTRY OF LOCAL GOVERNMENT

3.13

**THE MINISTER OF STATE FOR LOCAL GOVERNMENT (Ms Victoria Busingye):** Madam Speaker, I would like to lay on the Table the ministerial policy statement for the Ministry of Local Government for the Financial Year 2023/2024 for the following Votes:

Vote 011 - Ministry of Local Government  
Vote 147 - Local Government Finance Commission  
Votes 601-935 All Local Governments in Uganda.

I beg to lay.

**THE SPEAKER:** Thank you; they are referred to the Committee on Public Service and Local Government.

PUBLIC SERVICE COMMISSION

3.14

**THE MINISTER OF STATE FOR PUBLIC SERVICE (Ms Grace Mary Mugasa):** Madam Speaker, I beg that the Public Service Commission –(*Interruption*)

**MR SSEMUJJU:** Procedure -

**THE SPEAKER:** Yes -

**MR SSEMUJJU:** Madam Speaker, we all know that it rained today, but we cannot afford to have ministers coming into Parliament with blankets. You saw the Minister of Public Service. It is like they are going to attend a funeral. (*Laughter*)

**THE SPEAKER:** I beg your pardon?

**MR SSEMUJJU:** It rained today, but there is a requirement under our rules to continue being smart. This Parliament cannot afford to have these ministers coming here in blankets. You



saw the one of Public Service who was in total violation of our rules -

**THE SPEAKER:** Can we have the Public Service Commission?

**MS MUGASA:** Thank you very much, Madam Speaker. I beg that you allow us to lay tomorrow because the Public Service Commission is not ready today. Thank you very much.

**THE SPEAKER:** Thank you. There is a point of procedure.

**MR SSEGGONA:** Madam Speaker, we need your guidance. We understand that the Government on your right undertook an exercise of rationalisation and this has impacted greatly on the performance of the MDAs, with some not certain of their existence tomorrow.

Just today, in my committee; Public Accounts Committee - Central Government, we were dealing with a situation where Government simply woke up, closed a ministry and said, "No movement inside, no movement outside". Now we see the laying of these ministerial policy statements without clear guidance on who is winding up when and how. May we be guided by Government on what that policy of rationalisation is going to do to some of these MDAs whose ministerial policy statements we are going to start examining. We may be wasting time. As you are examining, they may tell you, "This one has been closed down."

**THE SPEAKER:** Attorney-General, we need to hear from you on the issue of rationalisation because whatever we are hearing is still hearsay. We do not know whether you are going to bring a document to the House to rationalise some agencies or not. We also need to know if you have a budget for those agencies that you are proposing to rationalise.

3.17

**THE ATTORNEY-GENERAL (Mr Kiryowa Kiwanuka):** Thank you very much, Madam Speaker. The agencies that were created by law remain legally existent until Parliament has pronounced itself otherwise. The expectation

is that any ministry with an agency whose intention it is to be rationalised must provide budgetary provision for it and continue with its existence until such a time as Parliament has pronounced itself otherwise.

**THE SPEAKER:** Thank you.

**MR ODUR:** Thank you, Madam Speaker. In light of the communication by the Attorney-General, the Minister of Energy, as one of the ministries I have picked interest in, presented only two Votes. Vote 123 - Rural Electrification Agency is not covered in the ministerial policy statement presented here.

**THE SPEAKER:** Is REA still in existence? Was it created by an Act of Parliament? It was by statutory instrument not an Act of Parliament.

**MR SSEMUJJU:** Madam Speaker, the trouble is that we passed a budget for REA. When we finished passing the budget, that Government which is usually disorganised came here and said, "We are pleading with you to now transfer the agency together with the budget. That is what happened. I thought that is the point that Hon. Medard Lubega was making. You make us process your Budget then later on you show up saying, "Please can you transfer the agency together with its budget."

**MS NAMUYANGU:** Madam Speaker, with due respect, I rise to put my brother, Hon. Ssemujju who is part of this Government as a legislator, to order. Is he in order to say that the Government is disorganised yet he serves the same Government? Is he in order?

**MR ODUR:** Madam Speaker, my understanding is, when a statutory instrument is issued, it is a subsidiary legislation and remains in force until it is cancelled. That has not happened. As it is, it still remains a law -

**THE SPEAKER:** Wasn't it revoked?

**MR KIRYOWA KIWANUKA:** Madam Speaker, that statutory instrument was revoked.

**THE SPEAKER:** Can we have a copy of the revocation?

**MR KIRYOWA KIWANUKA:** Yes, we shall always provide.

**THE SPEAKER:** Please bring it tomorrow so that we are able to see.

**MR ANGURA:** Thank you very much, Madam Speaker. I would like to thank the Attorney-General for the statement made. However, UNRA, one of the entities created by an Act of Parliament, has recently been discharging some of its staff and not accepting new employees. Even those who are in are now being told to prepare to exit because the entity seems to be moving.

I seek clarification on that. You seem to have guided well, but somewhere, under the ground, something is going on. Thank you.

**MR KIRYOWA KIWANUKA:** Thank you, Madam Speaker. I actually know some entities, which are not the subject of rationalisation where people have been terminated because it is allowed in law. It does not mean that because a person is removed from the payroll, that entity is rationalised.

My guidance to Government is that an entity that was set up by law can only be removed by law. If they are doing it, we shall go back and speak to them, but the position of Government is until Parliament has pronounced itself, those entities remain in the Statute Book and are valid; and must continue to operate as entities set up by the laws of Parliament.

**THE SPEAKER:** Thank you. Where is the Minister of Works and Transport? Works minister, is what is being said about UNRA true? Are people being laid off? What is the reason?

**GEN. KATUMBA:** Madam Speaker, I have just read the ministerial policy statement and among the Votes I read was UNRA. I am not aware of some people being laid off because it has not come as an official arrangement. If

some people are retiring at their own volition, I cannot force them -

**THE SPEAKER:** General, can you help this House? Investigate the allegation that is being made by Hon. Angura and report to us.

**GEN. KATUMBA:** Much obliged, Madam Speaker.

**THE SPEAKER:** Thank you.

**MS CECILIA OGWAL:** Madam Speaker, we are aware, as a Parliament, that the Ministry of Science, Technology and Innovation was expunged. This Parliament gave instructions to the agencies that were going to implement the decision of Parliament that the staff of the Ministry of Science, Technology and Innovation should be taken care of and where possible, all should be absorbed in State House where the operations and functions of science, technology and innovation were going to be.

Madam Speaker, this Parliament has been defied by the people who are supposed to carry out that decision. The staff of that ministry have continued to come to some of us, Members of Parliament, stating their pain; that they have gone to the Ministry of Public Service or State House, but they have not resolved the issue of their employment.

At this material point when we are talking about the Budget, can we also know whether some of those staff have either been laid off or absorbed? Thank you.

**THE SPEAKER:** Can we get a response from the Ministry of Public Service to that effect? Since we are going to look at policy issues, the committee should get interested in whatever is being raised.

3.24

**THE MINISTER OF STATE FOR PUBLIC SERVICE (Ms Grace Mary Mugasa):** Madam Speaker, about the employees of the former Ministry of Science, Technology and Innovation, it is still work in progress. The minister is still working together with

the technical team to have a clear structure for the Ministry of Science, Technology and Innovation under - (*Interruption*)

**MR LUBEGA-SSEGGONA:** Madam Speaker, to the extent that I understand how the Government operates under the law, these are not servants of a particular ministry; these are people recruited by the Public Service Commission and they are public servants.

Madam Speaker, the public service has the responsibility to recruit, discipline, transfer and even retire. They are not recruited by the particular ministry, except if there is an ad hoc arrangement, which is not official.

The clarification I am seeking from the minister is: one, before you took the decision to close down that ministry, what arrangements did you make for those public servants? Two, are you paying them? If so, for what? They are not working for us and you have not retired them. The law does not even allow you to retire them in that way. If you closed the ministry, you must have measures for their relocation to other ministries.

Three, how did we get here? Hon. Ssemujju talked about a “disorganised Government” and my language is mild - is not in the same terms - even when I mean the same. (*Laughter*) The question is: How did we get here that Public Service can remain silent? I think it is a year now. We have civil servants employed by Government, but the same Government wakes up, closes the ministry and throws the staff on the street. Would you answer why you are paying them and for what? (*Interruption*) I will receive information from Hon. Angura.

**THE SPEAKER:** Honourable minister, I need a report on the Floor tomorrow on the action you are taking. Those are your staff; they are not staff of the Ministry of Science, Technology and Innovation.

Regarding the staff of Rural Electrification Agency (REA), we need a report on what has been done, where you have placed them and a response to the questions that a Member asked.

Are you still paying them? If you are paying them, what for?

**MS CECILIA OGWAL:** Madam Speaker, it is important for the minister to know that recently, we buried the brother of one of the officials of this Parliament. Why did that person die? It was actually felt that this person died due to too much pressure.

This man had grown in his profession after a certain level, but he was laid off yet he had a family. His brother is here - I do not want to mention who it is. From a humanitarian perspective, a person who is professional and who had risen to serve to some level and you just throw the person to the street just by a stroke of a pen - It is very unfair for that kind of action to be done and Parliament of Uganda keeps quiet.

Therefore, it is very important that the minister comes to tell us who has not been paid since this agency was closed. Their agency was closed with a budget and we want to know who has been ‘eating’ the salaries of these staff, which was budgeted for. You have to tell us. Thank you.

**MS AISHA KABANDA:** Thank you, Madam Speaker. The information I want to give colleagues is that the Minister of Public Service confessed, while we hosted her in the meeting of the select committee on science and technology investigations, that actually, the ministry was not consulted. They were also ambushed by the closure of the science and technology agency. Therefore, they are suffering the consequences of the disorganisation that Hon. Ssemujju spoke about earlier. They were not consulted; they are just suffering with a problem that is not out of their creation.

Therefore, as we ambush her with questions, the big man should be the one to answer them; it was not her desire. Thank you.

**THE SPEAKER:** Who is the big man?

**MS AISHA KABANDA:** The Chief Executive of this country, H.E. Yoweri Kaguta Museveni,

should be answering the questions we are asking. Matters of national importance should be put before the President. Shouldn't we have a waiver of the procedure so that we put these questions to him and he responds to the concerns of this country? Thank you.

**THE SPEAKER:** When you raise a question like that, the representatives of the President are here and they answer them for and on his behalf. They are here acting on behalf of the President so you do not need him.

**MS AISHA KABANDA:** Madam Speaker, I saw the honourable ministers clapping while I was speaking; they are happy because they are also voiceless. I spoke on their behalf. Thank you. *(Laughter)*

**MR ANGURA:** Thank you, Madam Speaker. This is a very serious issue. Hon. Cecilia has talked of one person who died. Just today, we were interacting with a team that was coming from that sector. A gentleman told me that they have so far lost five staff who have become destitute. Others have started driving taxis. These are professional scientists. They are very disappointed, but do not know how to move on.

Therefore, Ministry of Public Service, whereas they were given an opportunity to be fixed in the different ministries, it was not done in an organised way. People had to look for opportunities in other ministries. It is something we must take seriously.

**THE SPEAKER:** Minister of Public Service, give us a report tomorrow on what has been done and what you are planning to do. You cannot make our scientists die just like that.

**MS MUGASA:** Much obliged, Madam Speaker.

**THE SPEAKER:** Both on REA and Science.

## KAMPALA CAPITAL CITY AUTHORITY

3.32

**THE MINISTER OF STATE FOR KAMPALA CAPITAL CITY AND METROPOLITAN AFFAIRS (Mr Kabuye Kyofatogabye):** Madam Speaker, I beg to lay the ministerial policy statement for Kampala Capital City Authority for the Financial Year 2023/2024, Vote 122.

**THE SPEAKER:** Thank you. It is referred to the Committee on Presidential Affairs.

## THE PRIVATE SECTOR DEVELOPMENT PROGRAMME ANNUAL PERFORMANCE REPORT

3.32

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (GENERAL DUTIES) (Mr Henry Musasizi):** Madam Speaker, I beg to lay the Private Sector Development Programme annual report for the Financial Year 2021/2022.

**THE SPEAKER:** Thank you. It is referred to the Committee on Finance, Planning and Economic Development.

## MOTION FOR ADOPTION OF THE REPORT OF THE AD HOC COMMITTEE ON THE BUJAGALI TAX WAIVER

**MS CECILIA OGWAL:** Madam Speaker, I am standing here to seek your guidance on the provision of the law. I refer to the Public Finance Management Act, Section 13 subsections (13), (14) and (15).

I have looked at the Votes of the Ministry of Finance and those of the Ministry of Health. With seriousness, when a minister stands here and reads the Vote of the ministry and the Votes of the agencies or the departments, all the information, as required by subsections (4) and (5), should be in that ministerial policy statement.

I have looked at the one of Ministry of Health - Last year they had a problem because it was not as detailed as required by law. This year, from what I have seen, it is well done and well structured.

However, I have looked at the Ministry of Finance, which is actually in the kitchen distributing money to the various ministries and agencies. I am surprised, Madam Speaker. The ministry has given us the ministry Vote 008. It is on record today that he has also given us Votes 123, 129, 130, 138, 140, 141, 143, 149, 153, 161, 162 and 163.

However, when you subject that to sections 14 and 15, it is lacking. Reading the ministerial policy statement, it only gives you details of Vote 008. All these other sub-votes, which I have read, are not here. This is very serious. I was interested in one of the attractive Votes, which is Vote 129 for the Financial Intelligence Authority –

**THE SPEAKER:** There is a procedural matter.

**MS CECILIA OGWAL:** When you are asking for information, I have to give you. I am not refusing.

**MR BAHATI:** It is procedure.

**MS CECILIA OGWAL:** I will give you. *(Laughter)*

**MR BAHATI:** It is the Speaker to give me.

**MS CECILIA OGWAL:** I am saying I will give you.

**THE SPEAKER:** There is a procedural matter, *Imat*. Let us respect our rules.

**MR BAHATI:** Madam Speaker, is the House proceeding well, given that we have laid the policy statements and you have referred them to the committees? We recognise that Hon. Cecilia Ogwal is moving faster and we appreciate that.

However, is the House going to be subjected to scrutinising the policy statements before they go to the committees? I thought that is the work of the committees. Are we proceeding well with this information from Hon. Cecilia Ogwal?

**THE SPEAKER:** Honourable members, Hon. Odur Jonathan had raised this matter that as we refer these to the committees, a proper format must be interrogated. The committees are supposed to look at all these documents and where they do not meet a format that is required under subsections (14) and (15), they have a right to reject them and ask for a better format and/or come back to the House and report that, “Under Ministry of Health, what was given to us does not fit what we want.” That is one of the reasons we are sending these to the committees.

I had already guided that committees take keen interest in these reports. Where they are substandard and do not meet the format, send them back.

**MS CECILIA OGWAL:** Madam Speaker, I appreciate your guidance –

**THE SPEAKER:** Actually, what Hon. Cecilia has seen is what we are telling committees to do. You are right to say that.

**MS CECILIA OGWAL:** Madam Speaker, last year, Minister Bahati was in the Ministry of Finance, Planning and Economic Development. And, the reason I am very interested in seeing anything coming from the finance ministry – I know why - and today, they have shot themselves in the foot by even trying to interrogate me when I am trying to help them to be smarter. *(Laughter)*

Madam Speaker, sometimes as Members of Parliament, we look at the obvious. However, I am trying to say that until we subject this to sections 13, 14 and 15 of the Public Finance Management Act, we would have failed in our duties. I beg to submit.

**THE SPEAKER:** Now, that is what the committee is supposed to do: look at sub sections (13), (14) and (15) of the Public Finance Management Act. Where it does not fit the format that is prescribed under the law, you reject or come back to the House and report.

**MR LUBEGA-SSEGGONA:** I, first of all, want to thank you, Madam Speaker. I am very certain that any intelligent Speaker would do exactly what you have done.

My concern, though, is that the presentations of these ministerial policy statements are time-bound. It is our duty, first, if on the face of it we see that what is presented is not a ministerial policy statement – which is our principal responsibility, before we even go to the committee – we have a duty to point that out. When we do that, therefore, we save ourselves the burden of failing or joining the Executive in failing to comply with our rules and the law.

Secondly, by the time the committee reports, we might even be out of time. This one is not to tempt the Speaker to change her ruling, but to appeal for humility and wisdom from our honourable colleagues, who are presenting these policy statements. It does not cost you anything conceding and rectifying something that is obvious.

I hope and look forward to seeing that we are able to comply with the timelines in the event that the committees established that, actually, what is presented is not a ministerial policy statement as required by law, bearing in mind that today is the 14<sup>th</sup> of March – we are at the edge. Tomorrow is the last day.

Therefore, let me suggest, with your permission, Madam Speaker, that the ministers liaise with the Opposition side between today and tomorrow and, probably, be able to rectify what is not proper. It is about all of us, as an institution. Yes, we have blamed them enough, but what do you do when your brother fails today and tomorrow?

**THE SPEAKER:** Honourable members, under Rule 147 of the Rules of Procedure, the

Opposition side will also provide the alternative statements; they are going to do it. I happen to have been a member of the sectoral Committee on Presidential Affairs. The first thing the committee does is to check the compliance audit - whether the policy statement that has been provided to the committee is not a dummy policy statement. That is the first step. Where they find that it is a dummy, they instantly reject it.

Therefore, let us give the leadership and members of committees some time to look at these reports and report back. I have said that where it does not comply, reject it. I am also waiting for yours – from the Opposition side.

**MR LUBEGA-SSEGGONA:** I definitely make an undertaking that once we receive something that complies with the law, you will have our response in time. Thank you.

**THE SPEAKER:** We expect your response before the 29<sup>th</sup> of this month.

**MR LUBEGA-SSEGGONA:** Yes, it is a response to the ministerial policy statements. Thank you.

#### MOTION FOR ADOPTION OF THE REPORT OF THE AD HOC COMMITTEE ON THE BUJAGALI TAX WAIVER

**THE SPEAKER:** Honourable members, for proper context, you will recall that on 18 May 2022, during the consideration of the Income Tax (Amendment) Bill, 2022, this House stayed an extension of a five-year waiver of corporate income tax to Bujagali Energy Limited. The House, instead, granted a one-year waiver, pending parliamentary inquiry on the terms and conditions of the agreement between the Government of Uganda and Bujagali Energy Limited, and the effects of this agreement on the power tariffs in Uganda.

The consideration of this report has coincided with the budgeting process because we are now in the budgeting period. So, we are looking at the report that was referred to the committee. I want the Frontbench - I have got complaints: “Why do we always have select committees?”

Honourable members, as you are aware, rules 190 and 191 mandate this House to appoint a select committee or an ad hoc committee to inquire into various issues that may be beyond the jurisdiction of any particular standing committee or sectoral committee. The use of the select committees and ad hoc committees is, therefore, within the law and within the Rules of Procedure of this House.

There is a saying that we get select committees and use them to fight people. We are not fighting anybody; we are using these committees to do work for you. Therefore, that assumption that we are using select committees – and for your information, the select committees are doing a very good job. *(Applause)*

The power to appoint a select committee is anchored under Article 90 of the Constitution of the Republic of Uganda. Therefore, we are not acting outside the law.

I now invite the chairperson of the ad hoc committee to come and make a presentation of their findings.

**MR SSEMUJJU:** Madam Speaker, the procedural issue I am raising relates to the communication that you have just made. The Committee on Presidential Affairs was assigned to investigate the disappearance of iron sheets. However, there are two things that you may need to guide this House on. There are media reports of the President complaining that Parliament is wasting time – the thieves are known – but he is also instructing the police to investigate, leading to the summoning of some of the suspects.

The procedural issue I am raising, Madam Speaker, is whether our committee should not report immediately, before that report is overtaken by events. We may make a recommendation that a certain minister is removed when they are already in Luzira. *(Laughter)*

**THE SPEAKER:** Hon. Ssemujju, we are not wasting time. As Parliament, that is one of our roles: to do oversight. That is what our committee is doing. The only thing we cannot

do is to handle criminal matters. Where there is a criminal matter to that effect, we refer it to those bodies that handle them. We will not be overtaken by events.

The committee is currently in Karamoja. They should be back - they have gone to Karamoja. I am the one who sent them. The committee has gone to the locus where they were supposed to be and they will report back. Thank you.

3.48

**MR DICKSONS KATESHUMBWA (NRM, Sheema Municipality, Sheema):** Madam Speaker and colleagues, before I present the committee's report, I beg to lay on the Table the following documents:

- (i) The report of the ad hoc committee on the Bujagali tax waiver and the accompanying minutes;
- (ii) The report of the ad hoc committee on Bujagali during the study visit to the Ministry of Energy in Kenya;
- (iii) The initiating agreement between the Government of Uganda, UETCL, IPS Group, World Power Holdings;
- (iv) The shareholders' agreement between Bujagali Holding Power Company Limited, SG Bujagali Holdings Limited, Bujagali Energy Limited and the Government of Uganda dated 8 December 2007;
- (v) The power purchase agreements relating to the Bujagali Hydroelectric Power Project between UETCL and Bujagali Energy Limited dated 13 December 2005, 25 May 2007, 6 December 2007 and 18 June 2018;
- (vi) The Assumption and Innovation Deed dated 24 July 2018;
- (vii) The amended and restated implementation agreement relating to the Bujagali Hydroelectric Power Project between the Government of Uganda and Bujagali Energy Limited; and

(viii) The Bujagali Energy Limited audited accounts and financial statements for the years 2006 to 2021.

Secondly, Madam Speaker and colleagues, allow me to make three corrections in the report.

Under 5.2 - TOR2 and TOR3, the second line of recommendation three, page 25; allow me to correct the report's record to capture US cents 5.72 per kilowatt instead of 6.55.

**THE SPEAKER:** Honourable members, do you have the report on your iPads?

**MR SSEMUJJU:** That a report is corrected - because a report is supposed to be signed by Members and brought to Parliament when it is ready. But to begin correcting a report that you are going to present to Parliament - it has never happened in the history of this Parliament.

**THE SPEAKER:** What is being corrected?

**MR KATESHUMBWA:** Madam Speaker, we are just making minor corrections on typos; the report is signed.

**THE SPEAKER:** What specifically are you correcting?

**MR KATESHUMBWA:** Madam Speaker and colleagues, we are making three corrections on page 25 to capture US cents 5.72 per kilowatt instead of 6.55 per kilowatt and -

**THE SPEAKER:** That is a significant change. You know we are talking about figures. Can we have that changed and counter-signed by all the Members?

**MR KATESHUMBWA:** Madam Speaker, I beg to request that you allow me to proceed with the report and all the changes - *(Interruption)*

**MR AOGON:** Madam Speaker, to err is human. However, what is important to me is for us to follow the procedures of the House. I think it is not bad for the committee to go

back and finish up whatever is remaining and then bring it back; after all, it is not even a big correction in terms of volume of work.

I mean, the implication is big, but in terms of work, if they agree - the question now before the House is; how sure are we that the correction is agreed to by the entire committee? That becomes the real question.

**THE SPEAKER:** The principle of materiality.

**MR AOGON:** Yes, materiality, and that is very important. I beg that the committee goes back and quickly fixes whatever needs to be fixed.

**THE SPEAKER:** Hon. Kateshumbwa, we appreciate the work you have done - Hon. Enosi, do you have something?

**MR ENOSI ASIIMWE:** Thank you, Madam Speaker. When you read the report, and listen to what Hon. Kateshumbwa wants to change, it is immaterial, Madam Speaker. It will not change the message in the report. I can guarantee you -

**THE SPEAKER:** You know, a report is credible when it is quantitative and qualitative. Now, the qualitative is what you are talking about - the quantitative, the materiality principle - there is an accountant in front of you - now this is about people who know figures.

**MR KYOOMA:** Thank you, Madam Speaker. When referring to a unit and you consider what Hon. Kateshumbwa has talked about, it is actually material. I thank you.

**THE SPEAKER:** Thank you. Hon. Kateshumbwa, can we have your members counter-sign the correction and we have you on the Order Paper tomorrow?

**MR KATESHUMBWA:** Much obliged, Madam Speaker.

**THE SPEAKER:** You can even reprint that part and just sign afresh. Thank you. Can we have the next item? Honourable members, that is a report you must listen and contribute to.



MOTION FOR ADOPTION OF SUB-  
REGION OVERSIGHT REPORTS ON THE  
PARISH DEVELOPMENT MODEL

**THE SPEAKER:** We will refer the sub-regional reports to tomorrow. Can we look at the Bill?

BILLS  
SECOND READING

THE LAW REVISION (MISCELLANEOUS  
AMENDMENTS) BILL, 2022

**THE ATTORNEY-GENERAL (Mr Kiryowa Kiwanuka):** Madam Speaker, I beg to move that, “The Law Revision (Miscellaneous Amendments) Bill, 2020” to be read for the second time. I beg to move.

**THE SPEAKER:** Is the Bill seconded? It is seconded by Hon. Silas, Member for Aruu County, Hon. Julius Onen, Hon. Mbwatekamwa - all the Mbwatekamwas, the ministers and the whole House. Can you speak to your Bill?

**MR KIRYOWA KIWANUKA:** Madam Speaker and honourable colleagues, this Parliament passed the Law Revision Act, 2020 which required the laws of Uganda to be revised every 10 years.

The last revision of the laws of Uganda was done in the year 2000. Therefore, we are behind by a couple of years - only about 22.

The purpose of the law revision Bill is to clean up the Act and bring up to speed, the laws that are remaining on the Statute Books up to now.

During the preparation of this, the editorial committee does go out and review all the laws that are on our Statute Books. And, I hope and pray that today we shall pass the Law Revision Amendment Bill.

**THE SPEAKER:** Thank you so much, Attorney-General. Can we now have the chairperson present the report?

3.58

**THE CHAIRPERSON, COMMITTEE ON LEGAL AND PARLIAMENTARY AFFAIRS (Ms Robina Rwakoojo):** Madam Speaker, I beg to present the report of the Sectoral Committee on Legal and Parliamentary Affairs on the Law Revision (Miscellaneous Amendments) Bill, 2022. I beg to lay copies of the minutes of the meetings we held.

**THE SPEAKER:** Please lay.

**MS RWAKOOJO:** Madam Speaker, I propose to read an executive summary because this has been uploaded on the system.

On 23 December 2022, the Law Revision (Miscellaneous Amendments) Bill, 2022 was, in accordance with Rule 128 of the Rules of Procedure of Parliament read for the first time and referred –(*Interruption*)

**THE SPEAKER:** Madam Chairperson, just take us to the summary.

**MS AVUR:** Madam Speaker, the procedural issue I wanted to raise has been corrected. I wanted to know whether it was procedurally right for the chairperson to place her bag there, when she is not laying it on the Table. (*Laughter*)

**THE SPEAKER:** The chairperson is a lady. Secondly, she had to ask for permission to lay it on the Table. So, she was only having it near for convenience.

**MS RWAKOOJO:** The Law Revision (Miscellaneous Amendments) Bill, 2022 was in accordance with Rule 128 of the Rules of Procedure of Parliament, read for the first time and referred to the Committee on Legal and Parliamentary Affairs.

The process involves the cleaning up of the Statute Book and ensuring that it is up to date. In Uganda, the Law Revision Act, 2020 (Act 4 of 2020) empowers the Attorney-General to, in consultation with the Law Reform Commission and by statutory instrument or the revised

edition, to be prepared by the commission. The Act further empowers the Attorney-General to ensure that a revised edition is prepared every 10 years from the date of the last revised edition.

The object of the Law Revision (Miscellaneous Amendments) Bill, 2022 is to provide for the repeal of specified Acts; to provide for the conversion of fines and other financial amounts in the specified laws to currency points; to provide for the conversion of financial amounts expressed in pounds in specified laws to currency points; to provide for the amendment of several laws to correct the anomalies in those laws and to effect the decisions of the Constitutional Court and Supreme Court; to transfer provisions in the Finance Acts to the relevant laws and to incorporate provisions on winding up in the Collective Investment Scheme Act, the Partnership Act and the Cooperative Societies Act, and for related matters.

In the process of analysing the Bill, the committee held consultations with a number of stakeholders namely; the Attorney-General, the Parliamentary Commission, the Uganda Law Reform Commission (ULRC), the Uganda Law Society (ULS), the Law Development Centre (LDC), the Judiciary, Makerere University, the Ministry of Health, School of Law-Makerere University and the Director of Public Prosecutions.

The report examines the amendments proposed by the Bill, its legality, effect and effectiveness and the mischief it intends to cure. The committee generally supports the Bill with specific observations and recommendations.

Under clause 1, the Bill seeks to repeal a number of enactments for various reasons, including redundancy, being spent, being affected or superseded by Government policy as well as those affected by amendments to other laws. Whereas the committee is in support of this clause, it is of the considered opinion that there are a number of legislations listed for repeal that still serve practical and legal value to Ugandans, and repealing them will deny

Ugandans services obtainable through those enactments.

The committee recommended that a number of enactments be removed from Schedule 1 of the Bill since they are still relevant. Further, as a consequential amendment, the committee also recommended that certain Acts be amended to incorporate various provisions scattered in other legislations.

Clause 2 proposes to amend the laws specified in Schedule 2 of the Bill by substituting the fines and other financial amounts in those acts into currency points by using the formula in the Law Revision (Fines and other Financial Amounts in Criminal Matters) Act, 2008.

The committee observed that in converting the fines in some acts listed in the second schedule, there was noncompliance with the modification formulae prescribed in the Law Revision (Fines and other Financial Amounts in Criminal Matters) Act. In that regard, the committee recommended that the fines under some provisions be revised in accordance with the Law Revision (Fines and other Financial Amounts in Criminal Matters) Act. Some of the Acts proposed for modification were noted as either listed for repeal, or have been repealed or amended by various enactments and are no longer good law, and thus should be disregarded.

Under clauses 3 and 4, the Bill proposes to modify fines and other financial amounts in the Penal Code Act, Cap. 120. The committee reviewed the provisions of the Bill and noted that whereas the proposal was welcome, some proposals should be rejected, since these provisions were declared unconstitutional, and some need to be rethought since a wrong formula was used in modifying the provisions of the Bill.

The committee recommended the deletion of clause 5 and Schedule 5 of the Bill, that proposed to modify the provisions of the law by substituting the financial amounts expressed in currency points specified in those provisions with financial amounts expressed in Uganda

Shillings, as it contravenes Section 5 of the Law Revision (Fines and other Financial Amounts in Criminal Matters) Act.

Clause 6 of the Bill proposes to modify fees, values and costs prescribed in various enactments, listed in Schedule 6 of the Bill to reflect the actual fine, fees and values prescribed in other laws that have a bearing on the enactment. Whereas the committee finds merit in the proposals contained in the Bill, there is need to remove from Schedule 6 enactments, which have been included, but are not modified through an Act of Parliament or through a statutory instrument.

The committee notes that in some instances, the enactments have been included in Schedule 6 for modification where such enactments have not been in any way amended directly or indirectly by any legislation. These are being modified by repealing them on grounds that they are not complied with. Non-compliance with a provision of any enactment cannot be a ground for modifying fees, values or fines imposed thereunder except where enactment is directly amended to remove fines, fees or value.

Clauses 11 and 12 of the Bill make provision to the law relating to bail under the Magistrates Courts Act and the Trial Indictments Act. Currently, the Magistrate Courts Act and the Trial on Indictments Act, require a person to only be released on mandatory bail, if he or she has been in detention before trial for 480 days in case of capital offences, and 240 days in all other cases.

The committee notes that the set provisions were found to be unconstitutional for having set bail provisions that were inconsistent with the Constitution.

Clause 14 of the Bill proposed to amend sections of the Penal Code Act that are intended to remove the reference to seditious publication, and to restate the offence of publishing false news. In regard to this clause, the committee recommends that the deletion of some sections of the Penal Code Act be in order to comply

and to give full effect to the decision of the Constitutional Court. The committee further recommended that new clauses deleting some sections of the Penal Code Act be introduced since those sections under the Penal Code Act are superseded by specific laws.

Under clause 16 of the Bill, there are a number of proposals to amend the Succession Act by repealing, substituting and amending in some sections.

The committee observed that the provisions being amended are those that were either introduced or amended under the Succession (Amendment) Act, 2022 and relate to witnessing of wills, determination of contentious matters, and the treatment of caveats once lodged in court.

The committee, therefore, made a number of recommendations that included rejection of the proposals that were redundant and did not introduce anything new.

The committee noted that whereas clause 20 of the Bill that sought to amend a number of sections of the Divorce Act, would go a long way in dealing with the decision in the *Uganda Association of Women Lawyers (FIDA) & Others v. the Attorney-General*, they do not entirely address some of the issues raised in other similar decisions.

Clause 21 of the Bill sought to amend the Administration of Parliament Act, Cap. 257, by inserting a new section relating to the remuneration of Members of Parliament.

The committee recommended, with justification, that clause 21 be amended by restoring the duty to determine Members' emoluments in Parliament in compliance with Article 85 of the Constitution and Section 6 of the Administration of Parliament Act, Cap. 257.

Clause 22 of the Bill proposed to amend the Parliament Powers and Privileges Act, by substituting section 14 with a provision that allows a Member or officer of Parliament to

give evidence without seeking special leave elsewhere of any contents, of any document laid before Parliament or a committee of Parliament. The amendments proposed, therefore, intended to give effect to the decision of court, which outlawed the requirement for special leave. The committee was of the considered opinion that the amendments proposed in -

**THE SPEAKER:** *Hajat*, did you just hear what the chairperson said about your salary? I did not see you excited. (*Laughter*)

Let us go ahead.

**MS RWAKOOJO:** The amendments proposed are, therefore, intended to give effect to the decision of court, which outlawed the requirement for special leave. The committee was of the considered opinion that the amendments proposed in respect of unofficial records of Parliament are redundant, in light of the Access to Information Act and the Rules of Procedure of Parliament.

The committee further noted that in addition to some of the provisions cited above, there are other provisions that courts have found to be unconstitutional, and hence recommended that the Bill should be amended to give effect to the decisions of court.

The committee proposes that the Bill be passed subject to the proposed amendments. Thank you, Madam Speaker.

**THE SPEAKER:** Thank you, madam chairperson. Members, you have heard the report of the chairperson. It is a very good report.

4.11

**MR SILAS AOGON (Independent, Kumi Municipality, Kumi):** Madam Speaker, first, I want to appreciate the Office of the Attorney-General, represented by the Attorney-General, who is right here. The law requires that we handle these amendments within 10 years, but this has come, I think late by - Yes. In short, we did it outside the required time. I want to appreciate the Attorney-General for the fact

that at least, together with the committee, you have put in effort to bring these amendments.

Madam Speaker, the issue of constitutionalism is very paramount. Once the courts of law declare decisions, and the House does not move to effect the changes, it affects the whole country. I am happy today; these law revisions have been brought to the Floor of Parliament. I want to challenge this House not to even delay in giving a go-ahead to approve these amendments so that as a country, the people begin to see the benefits of these amendments. I can tell you that so many people are suffering because of these decisions, which have not been effected in the changes.

I applaud the committee and those who did the research, but there is one aspect that I want to point out - the issue of consultation in the methodology. Why didn't we include the general public? I have that concern. You mentioned the LDC; you consulted FIDA and the rest. Isn't it open to the general public so that those who have an issue to raise also have the window to share their feelings about this particular process? Let me take the information from my brother.

**THE SPEAKER:** Hon. Silas, I thought you consult the personalities who have interest and who know the matter that you are talking about.

**MR AOGON:** Madam Speaker -

**THE SPEAKER:** You want to tell me that you want to bring people all the way from Kumi Municipality and say we are consulting you on this?

**MR AOGON:** Madam Speaker, I will obey your voice.

**THE SPEAKER:** You had started very well; that we should even move faster and have this - I thought the next thing you were going to do was to bring a motion.

**MR AOGON:** That is what I am about to do, but before I do it, I want to go on record; we have to protect the public's interests in these

processes of Parliament because we are saying this is a people-centred -

**THE SPEAKER:** Which people did you say were invited?

**MR AOGON:** LDC was mentioned in the report.

**THE SPEAKER:** Aren't they part of the public?

**MR AOGON:** Yes, but this is an institution. I am not talking about the general public, because there may be those who have a specific interest, and they would have interested themselves. That does not put the report in jeopardy. The good thing is that I am here to represent them. For that matter, I beg that, - Let me take information before I put in my motion. *(Interruption)*

**MR MOSES OKOT:** Thank you, honourable member, for accepting information. I believe -

**THE SPEAKER:** I am the one who allowed information. Hon. Bitek, the shadow Deputy Speaker, I gave you - *(Laughter)*

**MR MOSES OKOT:** Thank you -

**THE SPEAKER:** By the way, I was his lecturer.

**MR MOSES OKOT:** My lecturer on points of accountancy; that I think I am aloof of what you taught me. I am now probably more rooted in what he did submit on and that is why I am going to inform the House. I must appreciate the committee for the work you did. As a lawyer who has been in the trenches of practice, today, what you have asked this Parliament to do is to perform their tripartite role in the governance of this country.

The executive comes up with the intended amendment, and the courts of law go ahead to interpret what we would have done as legislation. Whenever there are lacunas, such interpretations are given meaning in our courts of law, but eminent delay for over 20 years

would make these laws made or interpreted in the courts of law, defunct. The most important and prominent one is the FIDA decision v. Attorney-General, that the community that I hail from has been suffering and grappling with on issues of return of bride price for years. You will find parties citing these decisions in courts of law, but Parliament had remained adamant, and indolent to appreciate that this should be caught in the books of law. Your decision today, to bring it, is stellar performance. It is a silver bullet that we have got as a House. Thank you.

**MR AOGON:** Thank you for the information.

**THE SPEAKER:** Thank you.

4.17

**MS AISHA KABANDA (NUP, Woman Representative, Butambala):** Thank you, Madam Speaker. I find the committee's work really impressive. When you suggest changing the currency points we have, we have made laws of recent and these laws we are taking into consideration; what is the currency point to decide what would be the desirable fine? When you change it around this time, it distorts all that we had in mind in the laws that we made recently. I am really happy that the committee did not accept that amendment. I am also very happy with the considerations that have been made about bail. I find the committee's report very acceptable. Thank you.

**THE SPEAKER:** Thank you.

4.17

**MS NAOME KABASHARIRA (NRM, Rushenyi County, Ntungamo):** Thank you, Madam Speaker. I would like to appreciate the committee and more so the leadership, as well the Attorney-General, for having looked at these laws. There were many Attorneys-General before you, but they did not look into these amendments. So, I appreciate you.

We are now going to look into these laws. However, since you have initiated the revision of these laws and those which have, maybe, turned obsolete, may you also review the implementation of these laws?

We make laws in Uganda – and they are very good – but implementation becomes zero. So, as you look into this, can you also go back and look at these entities so that they can put these laws that we make into use so that Ugandans can benefit? We see the only law being implemented is the one on traffic and they also use it because they want to get money from people.

Can you help us so that our laws are not just made here in Parliament and kept without implementation? I thank you.

**THE SPEAKER:** Thank you. We have always talked about implementation and the creation of awareness about the laws that you pass. Hon. Gilbert?

4.19

**MR GILBERT OLANYA (FDC, Kilak South County, Amuru):** Thank you, Madam Speaker. I would like to appreciate the chairperson of the committee and the Attorney-General for this very important Bill.

Looking at clause 11 and clause 12 that talk about mandatory –

**THE SPEAKER:** What clause is that?

**MR OLANYA:** Clauses 11 and 12.

**THE SPEAKER:** Why don't you discuss that at committee level?

**MR OLANYA:** I was trying to emphasise it, Madam Speaker.

Looking at that, Madam Speaker, bail is very important for our people. According to the law, when someone takes about 480 days in remand, it is mandatory for that person to get bail – and it is 180 days for capital and other offences.

As we talk, we have people who have been in prison for more than 10 years or 15 years and they do not know their fate. Therefore, this Bill is very important.

Finally, I would like the Attorney-General to tell us the areas of the laws that are going to be

amended. I feel that he did not specify, in the report, the areas that are going to be amended. Thank you.

**THE SPEAKER:** Hon. Jonathan -

**MR ODUR:** Madam Speaker, thank you very much. I am seeking clarification from the committee on two areas. The first one is related to section 154, which deals with adultery and the fines therein, which is prescribed as Shs 200 up to Shs 1, 200 – which has caused a lot of issues in the communities. Most of the murders and some of these assaults are related to the amount, in compensation, that a man can get if he catches his wife in an adulterous situation.

I would like to know whether it has now been provided for the woman too – because the law looked at one side only; a man who catches the wife in adultery. Now that we are modifying, I want them to clarify whether they have provided for that and brought the amount in fines up to speed to meet the current economic standard.

**THE SPEAKER:** Attorney-General, can you clarify. *(Laughter)*

**MR KIRYOWA KIWANUKA:** Madam Speaker, we did bring the import of the Wandira Kazibwe case into the law about the grounds for divorce. However, we have not dealt with the issue of adultery because this was just a revision. We are just cleaning out what was there. However, we anticipate the concern that is being raised by the honourable member.

**THE SPEAKER:** Chairman of the Committee on Natural Resources, you will speak next.

**MR KIRYOWA KIWANUKA:** However, we did not actually address the issue of that fine. As we go through the clauses, we shall actually explain to Parliament the challenge we have found in this law revision, which we will have to address at an appropriate time. We found a challenge in the conversion because of the direction we have taken on the currency points. So, we will explain as we go through the clauses.

4.23

**DR EMMANUEL OTAALA (NRM, West Budama County South, Tororo):** Thank you very much, Madam Speaker. I would like to add my voice in thanking the chairperson of the committee for coming up with these proposed amendments to our laws. Particularly, I want to point out the law regarding adultery. This law is long overdue for amendment because, as you are all aware, the law is really obsolete. *(Laughter)* The penalty for adultery is very obsolete and it is high time we amended it. *(Laughter)*

Madam Speaker, I would also like to – clarification? I am just seeking to –

**THE SPEAKER:** Hon. Silas, those are matters of the heart. There is a motion here – there is another *adulterous* man here. *(Laughter)*

**MR FOX ODOI:** Thank you, Madam Speaker. The Bible has a very interesting story of the adulterous woman, who was captured and taken to Jesus –

**THE SPEAKER:** At least it allows adultery, not homosexuality.

**MR ODOI-OYWELowo:** Madam Speaker, the instruction of Jesus was, “Let ye who has not sinned throw the first stone” and nobody threw a stone –

**THE SPEAKER:** Hon. Fox, you are a member of the committee, but I can allow you to speak on adultery, not homosexuality.

**DR OTAALA:** Madam Speaker, I also want to thank you. *(Laughter)* The reason I want to thank you is that you specifically pointed at me to make a submission. I also want to thank you because on Sunday, you delegated me to represent you, which I did effectively. That is a vote of confidence. Today, I was just walking out to ease myself, you again called me. *(Laughter)* Thank you very much for the trust that you have.

**THE SPEAKER:** Thank you so much.

**MR ODUR:** Madam Speaker, I want to conclude. On my concerns, the Attorney-General has ably responded to the first one – about adultery.

The second concern, Madam Speaker, is that I would like to know the opinion of the committee and the mover of the Bill on the Witchcraft Act, Cap. 124, which was made in 1957.

I would like to know whether in light of some of the interpretations by court – the Salvatori Abuki case and the rest – that law has also been taken into consideration and whether we still need this Act or whether it is part of the amendments that the mover is going to propose in future. Those are the two concerns that I wanted to raise.

**THE SPEAKER:** Thank you. Attorney-General, clarify that.

**MR KIRYOWA KIWANUKA:** The Witchcraft Act is not one of the Acts that is obsolete or that has been handled in this revision. Salvatori Abuki only dealt with the fact that it is wrong; it is repugnant. So, you read it in light of Article 274 of the Constitution and bring it into the reading of the law, but we did not do it through revision. That one would require substantial amendment.

**THE SPEAKER:** Motion?

4.28

**MR SILAS AOGON (Independent, Kumi Municipality, Kumi):** Madam Speaker, I want to thank the committee and the Attorney-General. I beg to move that we go to committee stage because I look at the House and we have said what we wanted to say and the committee has done a good job. I beg to move that you put the question.

**THE SPEAKER:** Is the motion seconded? It is seconded by Hon. Linda, Hon. Eddie, by member for Mitooma, Hon. Feta, Hon. Peter and the whole House. Thank you.

I now put the question that, “The Law Revision (Miscellaneous Amendments) Bill 2022” be read for the second time.

*(Question put and agreed to.)*

BILLS  
COMMITTEE STAGE

THE LAW REVISION (MISCELLANEOUS  
AMENDMENTS) BILL, 2022

Clause 1

**THE CHAIRPERSON:** I put the question that clause 1 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 1, agreed to.*

*Clause 2, agreed to.*

*Clause 3, agreed to.*

*Clause 4, agreed to.*

4.29

Clause 5

**THE CHAIRPERSON, COMMITTEE ON LEGAL AND PARLIAMENTARY AFFAIRS (Ms Robina Rwakoojo):** Clause 5, conversion of financial amounts not being criminal penalties from currency points to shillings. Delete clause 5.

Justification

Clause 5 and Schedule 5 proposed to convert financial amounts not being fines in specific legislation from currency points to Uganda Shillings contrary to Section 5 of the Law Revision (Fines and other Financial Amounts in Criminal Matters) Act. This will expose the financial amounts expressed in Uganda Shillings to inflation since the Uganda Shilling faces inflationary pressures, which erodes the value of financial amounts yet, if the same financial amounts are expressed in currency points, they are shielded from inflation, since

the value of a currency point is known and is constant.

Clause 5 and Schedule 5 reverses a Government policy to express all fines and financial amounts in all legislations in Uganda in currency points.

**THE CHAIRPERSON:** Attorney-General-

**MR KIRYOWA KIWANUKA:** Madam Chairperson and honourable colleagues, first of all, we have no objection to the proposal for the deletion. However, this is what I wanted to explain on the issue of currency points. Currency points are now denominated in all our legislation for fines, levies and penalties - all of them, throughout both criminal and civil laws.

If the currency points are changed for criminal law, they automatically affect a change in the civil law. For example, you may want to increase the penalty for theft in the Penal Code Act and it could affect the fees payable under the Petroleum Authority Act.

Therefore, Madam Chairperson, we have no objection to that. But we shall move a consequential amendment in light of that to clauses 8 and 9 as a result of this deletion, so that we bring it back within the ambit of the law. And, at an appropriate time, we will come back to the House and address this issue of currency points so that we make it well aligned. I beg to submit.

**THE CHAIRPERSON:** Hon. Asuman.

**MR BASALIRWA:** Madam Chairperson, we align ourselves with the proposal by the committee because the proposal by the committee addresses a reality. However, also the concern by the learned Attorney-General must be addressed because the issue of currency points has now been standardised. So, it is important that it is reflected across all our pieces of legislation.

**THE CHAIRPERSON:** Thank you. I put the question that clause 5 be deleted as proposed.



*(Question put and agreed to.)*

*Clause 5, deleted.*

*Clause 6, agreed to.*

*Clause 7, agreed to.*

Clause 8

**MR KIRYOWA KIWANUKA:** Madam Chairperson, in light of the deletion of Schedule 5, we propose that clause 8 be deleted from the Bill.

**THE CHAIRPERSON:** Hon. Asuman?

**MR BASALIRWA:** Madam Chairperson, it is a consequential amendment; we have no objection.

**THE CHAIRPERSON:** I put the question that clause 8 be deleted from the Bill.

*(Question put and agreed to.)*

*Clause 8, deleted.*

Clause 9

**MS RWAKOOJO:** Clause 9, amendment of the Interpretation Act, Cap 3. Clause 9 of the Bill is amended by inserting after paragraph (a) the following: Section 44(a) Statutory Instrument may prescribe fees, charges and fines in convertible currency. A Statutory Instrument approved by Cabinet may prescribe fees, charges and fines in convertible currency.

The justification is that the proposed section is currently Section 1 of the Finance Act, 1987, Cap. 175. The Finance Act, 1987, which contains only this provision, is to be removed from the Statute Book under Schedule 1(28) and this will create a lacuna in the law, if not included in the Interpretation Act to empower the prescription of fees, charges and fines in a statutory instrument approved by the Cabinet.

**THE CHAIRPERSON:** Attorney-General -

**MR KIRYOWA KIWANUKA:** Madam Chairperson, because we have chosen to go back to the position that Parliament has taken that we should denominate everything in currency points, it would cause a bit of confusion to have this. We propose that it be deleted and left in the legislation where it sits and if Parliament feels the need to provide for convertible currency in that particular legislation as opposed to the Interpretation Act, it does so specifically for that Act. I propose that this provision be deleted.

**MR BASALIRWA:** Madam Chairperson, I think it is important for us to remain flexible and to allow the different pieces of legislation that we make, the latitude. So, I propose that we adopt the proposal by the learned Attorney-General.

**MS AOGON:** To the contrary, I am an accountant; those are lawyers speaking. Madam Chairperson, a currency point is also affected by inflation. I say so because right now, in our schedules, we say a currency point gives us Shs 20,000. However, Shs 20,000 of 1990 is never the same as Shs 20,000 of 2023.

**THE CHAIRPERSON:** So, what is your amendment?

**MR AOGON:** The only leverage that we get is that the minister, under the law, is entitled to revalue the currency point.

**THE CHAIRPERSON:** What is your amendment?

**MR AOGON:** And, therefore, I propose that for purposes of consistency with other laws and ease of changing the value of a currency point, we continue with the currency points. Thank you.

**THE CHAIRPERSON:** Is that the amendment?

**MR AOGON:** It is within that because we are talking about the USD, change of currency – yes, that is the spirit.

**THE CHAIRPERSON:** I put the question that clause 9 be deleted as proposed.

*(Question put and agreed to.)*

*Clause 9, deleted.*

Clause 10

- a) MS RWAKOOJO:** Clause 10 of the Bill is amended by Inserting immediately after the word “amended” the words, “in section 122”;
- b)** Inserting immediately after the word “as”, the word “subsection”; and
- c)** Substituting for the proposed subsection (2) the following;
- (2)** Notwithstanding subsection (1), the officer shall, in accordance with the requirements of the Access to Information Act, permit a person to give evidence derived from unpublished official records relating to any affairs of state.

The justification is for clarity, and to specify which section of the Evidence Act, and in the proposed subsection (2), for better drafting.

**MR KIRYOWA KIWANUKA:** No objection, Madam Chairperson.

**MR BASALIRWA:** Madam Chairperson, no objection.

**THE CHAIRPERSON:** I put the question that clause 10 be amended as proposed.

*(Question put and agreed to.)*

*Clause 10, as amended, agreed to.*

Clause 11

**MS RWAKOOJO:** Clause 11 - Amendment of the Magistrates Courts Act, Cap. 16. Clause 11 of the Bill is amended by inserting immediately after paragraph (b) the following:

“(c)In section 195, by repealing subsections (2) and (4);

(d) In section 204, by repealing subsection (4);

(e) In the Third Schedule, by repealing paragraph 31(8)”

The justification is:

- (i)** The amendment proposed to section 195(2) and (4) is to remove a restriction on the quantum of costs that may be awarded in order to ensure that costs are determined on a case by case basis, to recognise the practice of courts on award of costs and allowing appeals to the High Court against any award of costs, and to harmonise the section with Schedule 6 of the Bill;
- (ii)** The amendment in section 204(4) is intended to recognise a practice of court, which allows appeals in cases where a court presided over by a chief magistrate or a Magistrate Grade I has passed any sentence of imprisonment or a fine;
- (iii)** The repeal of paragraph 31(8) is intended to recognise a practice of court in approving execution of awards; and
- (iv)** Consequential amendments arising from amendment of Schedule 6 of the Bill.

**MR KIRYOWA KIWANUKA:** No objection, Madam Chairperson.

**MR BASALIRWA:** Madam Chairperson, no objection.

**THE CHAIRPERSON:** I put the question that clause 11 be amended as proposed.

*(Question put and agreed to.)*

*Clause 11, as amended, agreed to.*

Clause 12

**MS RWAKOOJO:** Clause 12 - Amendment of the Trial on Indictments Act, Cap. 23.

Clause 12 is substituted for the following:

“(12) Amendment of the Trial on Indictments Act, Cap. 23.

The trial on indictments Act is amended -

- (a) in section 16 by –
  - i) Replacing “four hundred and eighty days” appearing in paragraph (a) with “one hundred and eighty days”.
  - ii) Replacing “two hundred and forty days” appearing in paragraph (b) with “sixty days.”
- (b) In section 125, by repealing subsection (2).
- (c) In the Schedule, by repealing paragraph (9)(1).”

Justification

- i) To harmonise the provisions with amendments in Schedule 6 of the Bill.
- ii) To recognise a practice of court relating to the quantum of costs that may be awarded by a high court and the punishment for persons summoned as assessors for non-attendance.

**MR KIRYOWA KIWANUKA:** No objection.

**MR NANDALA-MAFABI:** Thank you, Madam Chairperson. I want the Attorney-General and the Chairperson to assist me. For 480 days, you made it 180 and 240 days, you made it 60. What is the rationale?

In fact, what would have happened if 480 became 180 is that 240 should have been 90 on pro rata basis.

**MR KIRYOWA KIWANUKA:** Madam Chairperson, these amendments were already done in the Constitution, but never effected in the Trials on Indictments Act. The Constitution was already amended to reduce the number of days a person can remain before getting mandatory bail. Therefore, this is just a consequential amendment. We are not changing anything. We are not even creating a rationale. We are just following the law as has already been set by the Constitution.

**THE CHAIRPERSON:** Is that okay, Hon. Nathan? They are making the law consistent with the Constitution.

**MR NANDALA-MAFABI:** Madam Chairperson, if it is constitutional, then I have nothing to say.

**THE CHAIRPERSON:** Hon. Asuman, are you okay?

**MR BASALIRWA:** Madam Chairperson, this is a constitutional matter; so, it is self-explanatory.

**THE CHAIRPERSON:** I put the question that clause 12 be amended as proposed.

*(Question put and agreed to.)*

*Clause 12, as amended, agreed to.*

Clause 13

**MR NANDALA-MAFABI:** Madam Chairperson, I want some assistance. I also want to ask the Attorney-General to help me. You are talking of the effect of winding up of a cooperative society. We have very many cooperative societies, which by action, have already wound up. Why aren't we taking care of them in this law? Winding up is when officially you say, “I should be deregistered.”

There are cases where a cooperative society has taken several years, when inactive. Why don't we also bring it here to deal with this matter to avoid having a register, which is bloated without societies?

**MR AOGON:** Madam Chairperson, Hon. Nandala-Mafabi brings up a very good argument, but –

**THE CHAIRPERSON:** I think we need to appreciate why this miscellaneous revision has been brought. It is kind of a clean-up - making corrections; a clean-up based on the court rulings and making it in conformity with the Constitution and other laws.

**MR AOGON:** He is bringing a new argument - He is citing the issue of the cooperative societies. To the contrary, my opinion is that we should leave it the way it is because somebody can go inactive for 10 years –

**THE CHAIRPERSON:** Why don't you initiate an amendment in the Cooperative Societies Act?

**MR AOGON:** That will be later, Madam Chairperson. I agree with you and ask that we go ahead. Let us pass the provision the way it is and then later, in the Cooperative Societies Act, we come and amend. Not here. Thank you.

**THE CHAIRPERSON:** But you should come and seek leave officially.

**MR AOGON:** I have the most informed Members in terms of cooperatives. One of them is Hon. Nandala-Mafabi. I will work with him. Thank you.

**THE CHAIRPERSON:** I put the question that clause 13 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 13, agreed to.*

Clause 14

**MS RWAKOOJO:** Clause 14: Amendment of the Penal Code Act, Cap. 120. Clause 14 of the Bill is amended,

(a) By inserting immediately before paragraph (a) the following:

“By repealing sections (39), (40), (161), (162), (163), (164), (168)[1][c] and [d]”

(b) By substituting for paragraph (c) the following –

“(c)by repealing section 50.”

(c) By repealing section 154.

Justification

(i) To give effect to the decision of Andrew Mujuni Mwenda and the East African Institute (U) Ltd v. Attorney-General (Constitutional Petition No.12 of 2005), Court declared Sections 39 and 40 of the Penal Code Act unconstitutional since they contravene the provisions of Articles 29(1)(a) and 43(2)(c) of the Constitution;

(ii) Sections 161, 162, 163 and 164, which prohibit gaming houses, betting and gaming machines are affected by Section 26 of the Lotteries and Gaming Act, 2016, which allows the acts prescribed under those sections upon obtaining a licence.

(iii) The repeal of section 50 is to comply with the decision of the Supreme Court in Constitutional Appeal No.2 of 2002; Charles Onyango Obbo and Andrew Mujuni Mwenda v. Attorney-General, wherein court found that the restrictions on freedom of speech in section 50 go beyond what is justifiable in a free and democratic society or what is provided for in the Constitution and, therefore, contravened Article 43(2)(c).

(iv) The amendment proposed in the Bill continues the use of the words and phrases such as “rumour”, which are incapable of exact definition, thereby contravening the principle of legality as expressed in Article 28(12) of the Constitution.

(v) The amendments proposed to section 50 are redundant since the mischief intended to be cured in section 50 can effectively be managed under various other provisions,

including sections 83, 179, 180, 181 and 182 dealing with criminal defamation, libel and incitement to violence under the Penal Code Act;

- (vi) To remove sections 168(1)(a),(c) and (d), which were affected by the decision in *Francis Tumwesige Ateenyi v. the Attorney-General* (Constitutional Petition No.36 of 2018), which declared section 168(1)(c) and (d) of the Penal Code Act as void for being inconsistent with the Constitution; and
- (vii) The repeal of section 154 of the Act is a recommendation of the DPP, who pointed to the practical challenges in prosecuting this offence.

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

**MR BASALIRWA:** Just for the learned Attorney-General to give confirmation on this particular clause on the views that appeared in my Bill - because we had agreed that - the views in my Bill had what you would call “consequential amendments” arising out of some of the decisions of court. I had highlighted about 15 provisions for repeal. We had discussed and agreed that that would be captured. I just want to confirm because I intend to seek administrative guidance to change the title of my Bill and collapse this one.

**MR KIRYOWA KIWANUKA:** Madam Chairperson and honourable colleagues, my colleague, *Hajji Asuman*, is always attempting to box me into interesting spaces. The purpose of this piece of legislation is to clean up. If the Constitutional Court says section 6 is unconstitutional, I remove section 6, even if it has an effect on sections 7, 8 and 9. Even if the remaining sections 7, 8 and 9 read absurdly, I am not amending them. I am cleaning up.

Therefore, once I remove what the court has told me to remove, if in your view, the rest of the paragraphs are redundant, then we leave them on the Statute Books. Thereafter, we do what we call “a revision” at an appropriate time; not at this stage.

With this law revision, I cannot exceed my mandate. My mandate is to follow the instructions, as have been given to me, and not to sit in my office and become Parliament to think on what the effect of that amendment would be.

Madam Chairperson and honourable colleagues, I beg and pray that where we have amended as a result of a constitutional decision, let us not read into that decision or at least Parliament could allow me the power, as Attorney-General, to sit in my Chambers and make interpretative amendments as a result of what the court has declared.

I was hoping that my learned friend would continue with his amendment, as a substantive amendment process, and leave this law revision to proceed with me just simply cleaning up. Otherwise, I may exceed my remit. I beg to submit.

**THE CHAIRPERSON:** But we had requested you to bring it on the Floor.

**MR BASALIRWA:** At the risk of - you know, we have had this argument with the learned Attorney-General and we have not agreed on the mandate of revision, but for purposes of moving forward –

**THE CHAIRPERSON:** Hon. Asuman, I think you have the temptation of finding a short-cut.

**MR BASALIRWA:** No, Madam Chairperson; it is not a temptation. On the other side, it is the Attorney-General who is trying to “box me” into that. Let me use his words.

Madam Chairperson, for purposes of – I will have an opportunity anyway. I concur with the proposal. Let us proceed.

**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

**MS RWAKOOJO:** Insertion of a new clause immediately after clause 14.

The Bill is amended by inserting immediately after clause 14 the following –

“Amendment of the Administration of Estates (Small Estates) Special Provisions Act, Cap. 156.

The Administration of Estates (Small Estates) Special Provisions Act is amended by repealing section (7)(2).”

The justification is:

- i) The repeal is a consequential amendment arising from amendments to Schedule 6 of the Bill; and
- ii) To remove a provision that is redundant.

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

**MR BASALIRWA:** Madam Chairperson, 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

**MS RWAKOOJO:** Clause 15: Amendment to the Succession Act, Cap. 162. Clause 15 is amended by deleting paragraphs (b) and (c).

The justification is:

- i) The proposal to delete Section 255A from the Succession Act will create a legal vacuum on how to treat caveats lodged against a grant of probate or letters;
- ii) Section 255A clarifies on the proceedings that accrue after a caveat is lodged against

the grant of letters or probate and brings finality to caveat proceedings by requiring the caveat to lapse after six months from the date of lodging of the caveat, unless proceedings are taken by the petitioner for probate or letters, or the caveator or to remove the caveat or prove the objections in the caveat. Without this process in Section 255A, delay will be occasioned in processing letters and probate, since the caveator is not required to prove the grounds of the caveat; and

- iii) The proposal in Section 265 where either person before court in a contentious case can either be the petitioner or defendant is based on a wrong assumption that in all contentious cases, a petitioner for letters or probate is the petitioner, while the caveator is the defendant, yet this is not the case. In some instances, the caveator can be the petitioner by taking out a process to confirm his or her objection, and in that case, the petitioner for letters or probate becomes the defendant. This was recognised in Section 255A, which allows either the caveator or the petitioner for probate or letters to apply to prove the caveat or remove the caveat, as the case may be.

Madam Chairperson, I just want to explain that “probate” is what you get when somebody has left a Will, if you apply to court. Then, you get letters of administration when the person dies intestate - that is if they do not leave a will or if the Will is problematic and they cannot go by it.

**MR KIRYOWA KIWANUKA:** No objection, Madam Chairperson.

**MR BASALIRWA:** No objection, Madam Chairperson.

**THE CHAIRPERSON:** I put the question that clause 15 be amended as proposed.

*(Question put and agreed to.)*

*Clause 15, as amended, agreed to.*

## Clause 16

**MS RWAKOOJO:** Clause 16: Amendment of the Fish Act, Cap. 197. For clause 16, they substituted the following –

“Clause 16: Amendment of the Fisheries and Aquaculture Act, 2023

The Fisheries and Aquaculture Act, 2023 is amended by inserting immediately after Section 79 the following –

“79 A. Imposition of a fish levy -

- (1) A fish levy is imposed on fish exports originating from or caught in the fishing waters of Uganda.
- (2) The fish levies shall be payable at the following rates –
  - (a) Large fish species (fresh, salted or smoked) at USD 05 cents per kilogramme Free On Board (FOB);
  - (b) Fish bladder (maws) at 8 per cent of the total value.
  - (c) Small pelagic (Mukene, Mmeziri, Ragoge and Nkejje) at \$0.02 per kilogramme for export;
  - (d) Industrial by-products (fish frame, fat, skin, fish off cuts and fish oil) at \$0.02 per kilogramme for export; and
- (3) The levy shall be paid by the exporter to Uganda Revenue Authority at the time of export out of Uganda.”

## Justification

The Fish Act has been repealed by the Fisheries and Aquaculture Act 2023, making the insertion of the provisions on fish levy in the Fish Act legally impossible.

**MR KIRYOWA KIWANUKA:** Madam Chairperson, I request that we recommit this clause at the end. The Fisheries and

Aquaculture Act seems to have provided the powers to make this.

I am sorry I did not complete my work on this. I can just consult quickly and come back.

**THE CHAIRPERSON:** We can stand over it, not recommit.

**MR KIRYOWA KIWANUKA:** Much obliged, Madam Chairperson.

**MR NANDALA-MAFABI:** Thank you, Madam Chairperson. Attorney-General, I would like to interest you in something. Under one of the finance laws, we put in how to tax, especially fish maw and whatever. When we stand over it, we need you to look at and reconcile them because that will mean you have a law taxing under the Fisheries Act and also another under the Finance Act.

**MR KIRYOWA KIWANUKA:** Hon. Nandala, this provision was picked from the Finance Act and brought into the Fish Act. However, the amendment of the Fisheries and Aquaculture Act crossed the time when this Bill had come to the House, yet it was assented to after the first reading.

Therefore, I just want to make sure that the provision in the Aquaculture Act does not take care of this before we can deal with it. That is why I request that we stand over it.

**MR SILWANY:** Madam Chairperson, the clarification I want to seek from the Attorney-General is: Why are we legislating in dollars, not Uganda Shillings yet we are making a law for Uganda?

**THE CHAIRPERSON:** It is because of the export.

**MR SILWANY:** Madam Chairperson, does that mean that our currency cannot work? We should be talking about Uganda Shillings. I just want clarification.

**MR KIRYOWA KIWANUKA:** Thank you, honourable member. One, it is export.

However, more importantly, like I said earlier, this provision is picked as it is from an existing law without changing a single word in it. That is what law revision is about – I pick a provision from where it is and organise and put it in another place. I do not change a word. I cannot change a currency. I cannot change its meaning. That is the other reason.

**MR BASALIRWA:** Madam Chairperson, I recall that when we were discussing this issue, we also took cognisance of the fact that the Fisheries and Aquaculture Act had not been assented to.

I recall a discussion happened and we were not very clear on which stand to take in light of the fact that the Bill was before my colleague in Entebbe.

So, the request by the Attorney-General to have this matter deferred – because much of the discussion would be minimised if we referred to the Fisheries and Aquaculture Act - Therefore, we take that position, Madam Chairperson.

**THE CHAIRPERSON:** Thank you. We stand over it.

Clause 17

**THE CHAIRPERSON:** I put the question that clause 17 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 17, agreed to.*

*Clause 18, agreed to.*

Clause 19

**MS RWAKOOJO:** Clause 19: Amendment of the Registration of Titles Act, Cap. 230

Clause 19 of the Bill is amended by inserting immediately after paragraph (b), the following –

“36. Amendment to the Registration of Titles Act, Cap. 230

The Registration of Titles Act is amended in the 22<sup>nd</sup> Schedule by inserting immediately after paragraph 3(e) the following paragraphs –

- (f) On registration fees in respect of transfer of land - 30,000.
- (g) On consent to transfer land - 20,000.
- (h) On application for extension of lease - 20,000.
- (i) On registration of court order - 20,000.
- (j) On registration of fees for a mortgage - 40,000.
- (k) On certificate of a mortgage – 4,000”

Justification

This is a constitutional amendment arising from the repeal of the Finance Act, 2013, under schedule item 45.

**MR KIRYOWA KIWANUKA:** No objection, Madam Chairperson.

**MR BASALIRWA:** No objection, Madam Chairperson.

**THE CHAIRPERSON:** I put the question that clause 19 be amended as proposed.

*(Question put and agreed to.)*

*Clause 19, as amended, agreed to.*

Clause 20

**MS RWAKOOJO:** Clause 20: Amendment of the Divorce Act, Cap 249

Clause 20 is amended by substituting for paragraph (a) the following:

- “(a) In section 4 -
- (i) By substituting for subsection (1) the following –



“4. Grounds for divorce

A husband or wife may apply by petition to the court for the dissolution of the marriage on the grounds that since the solemnisation of the marriage, his wife or her husband –

- (a) has been guilty of adultery;
  - (b) has changed his or her profession of Christianity for the profession of some other religion, and gone through a form of marriage with another man or woman;
  - (c) has been guilty of bigamy;
  - (d) has been guilty of rape, sodomy or bestiality;
  - (e) has been guilty of cruelty; or
  - (f) has been guilty of desertion, without reasonable excuse, for two years or upwards;
- (ii) By repealing subsection (2).”

Justification

- i) To merge subsections (1) and (2) since they now apply to the same subject matter in compliance with the decision in *Uganda Association of Women Lawyers (FIDA) and 5 Others v. the Attorney General, Constitution Petition No.2 of 2003*;
- ii) To comply with the decision in *Dr Specioza Wandira Kazibwe v. Eng. Charles Nsubuga Kazibwe* divorce where court held that both grounds for divorce are distinctive grounds, each in its own right, upon any of which a decree nisi may issue. The import of this decision is that grounds of divorce of adultery, desertion and others prescribed in section 4(2) are independent of each other and need not be presented alongside adultery for one to sustain a petition in divorce; and
- iii) Subsection (2) of section 4 is redundant since it has been merged with subsection (1).

Madam Chairperson, previously, you had to join these grounds to adultery, yet a man just brought adultery as his ground – unless it was rape, sodomy or bestiality.

**THE CHAIRPERSON:** Attorney-General?

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

**THE CHAIRPERSON:** Hon. Fox? (*Laughter*)

**MR FOX ODOI:** No objection, Madam Chairperson. (*Laughter*)

**MR BASALIRWA:** No objection, Madam Chairperson.

**THE CHAIRPERSON:** Hon. Nathan, do you have something on adultery? (*Laughter*)

**MR NANDALA-MAFABI:** No objection, Madam Chairperson. (*Laughter*)

**THE CHAIRPERSON:** I know how to get my people. (*Laughter*)

**MS AISHA KABANDA:** Thank you, Madam Chairperson. Speaking about adultery and defining adultery - you know, we dress to communicate. I see Hon. Asuman putting on a ring. I would like to know what the ring communicates. Is it being married to one - What does his ring communicate in these issues of marriage?

**THE CHAIRPERSON:** Are we legislating on Hon. Asuman now? (*Laughter*) Maybe he is trying to scare off some people who are trying to – I put the question that clause 20 be amended as proposed.

*(Question put and agreed to.)*

*Clause 20, as amended, agreed to.*

Clause 21

**MS RWAKOOJO:** Amendment of the Administration of Parliament Act, Cap. 257. Clause 21 is amended –

- (a) By replacing the first two lines of the clause with the following –

“The Administration of Parliament Act is amended by inserting immediately before the proposed Section 32A, the following –

“(a) By inserting immediately after section 24 the following –

“24A Establishment of a Parliamentary Budget Office

(1) There shall be a Parliamentary Budget Office within the Parliamentary Service consisting of full-time and part-time budget and economics experts as may be required from time to time.

(2) The functions of the budget office shall be to provide Parliament and its committees with objective and timely analysis, required for economic and budget proposals and the information and estimates required for the parliamentary budget process, and without prejudice to the generality of the foregoing, the Budget Office shall –

(a) provide budget-related information to all committees in relation to their jurisdiction;

(b) submit reports on, but not limited to, economic forecasts, projections and options for reducing the budget deficit;

(c) identify and recommend on Bills that provide an increase or decrease in revenue and the budget;

(d) prepare analytical studies of specific subjects such as financial risks posed by Government-sponsored enterprises and financial analysis; and

(e) Generally, give advice to Parliament and its committees on the national budget and the economy.”

(c) by numbering the current provision as paragraph (b) with the following headnote –

“(b) by inserting immediately after Section 32 the following –

(d) In the proposed section 32A –

(i) In the proposed subsection (1), by substituting for the word “Government” the word “Parliament”; and

(ii) In the proposed subsection (4), by inserting immediately after the word “dissolution”, the words “of Parliament”.

The justification is:

i) The provisions in the proposed clause 24A referring to the establishment of the Budget Office are sections 20 and 21 of the Budget Act, 2001. The Budget Act is to be removed from the Statute Book under Schedule 1 paragraph 89 because all other provisions of the Act were inserted in the Public Finance Management Act, 2015;

ii) In accordance with Articles 82(8) and 85 of the Constitution and Section 6(g) of the Administration of Parliament Act, to empower Parliament to determine the salary and gratuity payable to a Member of Parliament in accordance with Article 85 of the Constitution and Section 6 of the Administration of Parliament Act;

iii) To remove the word “Government” in the proposed Section 32(a) (1) since the word is ambiguous and does not clarify who, in Government, will determine the salary and gratuity of Members of Parliament; and

iv) For clarity and better drafting.

**THE CHAIRPERSON:** Thank you.

**MR KIRYOWA KIWANUKA:** No objection, Madam Chairperson.

**THE CHAIRPERSON:** There is part one; “There shall be a Parliamentary Budget Office within the Parliamentary Service consisting of full-time and part-time budget and economics experts.” I think “full-time and part-time” should be deleted; that is administrative because these terms are determined by the Parliamentary Commission.

**MR KIRYOWA KIWANUKA:** Madam Chairperson, this provision was picked from the Budget Act as it is and we carried it and put it in the Administration of Parliament Act.

For me to change anything becomes an amendment; it goes outside the remit of - but when we discussed it, it did not have any effect. Again, the determination of who will be full-time is an administrative matter. So, it is more inclusive than exclusive. So, we did not see any danger in it.

**THE CHAIRPERSON:** When you go to paragraph (d), “prepare analytical studies for specific subjects such as ...” Are examples allowed in legislation?

**MR KIRYOWA KIWANUKA:** Examples are given to give effect in interpretation, things like “these”. So, many others like “those” can be allowed. It is just for interpretation.

**MR NANDALA-MAFABI:** Thank you very much, Madam Chairperson. We make a huge mistake in assuming that the Budget Office should have only economists. I think we should resolve this here because you can have an engineer there who can assist you as far as budgeting is concerned. You can have a statistician or a lawyer.

Madam Chairperson, I do not think it has an effect to remove – My sister Aisha is harassing me, can I be protected?

**THE CHAIRPERSON:** What kind of harassment? *(Laughter)*

**MR NANDALA-MAFABI:** Ask her how she is harassing me.

**THE CHAIRPERSON:** Hon. Nandala-Mafabi, we can make this correction on the qualification by amending the Act.

**MR AOGON:** Madam Chairperson, you have said exactly what I wanted to say. *(Laughter)*

**THE CHAIRPERSON:** I put the question that clause 21 be amended as proposed.

*(Question put and agreed to.)*

*Clause 21, as amended, agreed to.*

Clause 22

**MS RWAKOOJO:** Amendment of the Parliament (Powers and Privileges) Act, Cap. 258.

Clause 22 substituted the following –

“Amendment of the Parliament (Powers and Privileges) Act, Cap. 258

The Parliament (Powers and Privileges) Act is amended by repealing section 14.

Justification

- i) To give effect to the decision of the court in Zachary Olum and Anor v. Attorney-General (Constitutional Petition No.6 of 1999) by deleting section 14 of the Parliament (Powers and Privileges) Act, to remove the requirement for special leave of Parliament to have been obtained and heard before the disclosure of information in the custody of Parliament in compliance with the requirements of the Access to Information Act.
- ii) The proposed amendment to section 14 is redundant since the procedure for accessing documents before Parliament is articulated under the Access to Information Act and under rules 211, 215 and 219 of the Rules of Procedure of Parliament –*(Interruption)*

**MS AISHA KABANDA:** Thank you, Madam Chairperson. I am rising on the point of privilege. These screens that help us to read, we can hardly see what is there. We would rather do away with the pictures and then display them so that we can read. Otherwise, they are just there for formality now. It is my prayer that the ICT section zooms in for us to see.

**THE CHAIRPERSON:** Did you get an iPad, Hajjat?

**MS AISHA KABANDA:** I am reading her report on the iPad. I cannot shift the report and the Bill at the same time.

*Clause 22, as amended, agreed to*

New clause

**THE CHAIRPERSON:** No, the report is on the iPad. Can I give you mine?

**MS RWAKOOJO:** Insertion of a new clause immediately after clause 22.

**MS AISHA KABANDA:** What a privilege it would be! Thank you very much, Madam Chairperson.

Immediately after clause 22, we propose to insert the following:

“Amendment of the Police Act, Cap. 303.

**THE CHAIRPERSON:** Give *Hajjat* my iPad so she can read the report.

The Police Act is amended by –

**MS RWAKOOJO:** The provision erroneously assumes that all officers of Parliament are competent to give evidence in courts of law, in relation to documents laid before Parliament, yet the Access to Information Act designates the Chief Executive Officer of a public body as an information officer responsible for granting access to information covered by the Act, and in the case of Parliament, the information officer is the Clerk to Parliament in whose care and charge records of Parliament are placed under rule 227; and

- a) section 27A (2) and (3);
- b) repealing section 32(2) and (3);
- c) repealing section 33;
- d) repealing section 34;
- e) repealing section 35;
- f) repealing section 36;
- g) repealing section 37.

Justification

iii) The provision wrongly assumes that documents in possession of committees of Parliament are accessible upon their being laid in the committee yet this is not true since documents in the possession of the committee become accessible upon being laid in Parliament, thereby forming part of the record of Parliament in accordance with Section 4 of the Access to Information Act.

- i) To remove the provisions that were affected by the decision in *Olara Otunnu v. Attorney-General, Constitutional Petition No.12 of 2010*, which found section 27A(2) and (3) to be unconstitutional for infringing on Article 28(12) of the Constitution;
- ii) Remove the provisions that were affected by the decision in in the Constitutional Petition No.09 of 2005 *Muwanga Kivumbi v. Attorney-General*, which declared section 32(2) of the Police Act unconstitutional; and
- iii) The repeal of sections 33, 34, 35, 36 and 37 of the Police Act is a consequential amendment arising from the repeal of section 32 of the Police Act.

**THE CHAIRPERSON:** Attorney-General?

**MR KIRYOWA KIWANUKA:** No objection, Madam Chairperson.

**THE CHAIRPERSON:** Hon. Asuman?

**MR BASALIRWA:** No objection.

**THE CHAIRPERSON:** I put the question that clause 22 be amended as proposed.

**MR AOGON:** Madam Chairperson, I wish the chairperson could help us because I did not know that we were going to be faced with the challenge of reading through the Police Act. The particular cases the committee is citing, what do they say? For instance, what is the Kivumbi case about?? Then there is the one

*(Question put and agreed to.)*

of Olara Otunnu; what does it say? We need this so we can have an insight into the matter. Thank you.

**MR KIRYOWA KIWANUKA:** Madam Chairperson, maybe to help Hon. Silas on this - What we are dealing with here is what the court finally determined. The court, in the Olara Otunnu case, determined that section 27A (2) and (3)-

**THE CHAIRPERSON:** Attorney-General, are you in agreement with -

**MR KIRYOWA KIWANUKA:** No, I am submitting.

**THE CHAIRPERSON:** Are you in agreement with the amendment?

**MR KIRYOWA KIWANUKA:** No, Madam Chairperson. I agree to (a) which talks about the amendment to delete section 27A(2) and (3). I also agree to the repealing of section 32(2) and (3). I do not agree to (c), which is repealing sections 33, 34, 35, 36 and 37.

Madam Chairperson, the justification given here is that they are consequential to the decisions set out in (a) and (b) above. Like I did submit earlier, we need to be very careful in the powers this Parliament allows for revision. If the court says section 27 is unconstitutional and you allow me to read into its consequence to amend other things, I may come back with no Police Act. I may say section 27 has amended the Police Act.

I propose that we delete provisions that have been declared unconstitutional by the courts and leave the rest for substantive amendment, if need be. I beg to submit.

**THE CHAIRPERSON:** Hon. Asuman?

**MR BASALIRWA:** As I indicated earlier, this is where I have a fundamental departure with the learned Attorney-General. Madam Chairperson, I will use the analogy of a house. If a house has fallen, you do not ask whether the ceiling fell with it. The learned Attorney-

General is saying that a house can fall, but the ceiling remains up. I did allude to this earlier. Let me give an example of section 50 of the Penal Code Act - which was declared unconstitutional - that we passed.

Madam Chairperson, under section 50, the Constitutional Court said publication of false news is unconstitutional. In the Penal Code, it went ahead to say that if you are convicted, the gadgets that you used to publish the information must also be confiscated. If you are saying publication is unconstitutional, how do you leave the provision talking about the gadgets? That is the point I was making. Whether you like it or not, you are not going to repeal a section and then leave sections that have an impact on that section in the law on the argument that your mandate is limited.

Madam Chairperson, let us take the argument that the mandate is limited. As Parliament, under our constitutional mandate, we can invoke it to remove these provisions as consequential provisions because leaving them would make no sense at all. That is the argument I have been having with the Attorney-General. Now that we are on the Floor, I think it is important that we resolve it here for purposes of not leaving the law hanging.

**MR KIRYOWA KIWANUKA:** Madam Chairperson, I carried the Police Act with me to demonstrate the danger of what my learned brother is proposing to do. The Police Act, section 32(1) reads as follows:

- (1) *Any officer in charge of the police may issue orders for the purpose of—*
- (a) *regulating the extent to which music, drumming or a public address system may be used on public roads or streets or at occasion of festivals or ceremonies;*
- (b) *directing the conduct of assemblies and processions on public roads or streets or at places of public resort and the route, by which and the times at which any procession may pass.*” That provision was not declared unconstitutional. It remains on the Statute Book.

Section 32(2) says, “*If it comes to the knowledge of the Inspector General that it is intended to convene any assembly or form any procession on any public road or street or at any place of public resort, and the Inspector General has reasonable grounds for believing that the assembly or procession is likely to cause a breach of the peace, the Inspector General may, by notice in writing to the person responsible for convening the assembly or forming the procession, prohibit the convening of the assembly or forming of the procession.*” That was declared unconstitutional.

Subsection (3) says, “*The Inspector General may delegate in writing to an officer in charge of police all or any of the powers conferred upon him or her by subsection (2) subject to such limitations, exceptions or qualifications as the Inspector General may specify.*” That was declared unconstitutional.

Section 33 provides, “*Where an assembly is convened or procession formed in contravention of a prohibition under section 32, the Inspector General or officer in charge of police may require the assembly to cease to be held or the procession to be stopped and may order the immediate dispersal of that assembly or procession.*” The Constitutional Court, in its wisdom, removed certain powers from the police as far as processions are concerned, but not all. It left subsection (1) and deleted subsection (2).

My problem here -

**THE CHAIRPERSON:** Then section 34?

**MR KIRYOWA:** Section 34 reads - “*Any assembly or procession of three or more persons which neglects or refuses to obey any orders for immediate dispersal, given under section 33, shall be deemed to be unlawful within the meaning of section 65 of the Penal Code Act.*” Sections 33 and 65 are still lawful provisions in the Statute Book.

Madam Chairperson, I request that in order for us to get away from a debate, let us give effect to what the court ordered unconstitutional

and delete it. And, if Members feel the other provisions are, therefore, redundant, then let us move through the ordinary processes of amendment and deal with them. This will be in order not to create absurdity because if you remove sections 33-37, you cannot give effect to the provisions of section 32(1), which the Constitutional Court found constitutional. I beg to submit.

**THE CHAIRPERSON:** So, can you move the amendment?

**MR AOGON:** Before they move the amendment, that is why I was saying he needed to cite the Police Act; it is good he realised that it was very important.

**THE CHAIRPERSON:** But he has done it.

**MR AOGON:** Madam Chairperson, my issue now is that for purposes of consistency, we did agree when Hon. Nandala wanted to move an amendment here, that we bring it on a later day. Why don't we follow the very spirit?

**THE CHAIRPERSON:** On a later law, not later day.

**MR AOGON:** Yes, somebody has to first of all seek leave to have this amendment.

**THE CHAIRPERSON:** And, that is what the Attorney-General is saying - that if we need any amendment, let us bring an amendment on the Police Act. Let us first remove what was declared unconstitutional by the court.

**MR AOGON:** Madam Chairperson, it is two-fold. The Attorney-General equally has the space to go back and arrange, come up with amendments to reinsert what the committee has decided to delete. So, it is two-fold. Therefore, I would move with the committee's decision because this was a gathering of great minds that considered things the way they did. Of course, the Attorney-General is a learned friend and I respect that.

Anyhow, Madam Chairperson, I, therefore, would for now stand with the position of the

committee. We can recall it if there is anything we want to bring up because when making laws, honourable Attorney-General, I have seen situations where we have said on the Floor, "This is a consequential amendment." You may have this provision and it affects many more other provisions. And, therefore, consequential amendments cannot be wished away. I suggest that we go by the position of the committee. Thank you.

**THE CHAIRPERSON:** Hon. Asuman Basalirwa?

**MR BASALIRWA:** Madam Chairperson, when you look at the position of the committee, you realise that it has captured the views of my Bill although the Attorney-General is disagreeing with that. I have argued that repealing a provision that affects or effects other provisions that you want to leave, will, in itself, be problematic.

However, since the learned Attorney-General wants us to take the other route of bringing formal amendments, for purposes of consistency and moving forward, we can go with his guidance, but on the premise that when we bring those issues here, it should not be his office to again raise unnecessary objections. That should really be put on record, Madam Chairperson. I am saying this because as you are aware, some aspects in my Bill were not captured here and I gave you notice that I will be bringing them back on the Floor.

Otherwise, I would have no objection to us moving in that angle. I do not want you to say, when the matter is taken to court, that you advised Parliament on the mandate, but that Parliament ignored you. We can go by the guidance of the learned Attorney-General *-(Interjection)-* No, we will bring the amendments ourselves; he will not.

You recall, Madam Chairperson that it is after I had brought this Bill as a Private Member that the Attorney-General moved very fast and brought theirs. Anyhow, the good thing is that we have had a discussion, and we have some consensus. So, I know you will not bring it, but

I will bring it after this because my issues are still pending.

**MS AISHA KABANDA:** Thank you, Madam Chairperson. All the legal brains of this Parliament were concentrated in the legal committee. They sat and resolved and incidentally, their position coincides with Hon. Asuman's position, except that he was pushed begrudgingly to concede. I want to move that we go with the position of the committee.

**THE CHAIRPERSON:** Did the committee realise that section 32(1) was not declared unconstitutional?

**MSAISHAKABANDA:** Madam Chairperson, under section 32(1), the committee still saves it.

**THE CHAIRPERSON:** No, what they are saying is that we should repeal it. Now, there is also repealing section 33. Section 33 has a consequential effect on section 32. Remember, there is section 32(1), which is constitutional. Section 34 also has a consequential impact on section 65.

**MSAISHAKABANDA:** Madam Chairperson, just like Hon. Silas Aogon rightly said, in a similar vein, the Attorney-General has a right to bring here a law, which we shall discuss and pass. We commit no danger when we take the position of the committee because at another opportune moment, the Attorney-General can bring a law to us, we discuss and pass it. Otherwise for this particular case, it is prudent for us to agree with all the learned fellows that sit on the legal committee.

**THE CHAIRPERSON:** The learned fellows, as guided by the learned Attorney-General, who is the legal advisor of the country. Yes, honourable member.

**MRANGURA:** Thank you very much, Madam Chairperson. Hon. Asuman has conceded and agreed with the Attorney-General. However, he has requested that when that amendment is brought, he will concede. I want to say that when those amendments are brought, we will

deal with them as and when they come. Thank you.

**THE CHAIRPERSON:** I put the question that a new clause, as proposed by the committee and amended by the Attorney-General, be passed and be put in this Bill.

*(Question put and agreed to.)*

*New clause, inserted.*

*Clause 23, agreed to.*

*Clause 24, agreed to.*

*Clause 25, agreed to.*

*Clause 26, agreed to.*

*Clause 27, agreed to.*

*Clause 28, agreed to.*

Clause 29

**MS RWAKOOJO:** Clause 29 is about the amendment of the Tax Procedures Code Act, 2014. Clause 29 of the Bill is amended by inserting, immediately before paragraph (a), the following and numbering the provision accordingly:

- (a) By inserting immediately, after section 14, the following: “14A. Recovery of tax from successor and duty to notify discontinuance of business -
- (1) Where a person carrying on any business liable to duty, levy or tax has been succeeded by another person and where duty, levy or tax due and payable by the person succeeded cannot be recovered from him or her, it shall be payable by and recoverable from the person succeeding him or her.
- (2) If the person succeeding fails to pay the duty, levy or tax on the debt fixed by the Commissioner-General, then the provisions of the law relating to the

collection and recovery of duty, levy or tax shall apply to the collection and recovery of the amount due as if it were the duty or tax due and payable by the person succeeding.

- (3) Any person intending to discontinue any business liable to duty or tax shall give to the Commissioner-General a notice of his or her intention 30 days before the date of discontinuance, and where the person fails to give the notice required by this section, the Commissioner-General may direct that a sum not exceeding 10 currency points be recovered from that person by way of penalty.
- (b) By inserting immediately after section 27 the following -

“27A. Tax liability of statutory corporations

- (1) No statutory corporation shall gain any exemption from any tax imposed generally by any written law, whether the tax is expressed as a tax, levy, duty or otherwise unless the corporation is expressed in or under the law as exempt from the tax or entitled to such remission as may be granted under the law; except that in respect of income tax, any exemption purported to have been granted otherwise than in accordance with this section shall be deemed to be of no effect.
- (2) Any provision of any written law, which is inconsistent with subsection (1), shall be deemed to be amended to the extent of the inconsistency.
- (3) In granting any exemption or remission under subsection (1), the authority empowered on that behalf shall distinguish between statutory corporations, which are business enterprises and which shall, as far as possible, be treated as private persons and statutory corporations, which provide utility services and which shall, in principle, be exempt or entitled to remission.”



(c) In section 40A, by inserting immediately after subsection (1) the following -

“(1a) for the avoidance of doubt, customs duty shall be levied on goods for use by Government.”

Justification

i) Section 14A proposed for insertion in the Tax Procedures Code Act, providing for the recovery of tax from successors, is currently Section 6 of the Finance Act (No.2) 1994, Cap 183. The Finance Act (No.2) 1994 is to be removed from the Statute Book under Schedule 1 paragraph 36 because sections 1 to 5 were superseded by the East African Community Customs Management Act, while sections 7 and 8 are in the Tax Procedure Code Act;

ii) Section 27A proposed for insertion in the Tax Procedures Code Act, providing for the liability of statutory corporations, is currently Section 1 of the Finance Act, 1974, Cap. 173. The Finance Act, 1974 is to be removed from the Statute Book under Schedule 1 paragraph 26 because all the provisions of the Act were superseded by the Public Finance Management Act, 2015; and

iii) The proposed amendment of Section 40A of the Tax Procedures Code Act to provide for the payment of taxes for goods for use by Government is currently Section 2 of the Finance Act, 1993, Cap. 181. The Finance Act, 1993 is to be removed from the Statute Book under Schedule 1 paragraph 34 because all the provisions of the Act have been inserted appropriately in the Acts to which they relate. “Sales Tax” that was payable by Government, under the Finance Act, has been removed because there is no such tax on the Statute Book.

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

**MR BASALIRWA:** No objection, Madam Chairperson.

**THE CHAIRPERSON:** I put the question that clause 29 be amended as proposed.

*(Question put and agreed to.)*

*Clause 29, as amended, agreed to.*

*Clause 30, agreed to.*

New clause

**MS RWAKOOJO:** Insertion of new clause immediately after clause 30

Immediately after clause 30, there is inserted the following:

“Amendment of the External Trade Act, Cap. 88”

The External Trade Act is amended –

(a) By inserting, immediately after section 10, the following -

“10A. Imposition of import commission

(1) There shall be charged and collected by the Uganda Revenue Authority on any goods imported, an import commission of 2 per cent of the value of the goods.

(2) The import commission charged under subsection (1) shall not apply to exempted goods and goods which are zero-rated.

10B. Surtax

(1) There shall be charged, levied and collected a surtax in respect of imported goods set out in the second column of the schedule to this Act as rates correspondingly specified in the third column of the schedule.

(2) The surtax referred to in subsection (1) shall be in addition to the normal duty chargeable and shall be levied on the CIF value, import duty, sales tax and any sum rebates included from the country of origin.”

(b) By inserting the following schedule appropriately –

The Schedule

Section 10A: Imposition of import Commission  
Surtax

Column 1	Column 2	Column 3
Tariff No.	Description	Rate
22.01.10	Waters, including spa waters and aerated waters	30%
22.01.90	Other	30%
22.02.10	Lemonade, flavoured spa waters and flavoured aerated waters	30%
22.02.90	Other	30%
22.03.00	Beer made from malt	50%
22.05.10	Still wine and grape malt, not in bottle	60%
22.05.90	Other sparkling wine	60%
22.09.10	Whisky	50%
22.09.90	Other	60%

Amendment of the Income Tax Act, Cap. 340

The Income Tax Act is amended, in section 21(1), by inserting immediately after paragraph (ah) the following –

“(ai) dividends earned from a company, which came into existence through stock exchange;”

Amendment of the Traffic and Road Safety Act, 1998, Cap. 361

The Traffic and Road Safety Act is amended by inserting immediately after section 84 the following -

“84A. Commercial transaction levy for goods vehicles -

A goods transportation vehicle shall, at the renewal of a licence, pay commercial transaction levy as follows:

- (a) For 12 months, Shs 45 per kilogramme of gross weight;
- (b) For eight months, Shs 30 per kilogramme of gross weight; and

(c) For four months, Shs 15 per kilogramme of gross weight.”

Amendment of the Uganda Communications Act, No.1 of 2013

The Uganda Communications Act is amended by inserting immediately after section 22 the following –

“22A. Licence fee for satellite receiver equipment

A person owning satellite receiver equipment shall pay a fee of 15 currency points to the Commission before a licence is issued to the owner.”

Amendment of the Roads Act, No. 16 of 2019

The Roads Act is amended –

(a) By inserting at the beginning of Part IX the following section –

“76 A. Road user charges on foreign-registered vehicles

There shall be charged and collected by Uganda Revenue Authority on foreign-registered

vehicles travelling in Uganda the road user charge specified in Schedule 7 of this Act.”

(b) By inserting after Schedule 6, the following Schedule:

“Schedule 7

Section 76A

*Road transit charges*

Vehicle	Road user charges in US Dollars per 100km
Buses	\$5
Trucks with 3 axles	\$6
Trucks with more than 3 axles	\$10

“Amendment of the Computer Misuse Act, 2011, Act 2 of 2011.”

(v) before 13 August 2021 for breach of the Anti-Pornography Act, 2014;

The Computer Misuse Act is amended by repealing section 25.

(vi) before 10 January 2023 for breach of Section 25 of the Computer Misuse Act; or

“Amendment of the Public Order Management Act, 213, Act 9 of 2013”

(vii) Are pending in any courts or are being investigated by police,

The Public Order Management Act is amended by repealing section 8.

the proceedings shall be discontinued and the accused person shall, if he or she is in custody or on remand, be unconditionally released.

Transitional provision

(1) Where at the commencement of this Act -

Justification

(a) Any proceedings pending before any court for the prosecution of the offences repealed under this Act, the proceedings shall terminate.

i) The amendments proposed to the External Trade Act, Cap. 88 in section 10A is intended to incorporate the provisions in the Finance Act (No.2) 1996, Cap. 185. The Act is to be removed from the Statute Book under Schedule 1, paragraph 38.

(b) Any proceedings commenced –

(i) before 27 May 2008 for breach of sections 32 (2) and (3), 33, 34, 35, 36 and 37 of the Police Act;

The proposed section 10B(1) and the Schedule are currently section 11 and the Schedule, respectively, in the Finance Act (No.2) of 1991, Cap. 179. The proposed Section 10(2) is currently Section 1 of the Finance Act, 1993. Both Acts are to be removed from the Statute Book under Schedule 1, paragraphs 32 and 34 because all the other provisions of the Finance Act (No.2) of 1991 were superseded by the East African Community Customs Management Act; while the other provisions of the Finance Act, 1993 have

(ii) before 18 April 2019 for breach of Section 27A (2) and (3) of the Police Act;

(iii) before 26 March 2020 for breach of Section 8 of the Public Order Management Act;

(iv) before 2 December 2022 for breach of Section 168 (1)(c) and (d) of the Penal Code Act;

- been inserted appropriately in the Act, to which they relate;
- ii) The amendments proposed to the Income Tax Act, Cap. 340 are intended to incorporate Section 3 of the Finance Act, 1993. The Finance Act, 1993 is to be removed from the Statute Book under Schedule 1, paragraph 34 because all other provisions of the Finance Act, 1993 have been inserted appropriately in the Act, to which they relate;
- iii) The amendment proposed to the Traffic and Road Safety Act, 1998, Cap. 361 is to incorporate Section 9 of the Finance Act (No.2) 1994. The Finance Act (No.2) 1994 is to be removed from the Statute Book under Schedule 1, paragraph 36 because sections 1 to 5 of the Act were superseded by the East African Community Customs Management Act under sections 7 and 8, and by the Tax Procedures Code Act, while section 6 is to be inserted in the Tax Procedures Code Act under clause 29 of the Bill;
- iv) The amendment proposed to the Uganda Communications Act, No.1 of 2013 is to incorporate Section 4 of the Finance Act 1993, Cap. 181. The Finance Act 1993 is to be removed from the Statute Book under Schedule 1, paragraph 34 because all the provisions of the Finance Act, 1993 have been inserted appropriately in the Acts to which they relate. The provision stated that the payment was to be made to the ministry responsible for information. However, in line with the Uganda Communications Act, “ministry responsible for information” has been replaced with “Commission”;
- v) The amendment proposed to the Roads Act No.16 of 2019 is to incorporate Section 5 of the Finance Act, 1993, Cap. 181. The Finance Act, 1993 is to be removed from the Statute Book under Schedule 1, paragraph 34 because all the provisions of the Finance Act have been inserted appropriately in the Act to which they relate;
- vi) Section 8 of the Public Order Management Act was affected by the decision in *Human Rights Network and four others v. Attorney-General (Constitutional Petition No.56 of 2013)*, which declared Section 8 of the Public Order Management Act unconstitutional;
- vii) Section 25 of the Computer Misuse Act was declared unconstitutional in the case of *Andrew Karamagi and Robert Shaka v. The Attorney-General (Constitutional Petition No.5 of 2016)*, for infringing on Article 29 of the Constitution, and is, therefore, unjustifiable, as it curtails the freedom of speech in a free and democratic society;
- viii) The insertion of a transitional provision is to provide for the disposal of cases commenced before the provisions under which they were declared unconstitutional. The dates specified above are those in which the judgments that declared them unconstitutional were derived; and
- ix) To provide for the termination of proceedings and the release of accused persons charged with offences created under provisions that were declared unconstitutional.

**MR KIRYOWA KIWANUKA:** No objection, Madam Chairperson.

**MR NANDALA-MAFABI:** Madam Chairperson, the commercial transaction levy - you are aware that we had licences on vehicles. The licences on vehicles were removed so that we can levy that amount on fuel. I can see here that we are indirectly bringing back the same licence, which will be a big problem. If the issue is to increase revenue - because you want to make sure that we pay the road licence because nobody can use a road without fuel - then you rather move this to the fuel than putting it under a commercial transaction levy. In short, you are returning what was removed. My proposal here is that this should be deleted.

**MR KARUBANGA:** Thank you, Madam Chairperson. In the same context, I was looking at the licence fee for the satellite receiver equipment. Even DSTV or GOtv are categorised as satellite receiver equipment. When you look at the 15 currency points, that is about Shs 300,000; I wonder what the implications of this are, given the fact that the current market rates are quite low. Thank you.

**MROGUZU:** Thank you, Madam Chairperson. I am addressing myself to the Traffic and Road Safety Act, where a proposal is being made to introduce a schedule with rates that relate to road user fees for foreign-registered vehicles. I want to understand how different those rates are - the new rates you are proposing - from the temporary road licence. Foreign-registered vehicles are obliged, under the current law, to get that licence before they enter the country.

I am worried we may introduce additional levies, which will have a reciprocal effect in the neighbouring countries. You need to help us understand that.

**MR KIRYOWA KIWANUKA:** Madam Chairperson, we are not introducing any new levy, which does not already exist on the Statute Book. Everything that has been read exists somewhere in the Statute Book in the Finance Act and has never been repealed by Parliament.

Now, what I am hearing Parliament saying in respect to the Commercial Transaction Levy (CTL) is that it should be repealed. However, Madam Chairperson, we are not introducing any new charges. Whatever is on the Statute Book is what we have carried and put here.

**MR OGUZU:** My question was: How different is that schedule from the current temporary road licence, which is paid at the point of entry? Is it the same? Why are the rates different?

**THE CHAIRPERSON:** Maybe the honourable member first needs to know the reason we have the law revision. What is the essence behind it?

**MR KIRYOWA KIWANUKA:** Madam Chairperson, this is a cleaning up exercise; we are moving things and making them easier. Say, if you have traffic issues - we are trying to move everything to the Traffic and Road Safety Act -

**THE CHAIRPERSON:** That were rendered unconstitutional?

**MR KIRYOWA KIWANUKA:** The ones rendered unconstitutional, we are removing; the ones that are bad, we are dropping; and we are dropping the ones that have never been used for 50 years; that is all. It is just a clean-up exercise. We are not amending the law.

**MR NANDALA-MAFABI:** Madam Chairperson, of course we have respect for the Attorney-General's argument. However, I want to say that Commercial Transaction Levy (CTL) was replaced by Value Added Tax (VAT). If you got a licence, CTL would be charged.

In short, in 84(a), you are bringing another tax called VAT in CTL, which was repealed. It would be better if the Attorney-General wants more money, to take this under VAT or on fuel as we introduce the fuel tax.

**MR KIRYOWA KIWANUKA:** Madam Chairperson, if, indeed, the Act was repealed, as he says, then that would be an error on our part. If you can allow us just five minutes to cross-check whether that particular provision was repealed, then we can - in the meantime -

**THE CHAIRPERSON:** Should we stand over this?

**MR KIRYOWA KIWANUKA:** Yes.

**THE CHAIRPERSON:** You will get back to us, but also harmonise on 16. Chairperson, next.

**MR OGUZU:** Madam Chairperson, I seek clarification from the chairperson of the committee on the amendment that relates to licence fees for those who use satellite equipment. I do not know if the licence you are

seeking to impose has had an assessment done before.

I am asking this because the impression I have is that if I am going to buy a satellite device and install it maybe for purposes of the internet, I have to pay a licence, yet the supplier of that equipment would have already paid for the same licence. It is like double taxation, which is against the principle of taxation. I seek clarification on that. Who does it seek to tax?

**THE CHAIRPERSON:** Yes, Attorney-General.

**MR KIRYOWA KIWANUKA:** Madam Chairperson, for 84(a), the Commercial Transaction Levy for goods, vehicles was never repealed. However, no license has been charged. Therefore, we can say it is redundant and drop it for that purpose.

**MR AOGON:** It has been redundant for how many years? Did you say 50 years for it to qualify to be dropped?

**MR KIRYOWA KIWANUKA:** I did not say 50 years.

**MR AOGON:** For it to qualify to be dropped, how many years does it have to be redundant?

**MR NANDALA-MAFABI:** Madam Chairperson, I would like to thank the Attorney-General for that. If a licence is not charged, there is a basis. For example, if it is 1,000, that is when the 18 or 10 per cent is charged. Since it is zero, I think it is right to drop it.

**THE CHAIRPERSON:** So, are we dropping it?

**MR KIRYOWA KIWANUKA:** Madam Chairperson, if we are done with this particular provision, I would like to go back to 16.

**MR OGUZU:** We are not done on the road user fees for foreign vehicles and satellite equipment.

**MR KIRYOWA KIWANUKA:** Are you saying the fee is small?

**MR OGUZU:** No, what I am saying is: when a foreign vehicle comes into the country, at the point of entry, they are charged temporary road licence, yet here, you are introducing a road user fee; you brought it in the schedule. To me, that amounts to double taxation. How different is what you are introducing from what is paid at the point of entry?

The next question was about the satellite equipment since it has an implication on communication. Otherwise, there is already digital divide in our country. We want our people to get access to the internet. So, when you impose more taxes without an impact assessment, you can cause more problems.

**MR KIRYOWA KIWANUKA:** Madam Chairperson, what we need to understand is that the charges that are being introduced here are not new; they exist. So, the people who have been providing these services have either been paying them or evading them.

**MR OGUZU:** The challenge is that the rates seem to contradict.

**MR KIRYOWA KIWANUKA:** The rates are not new.

**THE CHAIRPERSON:** Even the rates have not been changed; they are not new. There was a question from Hon. David Karubanga.

**MR KARUBANGA:** Madam Chairperson, I was giving reference to the current market rate. For example, for GOtv or DSTV, the lowest can be 89, but I see here it is introduced. The learned Attorney-General is saying it has been in the law. If you say that I have to pay 15 currency points to UCC, which is Shs 300,000, it means before I pay the Shs 80,000, I will have to pay that Shs 300,000 to UCC, which makes it Shs 380,000. I beg to seek clarification on the implications.

**MR KIRYOWA KIWANUKA:** Madam Chairperson, I think now we are starting to understand the purpose of revision. When laws are scattered in different places for a particular item, the visibility of what is happening in that

space becomes difficult. So, the purpose of revision is to bring these together so that the Parliament that is making the law can actually address its mind to that law and determine whether it needs an amendment or not.

Madam Chairperson, we are cleaning up and bringing them together and saying, "This is what is in the law; nothing new has been introduced in these levies." They all exist and they are probably being charged except that one where they have confirmed has not been charged.

**THE CHAIRPERSON:** Can I hear from the private Member?

**MR BASALIRWA:** Learned Attorney-General, I think in providing explanation and context, and to avoid some of these questions where people have an assumption that perhaps something new is being created, it would be important that we draw the specific pieces of legislation where we are getting this information from and why we are putting it there. That will help colleagues to know nothing new is being introduced. When you give context, it minimises these queries along the way.

**THE CHAIRPERSON:** In the process of realignment, define where it is coming from and where it is going.

**MR KIRYOWA KIWANUKA:** Thank you very much, honourable member. I think that is good guidance. We will definitely take it up at the next cycle and make sure that we are clear on where it is coming from and where it is going.

**MR GAFFA MBWATEKAMWA:** Thank you, Madam Chairperson. I would like to seek some clarification from the Attorney-General. He is trying to explain that nothing new is being brought. However, looking at the licence on satellite equipment, when we try to convert the currency points, it is about 300 yet we have been paying 89. So, my question is: Are you saying we have been evading this? Who has been paying the 300? Is it Government or the company? That is my concern.

Madam Chairperson, the reason I am concerned about this - recently I saw Government saying that they are going to launch a satellite, which never landed. I do not know if it has landed so far, but I thought the essence was to make sure that Ugandans can access -

**THE CHAIRPERSON:** Hon. Mbwatekamwa, satellite stays in the air, it does not land.

**MR MBWATEKAMWA:** No, it lands in space.

**THE CHAIRPERSON:** Maybe what you also need to do is check what is in the UCC Act for you to compare whether there is any amendment on what has been brought in the revision.

**MS CECILIA OGWAL:** Madam Chairperson, I am unfortunate that I have never learnt law and I do not want to do it. However, I think from the explanation of the Attorney-General, he has done us a favour; he has been able to tell us that there have been many laws scattered all over. Now, we have brought them together. If it has so happened that there have been charges on the same thing, but differently, he is now telling us that it should be the same.

Now, the people who are going to implement the law should be aware that actually, we have not introduced any new law or tax, but let us realign ourselves and arrive at one rate. That is the simplest thing I have learnt from him today. Although I am not a lawyer, I have learnt something and I am very happy with the Attorney-General.

**THE CHAIRPERSON:** Honourable members, I put the question that the proposed new clause be inserted with amendments, as proposed by the Attorney-General.

*(Question put and agreed to.)*

*New clause, agreed to.*

**MR KIRYOWA KIWANUKA:** Madam Chairperson, I want to report back on Clause 16, which had been stood over.

**MR NANDALA-MAFABI:** We moved an amendment to drop clause 84A and you said the Attorney-General – can we assume 84 -

**THE CHAIRPERSON:** That was the last amendment he moved.

**MR NANDALA-MAFABI:** Thank you, Attorney-General.

**MR KIRYOWA KIWANUKA:** Madam Chairperson, under clause 16, we have established that section 120(2)(k) of the Fisheries and Aquaculture Act, which allows the minister to make regulations for fees or charges. However, the provision that is being brought here relates to levies. Levies being more of a tax other than a charge, and a tax should be made by statutory provision made by Parliament. I propose that the amendment as proposed by the committee be adopted. I beg to submit.

**THE CHAIRPERSON:** Thank you. I put the question that clause 16 be amended as proposed by the committee.

*(Question put and agreed to.)*

*Clause 16, as amended, agreed to.*

**MR TEBANDEKE:** Madam Chairperson, I would like to seek clarification. Clause 16 is ambiguous in the way it is stated.

First of all, the originality - because we are streamlining the law, but the ambiguity of creating a tax levy –

**THE CHAIRPERSON:** Where is the ambiguity?

**MR TEBANDEKE:** You realise that Clause 79A part two, charges a levy on large fish species. I do not know what large fish species are in law, and what small fish species are. It is not true that all the fish have got constant prices.

So, Madam Chairperson, this is going to extort and –

**THE CHAIRPERSON:** I thought that is in the regulation that determines the size and weight.

**MR TEBANDEKE:** It is not anywhere. Addition –

**THE CHAIRPERSON:** What about in the Fisheries and Aquaculture Act?

**MR TEBANDEKE:** It is not there. How is the big fish defined?

**THE CHAIRPERSON:** Do you have the Fisheries and Aquaculture Act?

**MR TEBANDEKE:** I have it online.

**THE CHAIRPERSON:** Check.

**MR TEBANDEKE:** Madam Chairperson, before we check – *(Laughter)*

**THE CHAIRPERSON:** Now, if you have any problem, bring an amendment on the Fisheries and Aquaculture Act.

**MR TEBANDEKE:** No, Madam Chairperson, actually, what we are doing is –

**THE CHAIRPERSON:** If you want to define the size of the fish – whether it is large or small, bring it.

**MR TEBANDEKE:** No, Madam Chairperson –

**THE CHAIRPERSON:** We are just realigning the laws. It should not be here; it should go to the Fisheries and Aquaculture Act.

**MR TEBANDEKE:** Madam Chairperson, that is true, but this is not anywhere in the law. Let the Attorney-General prove.

**THE CHAIRPERSON:** Now that it is not anywhere, bring it.

**MR TEBANDEKE:** It is not anywhere and I cannot bring it.

**THE CHAIRPERSON:** Why?



**MR TEBANDEKE:** Why should we bring amendments when we are passing a law that is going to afflict Ugandans?

**THE CHAIRPERSON:** We are not passing laws; we are realigning the laws.

**MR TEBANDEKE:** Madam Chairperson, if we are streamlining, it has no basis of streamlining.

**THE CHAIRPERSON:** The problem is that you want to exercise the little Law you are learning here. Leave people who know what they are doing to do their thing. *(Laughter)*

**MR BASALIRWA:** Madam Chairperson, I hear the concern of the Member. Hon. Tebandeke, let us do this: Learned Attorney-General, I think you understand why I was emphasising the issue of tracing because when doing law revision and you do not guide on the origin, we are continuously going to have these challenges. An issue of this nature – it will just be important to explain that if you want to understand the origin of this, then it is in the Fisheries and Aquaculture Act, so that the Member is comfortable.

Identifying provisions in law revision creates an impression that perhaps Parliament is engaged in law-making, which is not the case. For the comfort of our colleague, it is important to clarify where this is being derived from so that on his own, he can go and ascertain the provision because he raises an issue.

You are talking about big and small fish and he is asking, “Where is this coming from? Where is big and small fish coming from?” But the law makes provision on that. Even when you talk about regulations, it is important to explain that the minister has authority, under the Fisheries and Aquaculture Act, to provide regulations on sizes, for purposes of creating comfort. I thought you would guide in that direction, Madam Chairperson.

**THE CHAIRPERSON:** In your understanding, is this a new insertion?

**MR BASALIRWA:** Madam Chairperson, what I am explaining –

**THE CHAIRPERSON:** No, I am also asking you; is it a new insertion in the law?

**MR BASALIRWA:** It cannot be a new insertion when we are talking about a revision. That is why I am saying that the origin must be explained. If it is new, then there is a problem.

**MR NANDALA-MAFABI:** Thank you very much, Madam Chairperson. I want to just provide some knowledge. The learned Attorney-General stated that this is a levy. That means it is a tax. It is not part of the licence under the Fisheries and Aquaculture Act. It is under the Finance Act. That is why I wanted us to make it clear that the Member might be right – he said it is online. He is looking for it online and only seeing the Fisheries and Aquaculture Act; it does not talk about that. However, when you go to the Finance Act, it talks about it.

**MR ENOSI ASIMWE:** Madam Chairperson, rule 71 is very clear; once the question has been put, we cannot debate. The honourable members have been guided on what to do. If they want to recommit, let them recommit. If they want to have the law amended, let them raise a Private Member’s Bill. Otherwise, we are now being drawn back into the debate yet you had already put the question. Are we proceeding right, madam Chairperson?

**THE CHAIRPERSON:** New clause. Whoever is not satisfied, bring an amendment and we bring it to the House.

**MR KIRYOWA KIWANUKA:** Madam Chairperson -

**THE CHAIRPERSON:** The law is not cast in stone.

**MR KIRYOWA KIWANUKA:** Having deleted the schedule and maintained the provision of currency points, we wish to introduce a provision, which defines a currency point to read as follows: “The Acts specified in schedules 2, 3 and 4 are amended by inserting

appropriately in the interpretation section, in each Act, the following: “Currency point has a value assigned to it in Schedule 2 to the Act and the minister responsible for finance may, with the approval of Cabinet, by statutory instrument, amend the schedule on currency point.” I beg to submit.

**THE CHAIRPERSON:** Have you heard, Hon. Basalirwa?

**MR KIRYOWA KIWANUKA:** Madam Chairperson, when we were doing the amendment before it went to the committee, we had sought to remove certain currency points and return them to Shillings, but we have agreed that we go back to everything being currency points.

We propose that the Acts that are provided for in schedules 2, 3 and 4 of this Act should be amended by inserting in that relevant Act – in the interpretation section of the Act – the following: “A currency point has the value assigned to it in the schedule to this Act.” This is what we did in the revision; we agreed that every Act will provide a schedule on the currency points. So, in case there is need to amend a particular Act to change its currency value, you can change it without interfering with all of them.

**THE CHAIRPERSON:** Hon. Asuman Basalirwa, is that okay or have you still not heard?

**MR BASALIRWA:** Madam Chairperson, it is consistent with the argument we have been making about the issue of currency points.

**THE CHAIRPERSON:** I put the question that the proposed new clause stands part of the Bill.

*(Question put and agreed to.)*

*New clause, agreed to.*

Schedule 1

**MR TEBANDEKE:** Madam Chairperson, I still stand on the recommittal of clause 16. I

put the entire House on notice that I am ready to do so.

**THE CHAIRPERSON:** I have already communicated that this law is not cast in stone. If you want to bring an amendment, come tomorrow, and I give you permission to bring an amendment. *(Applause)* And, the amendment you are going to bring is on the Fisheries and Aquaculture Act.

Schedule 1

**MS RWAKOOJA:** Schedule 1: Repeal of specified Acts

Schedule 1 of the Bill is amended –

- (a) by deleting item 2 and all the items that appear in columns 2, 3 and 4 corresponding with the repeal of the Evidence (Bankers’ Books) Act, Cap. 7;
- (b) by deleting item 3 and all the items that appear in columns 2, 3 and 4 corresponding with the repeal of the Justices of Peace Act, Cap. 17;
- (c) by deleting item 13 and all the items that appear in columns 2, 3 and 4 corresponding with the repeal of the Portable Spirits Act, Cap. 97;
- (d) by deleting item 18 and all the items that appear in columns 2, 3 and 4 corresponding with the repeal of the Deposit Library and Documentation Centre Act, Cap. 125;
- (e) by deleting item 20 and all the items that appear in columns 2, 3 and 4 corresponding with the repeal of the Makerere University (Deposit Library) Act, Cap. 20;
- (f) by deleting item 66 and all items that appear in columns 2, 3 and 4 corresponding with the repeal of the Cantonments Act, Cap. 296;
- (g) by deleting item 67 and all the items that appear in columns 2, 3 and 4 corresponding with the repeal of the Foreign Seamen Deserters Act, Cap. 300;

- (h) by deleting item 80 and all the items that appear in columns 2, 3 and 4 corresponding with the repeal of the Surcharges (Revenue) Act, Cap. 344;
- (i) by deleting item 81 and all the items that appear in columns 2, 3 and 4 corresponding with the repeal of the Tax Exemption (Uganda People's Defence Forces, Uganda Police Force and Uganda Prisons Services) Act, Cap. 346; and
- (j) by inserting immediately after item 90 the following:

No.	Citation of Act	Title of Act	Justification for Repeal
91	Act 1 of 2014	The Anti-Pornography Act, 2014	Affected by the decision in Constitutional Petition No.13 of 2014; <i>Centre for Domestic Violence Prevention &amp; Eight others v. Attorney-General</i>

**Justification**

- i) To remove from the repeal, specified enactments, which are still relevant in Uganda today since they exist in no alternative legislation-making provisions for matters regulated under the specified enactments which had been proposed for repeal in clause 1 and Schedule 1 of the Bill;
- ii) To harmonise Schedules 1 and 2; and
- iii) To remove from the Statute Book the Anti-Pornography Act since sections 2, 11, 13 and 15 of the Act were declared unconstitutional, thereby rendering the Act redundant.

**THE CHAIRPERSON:** Yes, Hon. Nsereko?

**MR NSEREKO:** Madam Chairperson, I think repealing the Anti-Pornography Act would not be a kind solution given the legislation we ought to handle. Rather, a redefinition of section 2 that rendered it ambiguous and wide would help this society. The issues we have been grappling with are those that get not only young people, but also older people into those acts knowingly or unknowingly – share them in those acts for purposes of procuring money.

Let us see the spirit in which that law was brought and then we can talk about repealing or doing a revision of the definition to render it relevant.

**THE CHAIRPERSON:** Attorney-General?

**MR KIRYOWA KIWANUKA:** I have no objection to the proposal by the committee, as amended by the honourable member.

**THE CHAIRPERSON:** Can you consent?

**MR BASALIRWA:** Madam Chairperson, I agree and associate myself with the submissions of the learned counsel, Muhammad Nsereko and the learned Attorney-General. However, another justification is to borrow the same argument by the learned Attorney-General that we concentrate on what was declared unconstitutional and preserve what was not touched.

**MR OGUZU:** Madam Chairperson, I have a few concerns with that recommendation of the committee. My concern emanates from the fact that pornography is a big problem; it is on the rise and costly to the country. We are grappling with what our colleague, Hon. Basalirwa, is trying to address.

I want to know from the committee why they have not addressed themselves to the specific sections of that law, which the Constitutional Court agreed with, the way we did for the Computer Misuse Act.

In that case, we referred to the specific sections of the law, which contravened the Constitution. We did not repeal the whole law. I am sure the

Anti-Pornography Act has good provisions of the law, which are still relevant. So, when we repeal this, I do not know what we are going to do to contain it - maybe the Attorney-General should guide us on the next step.

**THE CHAIRPERSON:** Hon. Lee, we are only talking about sections 2, 11, 13 and 15 and not the whole law.

**MR OGUZU:** Madam Chairperson, if that guidance is right then the chairperson should come out clear that we are addressing ourselves to this - because her proposal was for the entire law to be repealed.

**THE CHAIRPERSON:** Chairperson, can you correct it?

**MS RWAKOOJO:** What I said was to remove from the Statute Book, the Anti-Pornography Act, since sections 2, 11, 13 and 15 of the Act were declared unconstitutional thereby rendering the Act redundant. However, if you insist, we could remove sections 2, 11, 13 and 15, which were declared unconstitutional, but you will not be able to use the Act after that. But we could concede by saying that we remove sections 2, 11, 13 and 15; we leave the entire Act and see what to do.

**MR OGUZU:** That is seconded.

**THE CHAIRPERSON:** No, we deal with what was rendered unconstitutional, but we also redefine what section 2 -

**MS RWAKOOJO:** Sections 2, 11, 13 and 15 are the ones that were declared unconstitutional.

**THE CHAIRPERSON:** Yes – those are the ones we are redefining.

**MS AISHA KABANDA:** Thank you, Madam Chairperson. The Attorney-General already guided that we cannot touch any other part that the court did not pronounce itself on. That means we cannot even redefine it at this time until at another opportune moment. That is what he said.

**MR BASALIRWA:** Madam Chairperson, what the discussion on the Floor suggests is that we should bring back the anti-pornography law. Look at what the constitutional -

**THE CHAIRPERSON:** Minus the four sections.

**MR BASALIRWA:** Yes, minus the four. Look at what the Constitutional Court said and make amendments to align the law with the pronouncements by the Constitutional Court; not making amendments here because, again, in the guidance of the learned Attorney-General, it is outside the purview of this Parliament (*Interjection*)- no of this Parliament at this time when we are discussing law revision. And, I will bring it because it has a bearing on our Anti-Homosexuality Bill because one is a cousin to the other. So, I will bring it here; I am putting you on notice.

**MR NSEREKO:** Thank you, Madam Chairperson. Now we would like both the Attorney-General and the chairperson to concede that we are not here to repeal the law.

**THE CHAIRPERSON:** He has conceded.

**MR KIRYOWA KIWANUKA:** Madam Chairperson, it is agreed we remove from the Anti-Pornography Act, Sections 2, 11, 13 and 15 of the Act.

**THE CHAIRPERSON:** And, redefine it. I put the question that Schedule 1, as amended by the committee and further modified by Hon. Nsereko and the Attorney-General, stands part of the Bill.

*(Question put and agreed to.)*

*Schedule 1, as amended, agreed to.*

Schedule 2

**MS RWAKOOJO:** Schedule 2: Conversion of fines and other financial amounts in specific laws to currency points

Schedule 2 of the Bill is amended –

- a) In item 2 under the Commissioner for Oaths (Advocates Act) by substituting “twenty million” appearing in the fourth column with “two hundred and forty thousand” and “one thousand” appearing in the fifth column for “twelve”;
- b) In item five under the Notaries Public Act, by substituting “twenty million” appearing in the fourth column for “two hundred and forty thousand” and “one thousand” appearing in the fifth column with “twelve”;
- c) By deleting item 8 and all the items that appear in columns 1, 2, 3, 4 and 5, corresponding with the modification of the Adulteration of Produce Act, Cap. 27;
- d) By deleting item 9 and all the items that appear in columns 1, 2, 3, 4 and 5, corresponding with the modifications of the Produce Protection Act, Cap. 32;
- e) By deleting items 10 and all items that appear in columns 1, 2, 3, 4 and 5, corresponding with the modification of the Prohibition of the Burning of Grass Act, Cap. 33;
- f) In item 11, under Section 11(2) of the Animal (Prevention of Cruelty) Act by substituting “twenty million” appearing in the fourth column for “one hundred and twenty thousand” and “one thousand” appearing in the fifth column for “six”;
- g) in item 27 under the Trade (Licensing) Act, Cap. 101 by deleting section 15(3) and all the items that appear in columns 2, 3, 4 and 5, corresponding with a modification of section 15(3) of the Trade Licensing Act;
- h) in item 28 under the Weights and Measures Act –
- i) In Section 44(2) by substituting “fifty million” appearing in the fourth column for “two hundred and forty thousand” and “two thousand five hundred” appearing in the fifth column for “twelve”;
- ii) In Section 44(4) by substituting “forty million”, appearing in the fourth column for “two hundred and forty thousand” and “two thousand” appearing in the fifth column for “twelve”;
- iii) By deleting section 55A(s) and all the items that appear in columns 3, 4 and 5, corresponding with the modification of section 55A(s);
- i) In item 30 under the Criminal Procedure Code Act, by substituting “forty million” appearing in the fourth column with “four hundred and eighty” and “two thousand” appearing in the fifth column with “twenty four”;
- j) In item 45 in section 15 of the Veterinary Surgeons Act by substituting “one hundred and twenty thousand” appearing in the fourth column for “two hundred and forty” and “six” appearing in the fifth column for “twelve”;
- k) In item 46 in section 27(1) of the Food and Drugs Act by substituting “fourty million” appearing in the fourth column for “one hundred and twenty thousand” and “two thousand” appearing in the fifth column for “six”;
- l) In item 48 under the Public Health Act by deleting sections 13(2), 20, 21, 22(1), 23, 35, 36(2), 63, 67(3), 79(2), 83(7), 89(2), 94(2), 96(2) 97(2), 99(1), 119(2), 199(2) 112, 128(1) and 133, and all the items that appear in columns 2, 3, 4, and 5, corresponding with the modification of those sections under the Public Health Act;
- m) In item 51 under the Firearms Act by deleting sections 5(2), 16(3), 18(4), 33(4) and 36 and all the items that appear in columns 2, 3, 4 and 5, corresponding with

the modification of those sections under the Firearms Act;

- n) In item 52, under the Police Act, by deleting sections 35(5) and 37 and all the items that appear in columns 2, 3, 4 and 5, corresponding with the modification of those sections under the Police Act;
- o) by deleting item 55 and all the items that appear in columns 1, 2, 3, 4 and 5, corresponding with the modification of the Rivers Act, Cap. 357;
- p) By inserting the following new items appropriately –

Citation	Title of Act	Provision	Fine	Modified fine	Fine in currency points
Cap. 300	Foreign Seamen Deserters Act	Section 3	Three hundred Uganda Shillings	Three million Uganda Shillings  <i>Section 4(1) of the Law Revision (Fines and Other Financial Amounts in Criminal Matters) Act, No.14 of 2008)</i>	150
Cap. 125	Deposit Library and Documentation Centre Act	section 4	One hundred Uganda Shillings	One million Uganda Shillings  <i>Section 4(1) of the Law Revision (Fines and Other Financial Amounts in Criminal Matters) Act, No.14 of 200</i>	50
Cap. 133	Makerere University (Deposit Library) Act	Section 3	One hundred Uganda Shillings	One million Uganda Shillings  <i>Section 4(1) of the Law Revision (Fines and Other Financial Amounts in Criminal Matters) Act, No.14 of 2008</i>	50
Cap. 296	Cantonments Act	Section 5	Two hundred Uganda Shillings	One hundred twenty thousand Uganda Shillings  <i>Section 3(1) of the Law Revision (Fines and Other Financial Amounts in Criminal Matters) Act, No.14 of 2008</i>	6
		Section 6	One hundred Uganda Shillings	One million Uganda Shillings  <i>Section 4(1) of the Law Revision (Fines and Other Financial Amounts in Criminal Matters) Act, No.14 of 2008</i>	50

			Two hundred Uganda Shillings	One hundred twenty thousand Uganda Shillings <i>Section 3(1) of the Law Revision (Fines and Other Financial Amounts in Criminal Matters) Act, No.14 of 2008</i>	6
		Section 11	Two hundred Uganda Shillings	Forty thousand <i>Section 3(1) of the Law Revision (Fines and Other Financial Amounts in Criminal Matters) Act, No.14 of 2008</i>	2

### Justification

- i) To correct mathematical mistakes arising from the use of a wrong formula in modifying the second offence under Section 6 of the Commissioner for Oaths Advocates Act, the second offence under Section 6 of the Notaries Public Act, the second offence under Section 11 of the Animals (Prevention of Cruelty) Act; the fine prescribed in the second offence, under sections 44(2) and 44(4) of the Weights and Measures Act, the fine prescribed in section 1(b) of the Criminal Procedure Code Act, the fine prescribed in section 15 of the Veterinary Surgeons Act and the second penalty in Section 27(1) of the Food and Drugs Act;
- ii) To include, in Schedule 2, enactments that had been proposed in Schedule 1 for repeal, which the committee has found still have a legislative purpose and should be modified instead of being repealed;
- iii) To harmonise Schedule 2 with Schedule 1 by removing enactments that are proposed for repeal in Schedule 1, but had been proposed for modification under Schedule 2; and
- iv) To remove from Schedule 2 enactments that have been repealed as well as provisions that have been affected by amendments to the enactments proposed for modifications.

**MR KIRYOWA KIWANUKA:** Thank you, Madam Chairperson. I am just proposing an amendment to item 52 in the Schedule to the Police Act. The committee proposes the deletion of sections 35(5) and 37, the fine set out therein.

However, as a consequence of the amendment made earlier, I propose that these be maintained. Otherwise, I have no objection to the rest of the proposed amendments.

**MR OPIO:** I would like to seek clarification under Schedule 2(d), which talks about deletion of item 9 in the Produce Protection Act. This is because in Schedule 1, this same Act is being indicated as repealed yet in Schedule 2, it appears that we are making an amendment on it.

The other issue that I would like to take you back to, is in Schedule 1. The Attorney-General has given justification for the repeal of the Acts in items 6, 11, 12 and 14 as enactment of a trade policy, which has superseded the Act. My understanding is that a trade policy cannot supersede an Act; it precedes the Act.

**MR KIRYOWA KIWANUKA:** I am a bit lost on where you are.

**MR OPIO:** I am on Schedule 2, and raising two issues on (d) where we talk about the amendments on the Produce Protection Act, which under Schedule 1, item 6, has been put under the Acts to be repealed yet in Schedule 2, we are again amending it. That is the contradiction I have observed under that.

**MR KIRYOWA KIWANUKA:** Let me deal with that, Madam Chairperson. When the Bill was brought to the House, we had that mistake.

Now the committee is proposing to delete, under item 9 of Schedule 2, the Produce Protection Act so that the contradiction is removed. The committee saw that error and proposed that we delete it in item 9 so it is removed from Schedule 2 now.

**MR OPIO:** Madam Chairperson, there was a second issue, which relates to Schedule 1 where the Attorney-General gave justification for the repeal of the Acts under items 6, 11, 12 and 14, as being that these Acts have been superseded by the national trade policy on liberalisation.

My understanding is that a policy cannot supersede an Act; it only precedes it. So, the justification does not hold under that arrangement. Otherwise, we would be creating a precedent whereby policies will be more superior to an Act. That was the inconsistency I am trying to bring under Schedule 1.

**MR KIRYOWA KIWANUKA:** I think what we should do –

**THE CHAIRPERSON:** Are you talking about Schedule 1, which has already been passed?

**MR OPIO:** Yes, and I tried to raise this matter, but I did not catch the eye of the Chairperson.

**MR BASALIRWA:** Attorney-General, when we interacted with you, we pointed this out and we said it should be corrected. It is not only that; there are many aspects where repeal is as a result of policy and we did advise that you do not repeal a law because of a policy. We thought that maybe it could be handled along the way, administratively, for purposes of creating clarity. Otherwise, as the Member says, it would set a very wrong precedent, but we made mention of it in the committee, anyway.

**MR KIRYOWA KIWANUKA:** Thank you very much, Hon. Basalirwa. That is correct. I think it is the language that did not complete the policy of Government changes and renders

the law either obsolete or redundant. For example, if you have an Act, which requires you to pay say, CTL and then the policy of Government changes and says, “No, we are no longer going to charge CTL we are going to do this”, then, that law remains in the Statute Book and you do not repeal it –*(Interruption)*

**MR AOGON:** Madam Chairperson, I have a humble contribution. We appreciate the position of the Attorney-General. From the perspective of those who are seated this side, I would like to bring it out clearly that a policy only remains Government’s highest level of commitment that we will do this, but the law is for implementation.

This being an Act of Parliament, there is no way, in my opinion that a policy will supersede an Act of Parliament. Cabinet cannot sit today and say, “We have changed our policy and therefore, the Act that you had cannot work in this situation.” That cannot happen.

**THE CHAIRPERSON:** You are repeating the same thing. Maybe you just want people in Kumi to hear you talking.

**MR AOGON:** No, Madam Chairperson, maybe colleagues did not hear me well. The Attorney-General is saying when a policy changes, it also changes the way you implement a law, which cannot happen.

**THE CHAIRPERSON:** But that is not what he said.

**MR AOGON:** He said it makes the law redundant; it cannot because the Act remains enforceable.

**MR KIRYOWA KIWANUKA:** Madam Chairperson, the laws we are proposing for repeal are laws of Uganda on the Statute Book, but have not been implemented –

**THE CHAIRPERSON:** First explain to him what a Statute Book is.

**MR KIRYOWA KIWANUKA:** What we are saying, honourable colleagues, is that the purpose of this revision is that you may



actually have a law, which you are required to implement, but for some reason, that law has not been implemented for very many years that it has been rendered redundant. It does not mean that it is not law. That is why for you to remove it from the Statute Book, you must come back to Parliament and tell Parliament that as the Executive, you have not implemented this law for so long and so, you do not think you can be able to implement it anymore.

However, the language, like Hon. Basalirwa said, that was used in here should have explained the circumstances of each law and why it has not been implemented over time. We will correct that.

**MR TEBANDEKE:** Thank you, Madam Chairperson. When I critically go through the executive summary of the committee's report, I realise that it definitely contradicts with what the Attorney-General is saying. When you look at paragraph (2) of the executive summary, you realise it speaks about cleaning, as the Attorney-General claims, but paragraph (3) –

**THE CHAIRPERSON:** He is not just claiming; it is in reality.

**MR TEBANDEKE:** Madam Chairperson, if it is reality, then I am yet to prove, but paragraph (3) claims that the object of the Law Revision (Miscellaneous Amendments) Bill, 2022 is to provide for the repeal of a specific Act, which specific Acts are not mentioned.

**THE CHAIRPERSON:** The problem is that you left and you have not been in the House throughout. The Acts that we are repealing are Acts that were rendered unconstitutional. That is the problem of “beeping.” You peep, come in and go out. If you were seated here like Hon. Nathan Nandala-Mafabi there, you would know everything. You would even know what has happened to your fish.

Honourable members, I put the question that Schedule 2, as amended and modified by the Attorney-General, stands part of the Bill.

*(Question put and agreed to.)*

*Schedule 2, as amended, agreed to.*

Schedule 3

**MS RWAKOOJO:** Schedule 3: Conversion of fines and other financial amounts in the Penal Code Act to currency points.

Schedule 3 of the Bill is amended –

- (a) By deleting section 40(1) and all the items that appear in columns 1, 3 and 4 corresponding with the modification of section 40 of the Penal Code Act;
- (b) By deleting section 40(2) and all the items that appear in columns 2, 3 and 4 corresponding with the modification of section 40 of the Penal Code Act;
- (c) In section 154(1), by deleting all the items that appear in columns 1, 2, 3 and 4 corresponding with the modification on Section 154 of the Penal Code Act, Cap. 120; and
- (d) By deleting section 161(4) and all the items that appear in columns 1, 3 and 4 corresponding with the modification of Section 161(4) of the Penal Code Act.

Justification

1. Section 40(1) and (2) of the Penal Code Act were declared unconstitutional in the decision of *Andrew Mujuni Mwenda and others v. the Attorney-General (Consolidated Constitutional Petitions No.12 of 2005 and No.3 of 2006.)*;
2. The deletion of Section 154(1) of the Penal Code Act is a consequential amendment arising from the amendment of Clause 14 of the Bill; and
3. The deletion of Section 161 is a consequential amendment arising from the amendment of Section 14 of the Bill.

**MR BASALIRWA:** I associate myself with the views of the committee.

**MR KIRYOWA KIWANUKA:** No objection, Madam Chairperson.

**MR NANDALA-MAFABI:** Madam Chairperson, I do not have any objection, but when the chairperson was reading, for example, Section 40 of the Penal Code Act, she never mentioned Section 40(1). She just read Section 40 of the Penal Code Act. For purposes of the record, it should have been, “Section 40 (1).”

**THE CHAIRPERSON:** It is Section 40(1) and (2) of the Penal Code Act; unless you just want to hear Hon. Robina Rwakoojo’s voice. Hon. Robina Rwakoojo, can you repeat it so that Hon. Nathan Nandala-Mafabi hears your voice?

**MS RWAKOOJO:** By deleting Section 40(1) and all the – that is how I said it, unless he wants me to mention “subsection”. Schedule 3 of the Bill is amended –

- (a) By deleting section 40(1) and all the items that appear in columns 2, 3 and 4, corresponding with the modification of Section 40(1) of the Penal Code Act;
- (b) By deleting section 40(2) and all the items that appear in columns 2, 3 and 4, corresponding with the modification of Section 40(1) of the Penal Code Act;
- (c) In section 154(1), by deleting all the items that appear in columns 1, 2, 3 and 4, corresponding with the modification of Section 154(1) of the Penal Code Act, Cap. 120; and
- (d) By deleting section 16(1)(4) and all the items that appear in columns two, three and four corresponding with the modification of Section 161(4) of the Penal Code Act.

Justification

1. Section 40(1) and (2) of the Penal Code Act was declared unconstitutional in the decision of *Andrew Mujuni Mwenda and others v. the Attorney-General (Consolidated Constitutional Petitions No.12 of 2005 and No.3 of 2006.)*;

2. The deletion of Section 154(1) of the Penal Code Act is a consequential amendment arising from the amendment of clause 14 of the Bill; and

3. The deletion of section 161 is a consequential amendment arising from the amendment of Section 14 of the Bill.

**THE CHAIRPERSON:** Thank you. I put the question that Schedule 3 be amended as proposed.

*(Question put and agreed to.)*

*Schedule 3, as amended, agreed to.*

Schedule 4

**MS RWAKOOJO:** Schedule 4: Conversion of fines from shillings to currency points prescribed in specified laws enforced after 15 May 1987

Schedule 4 of the Bill is amended in paragraph (15) by deleting Section 27A of the Police Act and all the items that appear in columns 2, 3 and 4, corresponding with the modification of Section 27A of the Police Act, Cap. 303.

The justification is that Section 27A was declared unconstitutional in the case of *Olara Otunnu v. the Attorney-General (Constitutional Petition No.12 of 2010)* for infringing on Article 28(12) of the Constitution, thereby losing its legal effect.

**MR BASALIRWA:** I associate myself with the committee chairperson.

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

**THE CHAIRPERSON:** I put the question that Schedule 4 be amended as proposed.

*(Question put and agreed to.)*

*Schedule 4, as amended, agreed to.*

## Schedule 5

**MS RWAKOOJO:** Schedule 5: Conversion of financial amounts not being criminal penalties from currency points to shillings

Delete Schedule 5.

## Justification

1. Schedule 5 proposes to convert financial amounts not being fines in specific legislation from currency points to Uganda shillings contrary to Section 5 of the Law Revision (Fines and Other Financial Amounts in Criminal Matters) Act;
2. It exposes the financial amounts expressed in Uganda shillings to inflation, since the Uganda Shilling faces inflationary pressures, which erode the value of financial amounts, yet if the same financial amounts are expressed in currency points, they are shielded from inflation since the value of a currency point is known and constant.

**MR BASALIRWA:** I concur.

**MR KIRYOWA KIWANUKA:** I concur.

**THE CHAIRPERSON:** I put the question that Schedule 5 be deleted as proposed.

*(Question put and agreed to.)*

*Schedule 5, deleted*

## Schedule 6

**MS RWAKOOJO:** Schedule 6: Modification of low fees, costs and values in laws in force on 15 May 1987

Schedule 6 of the Bill is amended –

- (a) in item 2, in the Magistrates Courts Act, by deleting all the items that appear in columns 2, 3, 4, 5 and 6, corresponding with the modification of sections 195(2) 195(4) and 204(4); and paragraph 31(8)

of the Third Schedule to the Magistrates Courts Act;

- (b) In item three, in the Trial on Indictment Act, by deleting all the items that appear in columns 2, 3, 4, 5 and 6, corresponding with the modification of section 125(2) and paragraph 9(1) of the scheduled to the Trial on Indictment Act; and
- (c) In item five, in the Administration of Estates (Small Estates) (Special Provisions) Act, by deleting all the items that appear in columns 1, 2, 3, 4, 5 and 6, corresponding with the modification of Section 7(2) of the Administration of Estates (Small Estates) (Special Provisions) Act.

## Justification

The provisions identified above, which propose to totally repeal the provisions identified in the enactments, are misplaced here and have been inserted where they fall more appropriate since the effect of the amendments is not a modification, but a total repeal of the provision.

**MR BASALIRWA:** I associate with the views of the committee.

**MR KIRYOWA KIWANUKA:** I have no objection to the proposed amendments by the committee.

**THE CHAIRPERSON:** I put the question that Schedule 6 be amended as proposed.

*(Question put and agreed to.)*

*Schedule 6, as amended, agreed to.*

## Schedule 7

**MS RWAKOOJO:** Schedule 7: Conversion of financial amounts expressed in Pounds, in specified laws, to currency points

Schedule 7 is amended by inserting the following appropriately –

Citation	Title of Act	Provision	Fine	Modified fine	Fine in currency points
Cap. 97	Portable Spirits Act	Section 2(2)	Five hundred pounds	Two million four hundred thousand Uganda shillings  (Five hundred pounds converted to Uganda Shillings at a rate of Shs 4,800 to one pound sterling)  <i>Section 3(1) of the Law Revision (Fines and Other Financial Amounts in Criminal Matters) Act, No.14 of 2008</i>	120

### Justification

This is a consequential amendment arising from amendment of Schedule 1 of the Bill by removing, from the list of enactments for repeal, the Portable Spirits Act.

I beg to submit.

**THE CHAIRPERSON:** Hon. Nathan?

**MR NANDALA-MAFABI:** Madam Chairperson, before Hon. Asuman comes in, I recall a Pound was equal to Shs 20. What rate -

**THE CHAIRPERSON:** Is it currency point or Pound?

**MR NANDALA-MAFABI:** Pound! I want to know the time of the law. If you remember, a Pound was equal to Shs 20 – in math: from imperial to metric system. That is where I am coming from.

So, at what time was £500 decided so that we can now decide to bring it to normal. It might have been - if you want, from 1996 or 1980 when it was – from imperial to metric - at Shs 20, we cannot really come here and change it drastically.

**MR KIRYOWA KIWANUKA:** Madam Chairperson, the Act currently provides that the fine shall be £500. Therefore, if you are convicted of that offence, you will give the Government £500 today. When the court convicts you and says, today: “You are

convicted and found guilty. You are, therefore, ordered to pay £500.” You do not convert and then get into metric weight; no, you go and bring £500.

Therefore, the £500 of today have been converted using the exchange rate of today: Shs 4800 *-(Interjection)-* we used the Bank of Uganda rate and, it has been converted to currency points.

**THE CHAIRPERSON:** Hon. Asuman?

**MR BASALIRWA:** Madam Chairperson, I agree.

**THE CHAIRPERSON:** Attorney-General?

**MR KIRYOWA KIWANUKA:** I have no objection.

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

*(Question put and agreed to.)*

*Schedule 7, as amended, agreed to.*

*Title, agreed to.*

### MOTION FOR RESUMPTION OF THE HOUSE

7.01

**THE ATTORNEY-GENERAL (Mr Kiryowa Kiwanuka):** 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 do resume and the Committee of the whole House reports thereto.

*(Question put and agreed to.)*

*(The House resumed, the Speaker presiding.)*

REPORT OF THE COMMITTEE OF THE  
WHOLE HOUSE

7.02

**THE ATTORNEY-GENERAL (Mr Kiryowa Kiwanuka):** Madam Speaker, I beg to report that the Committee of the whole House has considered a Bill entitled, “The Law Revision (Miscellaneous Amendments) Bill, 2022” and passed it with amendments.

MOTION FOR ADOPTION OF THE  
REPORT OF THE COMMITTEE OF THE  
WHOLE HOUSE

7.02

**THE ATTORNEY-GENERAL (Mr Kiryowa Kiwanuka):** Madam Speaker, I beg to move that the House adopts the report of the Committee of the whole House. I beg to move.

**THE SPEAKER:** I put the question that the House adopts the report of the Committee of the whole House.

*(Question put and agreed to.)*

*Report adopted.*

BILLS  
THIRD READING

THE LAW REVISION (MISCELLANEOUS  
AMENDMENTS) BILL, 2022

7.03

**THE ATTORNEY-GENERAL (Mr Kiryowa Kiwanuka):** Madam Speaker, I beg to move that a Bill entitled, “The Law Revision (Miscellaneous Amendment) Bill, 2022” to be read for the third time and do pass.

**THE SPEAKER:** I put the question that a Bill entitled “The Law Revision (Miscellaneous Amendments) Bill, 2022” be read the third time and do pass.

*(Question put and agreed to.)*

“A BILL FOR AN ACT ENTITLED, “THE  
LAW REVISION (MISCELLANEOUS  
AMENDMENTS) ACT 2023”

**THE SPEAKER:** Title settled and Bill passes.  
*(Applause)*

7.04

**THE ATTORNEY GENERAL (Mr Kiryowa Kiwanuka):** Madam Speaker, I would like to thank you all for the time you have put in to process this Bill.

From the Government’s part, we really apologise that it has taken this long. However, we undertake to make sure that we do it quicker; it will make our lives easier.

In a special way, I would like to thank the Committee on Legal and Parliamentary Affairs because they really kept us on our toes. *(Applause)* As you may notice, for a lot of things that we had skipped or missed, the committee was able to see them and help us make this a good law. We really appreciate your work.

We also appreciate the work of the technical team.

We thank you, Madam Speaker, for the support you have given us in passing this Bill.

Thank you very much, technical team. I look forward -

**THE SPEAKER:** In a special way, I want to thank the Members of Parliament who have sat here up to this time.

**MR KIRYOWA KIWANUKA:** I started with the House, Madam Speaker. I started with the House, but let me thank the House for the second time. We really appreciate the

continuous debate that we always have because it makes us better. Thank you very much.

**THE SPEAKER:** Thank Hon. Asuman Basalirwa as well.

**MR KIRYOWA KIWANUKA:** I will thank him from outside. *(Laughter)* Thank you very much, Hon. Asuman Basalirwa.

**MS CECILIA OGWAL:** Madam Speaker, I just want to appreciate the Attorney-General. I pray that if only we had ministers as flexible as the Attorney-General, it would make our processes quicker. I think he has been very forgiving and allowing flexibility.

I must as well appreciate the Committee on Legal and Parliamentary Affairs, for the work they have done and of course, my commander here, Hon. Asuman, who has done a commendable job. I want to thank you for working hand-in-hand with the Attorney-General. I think you deserve to be the Attorney-General in our next Government. I beg to submit. *(Laughter)*

**THE SPEAKER:** Honourable members, I want to thank all of you for enduring to stay in the House up to this time and for the good work you have done. The Committee on Legal and Parliamentary Affairs, Attorney-General, Hon. Asuman Basalirwa and most especially my Members who have sat here for the whole afternoon –*(Applause)*– I thank you very much.

It is just good practice to the ministers who are not here that when your colleague has a Government Bill, you should be in the House. Government Chief Whip, you need to whip your ministers because this is a Government Bill and the Attorney-General was complaining that when it is their Bills, they are here, but today, he was left alone.

However, the ministers who are here, I must thank you so much for being around. Tomorrow, we shall be looking at the Parish Development Model reports, but we will start with the Bujagali report.

On Thursday, we will have the Presidential address and we will be sitting at Kololo. Next week, I want all of you in the House. We will need to pass the Ant-Homosexuality Bill; we want all of you in the House. *(Applause)* You are either for us or for them. We have enough space. I do not even want that pretence that you know, I was not here. We will gazette everywhere for us to see those “homos”.

House adjourned to tomorrow, Wednesday at 2.00 p.m.

*(The House rose at 7.08 p.m. and adjourned until Wednesday, 15 March 2023 at 2.00 p.m.)*