
BILLS

SUPPLEMENT No. 4

27th March, 2024

BILLS SUPPLEMENT

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Bill No. 33

National Library (Amendment) Bill

2024

THE NATIONAL LIBRARY (AMENDMENT) BILL, 2024

MEMORANDUM

1. Policy and principles of the Bill

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

2. Defects in existing law

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

More importantly, the proliferation of agencies has created mandate overlaps and jurisdictional ambiguities among the agencies.

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

3. Remedies proposed in the Bill.

The intention of the Bill is to amend the National Library Act, 2003, Act 2 of 2003, to—

- (a) enable the transfer of the responsibility for the management of the National Library from the National Library Board to the Ministry responsible for education thereby, *inter alia*, relieving the Government of the financial drain on its resources and the burden of wasteful administration and expenditure in respect to the National Library which may be managed with less cost and expenditure by a department in the Ministry;
- (b) facilitate efficient and effective service delivery by clearly delineating the mandates and functions of the Ministry in relation to the National Library and Government agencies and departments, thereby avoiding duplication of mandates and functions;
- (c) promote coordinated administrative arrangements, policies and procedures for—
 - (i) ensuring the efficient and successful management, financial accounting and budgetary discipline of government agencies and departments;
 - (ii) enabling the Government to play its proper role more effectively; and

- (iii) enforcing accountability;
- (d) to restructure and re-organise the National Library by eliminating bloated structures and functional ambiguities.

4. Provisions of the Bill

The Bill has 26 clauses. Clause 2 of the Bill provides for the objectives of the Bill. Clause 3 of the Bill provides for the purpose of amending the National Library Act, 2003, which is to transfer the responsibility for the management of the National Library from the National Library Board to the Ministry responsible for education. Clause 4 seeks to dissolve the National Library Board. Clause 5 provides for the transfer of the responsibilities of the National Library Board to the Ministry responsible for education. The rest of the clauses of the Bill seek to implement the dissolution of the National Library Board and the transfer of its responsibilities to the Ministry responsible for education.

JANET K. MUSEVENI

First Lady and Minister of Education and Sports

THE NATIONAL LIBRARY (AMENDMENT) BILL, 2024**ARRANGEMENT OF CLAUSES*****Clause***

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A Bill for an Act

ENTITLED

THE NATIONAL LIBRARY (AMENDMENT) ACT, 2024

An Act to amend the National Library Act, 2003 to dissolve the National Library Board and transfer the responsibility for the management of the National Library from the National Library Board to the Ministry responsible for education in order to give effect to the Government Policy on Rationalisation of Government Agencies and Public Expenditure, and for related purposes.

BE IT ENACTED by Parliament as follows:

1. Interpretation

In this Act, unless the context otherwise requires—

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

“commission” means a body established by the Constitution;

“Government” means the Government of Uganda;

“Ministry” means the Ministry responsible for education.

2. Objectives

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

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

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

3. Purpose of amending Act 2 of 2003

The purpose of amending the National Library Act, 2003, Act 2 of 2003 is to transfer the responsibility for the management of the National Library from the National Library Board to the Ministry responsible for education.

4. Dissolution of Uganda National Library Board

On the commencement of this Act, the National Library Board established by Act 2 of 2003 shall be dissolved.

5. Responsibility for functions under Act 2 of 2003

On the commencement of this Act, the Ministry responsible for education shall be responsible for the management of the National Library and performing the functions which were performed by the dissolved National Library Board.

6. Amendment of section 2 of Act 2 of 2003

Section 2 of Act 2 of 2003, hereinafter referred to as the “principal Act” is amended—

(a) by repealing the definitions of “Board”, “Chairperson”, “Director”, and “Member”; and

(b) by inserting in the appropriate alphabetical order, the following—

“Ministry” means the Ministry responsible for education;”.

7. Amendment of title to Part II of principal Act

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

“PART II—ADMINISTRATION OF ACT”.

8. Amendment of section 4 of principal Act

Section 4 of the principal Act is amended by repealing subsection (2) and (3).

9. Amendment of section 6 of principal Act

For section 6 of the principal Act, there is substituted the following—

“6. Management of National Library

The National Library shall be managed by the Ministry.”

10. Amendment of section 7 of principal Act

Section 7 of the principal Act is amended by substituting for “Board” wherever it appears the word “Ministry”.

11. Repeal of section 8 of principal Act

Section 8 of the principal Act is repealed.

12. Repeal of section 9 of principal Act

Section 9 of the principal Act is repealed.

13. Amendment of section 10 of principal Act

Section 10 of the principal Act is amended by repealing subsection (2).

14. Repeal of section 11 of principal Act

Section 11 of the principal Act is repealed.

15. Repeal of section 12 of principal Act

Section 12 of the principal Act is repealed.

16. Repeal of section 13 of principal Act

Section 13 of the principal Act is repealed.

17. Repeal of section 14 of principal Act

Section 14 of the principal Act is repealed.

18. Amendment of section 15 of principal Act

For section 15 of the principal Act, there is substituted the following—

“15. Common Seal of National Library

The Common Seal of the National Library shall be in a form to be determined by the Minister.”

19. Amendment of section 16 of principal Act

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

“16. Annual report

The Ministry shall, not later than three months after the beginning of each financial year, submit to the Minister, a statement of its activities in the preceding financial year, indicating any particular problems experienced by it in that year in carrying out its functions and making recommendations for solving those problems and containing such other information as the Minister may request.”.

20. Repeal of section 17 of principal Act

Section 17 of the principal Act is repealed.

21. Repeal of section 18 of principal Act

Section 18 of the principal Act is repealed.

22. Repeal of section 20 of principal Act

Section 20 of the principal Act is amended by repealing the words “and on the advice of the Board”.

23. Repeal of section 22 of principal Act

Section 22 of the principal Act is repealed.

24. Repeal of section 23 of principal Act

Section 23 of the principal Act is repealed.

25. Repeal of Second Schedule to principal Act

The Second Schedule to the principal Act is repealed.

26. Savings

(1) The members of the National Library Board and staff of the National Library shall be paid their terminal benefits in accordance with the terms and conditions of their service.

(2) Compensation is not payable to any member of the board of the National Library for loss of office resulting from the dissolution of the board.

(3) The staff of the National Library may be redeployed to serve in the public service subject to availability of positions.

(4) On the commencement of this Act, all the property, assets, rights, obligations, and liabilities of the National Library shall vest in the Government of Uganda under the Ministry.

(5) Any proceedings commenced by or against the National Library may be continued by or against the Attorney General.

(6) A licence, permit, certificate or authorisation issued by the National Library under the Act which is in force immediately before the commencement of this Act shall have effect from the commencement of this Act as if granted by the Ministry.

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