

BILLS SUPPLEMENT

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Bill No. 43 *Uganda National Roads Authority Act*
(Repeal) Bill **2024**

THE UGANDA NATIONAL ROADS AUTHORITY ACT
(REPEAL) 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 Uganda National Roads Authority Act, 2006, Act 15 of 2006, to—

- (a) enable the mainstreaming and rationalisation of the functions of the Uganda National Roads Authority into the Ministry responsible for roads agencies, thereby, *inter alia*, relieving the Government of the financial drain on its resources and the burden of wasteful administration and expenditure by reverting the functions of the Uganda National Roads Authority to the ministry which shall perform those functions at less cost and expense like it was before the Uganda National Roads Authority was established in 2006;
- (b) facilitate efficient and effective service delivery by clearly delineating the mandates and functions of the Ministry responsible for roads and other government agencies and departments, thereby, avoiding duplication of mandates and functions in the management of roads;
- (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 Ministry responsible for roads by eliminating bloated structures and functional ambiguities in order to perform the functions of the Uganda National Roads Authority effectively and efficiently.

4. Provisions of the Bill

The Bill has 6 clauses. Clause 2 of the Bill provides for the objectives of the Bill. Clause 4 of the Bill provides for the repeal of the Uganda National Roads Authority Act, 2006, Act 15 of 2006 and dissolution of the Uganda National Roads Authority. Clause 5 of the Bill seeks to mainstream the functions of Uganda National Roads Authority into the Ministry responsible for roads (Ministry of Works and Transport).


GEN. EDWARD KATUMBA WAMALA
Minister for Works and Transport

**THE UGANDA NATIONAL ROADS AUTHORITY ACT (REPEAL)
BILL, 2024**

ARRANGEMENT OF CLAUSES

Clause

1. Interpretation
2. Objective
3. Purpose of repeal of Act 15 of 2006
4. Repeal of Act 15 of 2006 and dissolution of Uganda National Roads Authority
5. Responsibility for functions under repealed Act 15 of 2006
6. Savings

A Bill for an Act

ENTITLED

**THE UGANDA NATIONAL ROADS AUTHORITY ACT
(REPEAL) ACT, 2024**

An Act to repeal the Uganda National Roads Authority Act, 2006, Act 15 of 2006 and dissolve the Uganda National Roads Authority in order to mainstream the functions of the Uganda National Roads Authority into the Ministry responsible for roads and 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 roads;

“national road” means a road maintained by the Government;

“national roads network” means the system of all roads maintained by the Government;

“road” means any highway and any other road to which the public have access and includes—

- (a) a bridge over which a road passes;
- (b) a ferry, as defined in the Ferries Act; and
- (c) a ship, as defined in the Inland Water Transport Act, 2021.

2. Objective

(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 repeal of Act 15 of 2006

The purpose of repealing the Uganda National Roads Authority Act, 2006, Act 15 of 2006, is to enable the mainstreaming of the functions of the Uganda National Roads Authority into the Ministry responsible for roads.

4. Repeal of Act 15 of 2006 and dissolution of Uganda National Roads Authority

(1) The Uganda National Roads Authority Act, 2006 is repealed.

(2) On the commencement of this Act, the Uganda National Roads Authority established by Act 15 of 2006 shall be dissolved.

(3) Any statutory instrument made under the Uganda National Roads Authority Act, 2006, repealed under subsection (1) and which is in force immediately before the commencement of this Act shall remain in force so far as it is not inconsistent with this Part, until it is revoked by a statutory instrument made under this Act and until that revocation, shall be deemed to have been made under this Act.

5. Responsibility for functions under repealed Act 15 of 2006

(1) On the commencement of this Act, the Ministry responsible for roads shall be responsible for performing the functions of the dissolved Uganda National Roads Authority under the repealed Act 15 of 2006.

(2) For the purposes of subsection (1) and for the avoidance of doubt, the functions of the Ministry responsible for roads are—

- (a) to be responsible for the management of the national roads network;
- (b) to maintain and develop the national roads network;
- (c) to advise the Government on policy matters concerning roads generally, and to assist in the co-ordination and implementation of the policy relating to roads;
- (d) to contribute to the addressing of transport concerns in overall national planning through co-ordination with the relevant ministries, departments and agencies of Government;
- (e) to collaborate with international organisations, intergovernmental organisations and agencies of other states and the private sector on issues relating to the development and maintenance of roads;
- (f) to enter into agreements or other arrangements with any person for the provision of roads services, subject to such charges as may be agreed upon;
- (g) to advise and assist the Government in regard to—
 - (i) any matter relating to the planning, design, construction and maintenance of roads, whether the roads are part of the national roads network or not;

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- (ii) the establishment and maintenance of road reserves in accordance with the Roads Act; and
- (iii) the exercise of any power or performance of any duty which the Minister may or is required to exercise or perform under this Act; and
- (h) to perform any other function incidental or consequential to its functions under this section.

6. Savings

(1) The board members and staff of the Uganda National Roads Authority 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 Uganda National Roads Authority for loss of office resulting from the dissolution of the Uganda National Roads Authority.

(3) The staff of the Uganda National Roads Authority 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 Uganda National Roads Authority shall vest in the Government of Uganda under the Ministry responsible for roads.

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

(6) A licence, permit, certificate or authorisation issued by the Uganda National Roads Authority under the Act which is in force immediately before the commencement of this Act shall have effect

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from the commencement of this Act as if granted by the Ministry responsible for roads.

(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.