



PARLIAMENT OF UGANDA

PARLIAMENTARY DEBATES

(HANSARD)

OFFICIAL REPORT

THIRD SESSION - FIRST MEETING

THURSDAY, 31 AUGUST 2023



IN THE PARLIAMENT OF UGANDA

Official Report of the Proceedings of Parliament

THIRD SESSION - 24TH SITTING - FIRST MEETING

Thursday, 31 August 2023

Parliament met at 2.00 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 welcome you to this afternoon sitting. Yesterday, Members raised concerns on a number of issues, which we should be able to handle today. I equally raised an issue on the persistent absenteeism by some Members and ministers.

Honourable members, as the presiding officer and the custodian of the Rules of Procedure, Rule 7 of the Rules of Procedure of Parliament clearly states that I bear the responsibility. All Members are obligated to consistently attend Parliament. That is why you were voted in. When you are here, I know you are supposed to be in the House and in committees, as prescribed in Part XVII of the Rules of Procedure; specifically Rules 112, 113 and 114.

For us to be able to help you, we may need to use the carrot and stick approach because we want you to come back. If you are not going to be in the House, kindly write to the Speaker and seek leave of absence; we will always allow you to go where you need to be.

Members, kindly attend plenary. If you are unable to, let us be informed of the other obligations that you have. We are all human. So, I expect you to follow that up.

I am happy that the Government Chief Whip, as instructed yesterday, did what we told him to do. I thank you, Government Chief Whip. I am still waiting for a copy from the Chief Opposition Whip on the actions he has taken as per yesterday's instruction.

We will continue to monitor attendance. As we have said before, when you are coming in, please log in and when going out, please log out. That way, we will be able to know whether you attended or not. If you are not in the House – you know, attendance is always displayed.

I heard on a certain radio – I think in Soroti or somewhere - where they said: "But these Members always say they are busy. When the list came from Parliament, they were also not in Parliament. So, where are they?" *(Laughter)* The voters see what we are doing. When you see Hon. Aloba seated there, it is because the voters always want to see that she is there.

Honourable members, as has always been our tradition in sports, I would like to inform you that this year the East African Community Inter-Parliamentary Games will be hosted in Rwanda. I am happy with the participants in all the disciplines because they are training. The only discipline where participants are not training is football yet when it comes to facilitation, the way they want to be facilitated!

(*Laughter*) This time, if you are not going to train, we will send all the other disciplines except football.

If you love your Parliament and country, and you want to defend your position, please go for training. I see Hon. Masaba here; when do you ever go for training? (*Laughter*) He does not. Today, I went there to check and I found only four Members of Parliament; Hon. Ogwang, Hon. Basalirwa, Hon. Hassan Kirumira and Hon. Bwiire Sanon. These are the only MPs who were there today – no, I did not see you. (*Laughter*) I want you to start training.

Honourable members, I will invoke Rule 25(1) of the Rules of Procedure and amend the Order Paper to accommodate designations by the Government Chief Whip. I wish you nice deliberations. (*Applause*)

2.07

THE GOVERNMENT CHIEF WHIP (Mr Hamson Obua): Madam Speaker, I beg to move, under Rule 15(10)(c) and Rule 187 of the Rules of Procedure of Parliament, that Hon. Jacob Karubanga Ateenyi, the MP for Kibanda South County, be designated to the Committee on Presidential Affairs. I beg to move.

THE SPEAKER: Those in favour of the designation of Hon. Jacob Karubanga to the committee say “aye” and to the contrary say “nay”.

(*Question put and agreed to.*)

2.08

MR ENOS ASIIMWE (NRM, Kabula County, Lyantonde): Thank you, Madam Speaker. You talked about logging in and out. However, the logout machine was disabled and has never been returned.

THE SPEAKER: I beg your pardon.

MR ENOS ASIIMWE: The logout machine was disabled and has not been reinstalled.

THE SPEAKER: These ones work; these machines do not know whether you are NRM

or the Opposition. (*Laughter*) You can login from any side. It is free signing in.

MR ENOS ASIIMWE: Okay, that is noted. Secondly, Madam Speaker, I would like to ask the Frontbench - because they had talked about making some amendments in the electoral laws. Much as you are pushing us to be in the House, we have competitors who have made it a habit of starting campaigns early. They are putting a lot of pressure on us yet we cannot be in the House and in the constituency at the same time.

Can the Frontbench bring the amendments to the electoral laws to help us manage these situations? Imagine starting to campaign two years ahead of –

THE SPEAKER: What do you want to amend in the electoral laws; that people should not campaigning? (*Laughter*)

MR ENOS ASIIMWE: Madam Speaker, my argument is: you find a competitor – (*Interjection*)- okay, not sleeping –

THE SPEAKER: There is a point of order from Hon. Moses Walyomu.

MR WALYOMU: Thank you, Madam Speaker. I would like to thank my colleague – (*Interjections*)- yes, my colleague. I am coming to my point of order. My colleague has come to request this Parliament to protect Members of Parliament because we have competitors.

However, is he in order? I remember that in the 10th Parliament while Hon. Kakooza was here crying, he was busy campaigning in the constituency. (*Laughter*) Is he in order to claim that he will not be in Parliament because he fears his competitors?

THE SPEAKER: Honourable members, I do not want to imagine that, that is why Members are not in the House. If that is the case, remember you were voted for five years and you should be able to work for the constituents for the five years. If you are withdrawing now, let us know so that we organise a by-election.

Yes, Hon. Sarah Opendi. Strictly react to my communication; do not smuggle in anything.

2.11

MS SARAH OPENDI (NRM, Woman Representative, Tororo): Thank you, Madam Speaker. I am not smuggling in anything.

I recall during the last games that we had in Juba, your colleague, the Rt Hon. Speaker of the National Assembly of Tanzania raised serious questions and the need for us to streamline these games because one of her complaints was the issue of mercenaries being hired to participate in the sports.

I think it would be good that as presiding officers, the games should be for Members of Parliament competing against their fellow Members from other Parliaments. In case any Parliament cannot raise a team, they should not participate in that game otherwise, the games are becoming something else.

It is not portraying the image of the Parliaments that we should be having - Members of Parliament participating against fellow Members of Parliament because when the East African Legislative Assembly fails to raise a team amongst themselves, they forego that game. We have seen Burundi pulling out of certain games too. That should be the spirit with which these games are arranged. The remarks by the Speaker –

THE SPEAKER: Honourable members, the issue of who is going to play is administrative and a responsibility of the Bureau of Speakers, and it has already been decided upon. We know what happened in South Sudan. So, that has already been cured. Yes, Hon. Milton Muwuma?

2.13

MR MILTON MUWUMA (NRM, Kigulu County South, Iganga): Thank you, Madam Speaker. I would like to thank you for finding time to visit the training camps. Your coming has motivated and inspired troops on the ground; it is an encouragement.

Last year, we had serious giants that trained for tug-of-war but I think they stopped along the way. We thank you for making it a stand-alone game this time. The giants are busy training and they will be able to defend and not embarrass you. Thank you.

THE SPEAKER: I hope you did not pick those giants from the *bachuba*. Yes, Hon. Acuti?

2.14

MR SAMUEL OPIO ACUTI (Independent, Kole North County, Kole): Thank you, Madam Speaker. In reaction to your amendment of the Order Paper, I want to seek your guidance. Rule 26(4) of the Rules of Procedure provides that every Thursday, the first two hours shall be allocated for the transaction of private Members' business. I want to seek your guidance on how that could be considered because there are a number of burning issues that we may be facing as Members and we are seeking your guidance in terms of raising them on the Floor.

Very pertinent on my side – and this cuts across every constituency - is that the Ministry of Relief, Disaster Preparedness and Refugees informed me that they have stopped -

THE SPEAKER: You are not going to smuggle in your matter. The two hours are dependent on what is on the Order Paper and the Presiding Officer. We shall have matters of national importance when I see the people who are supposed to respond. We have a full Front Bench now. Yes, Hon. Santa.

2.15

MS SANTA ALUM (UPC, Woman Representative, Oyam): Thank you, Madam Speaker. As a Whip, there are Members who normally attend plenary on Zoom, but I do not know how they are registered because when I asked some of them, they said they were on Zoom. Therefore, I thought that, that should be made clear.

About the games, you have made mention of carrots and sticks. I would like to request that it is applied at the end when we are leaving for

these games. Otherwise, I want to thank you for making tug-of-war a stand-alone game because it is a very strenuous game, Madam Speaker.

For the case of athletics, I think when the right time comes, they need to get special consideration. Thank you.

THE SPEAKER: On the issue of Members being virtually present in the House, they have to register with the Clerk 48 hours before the sitting. Therefore, we shall know who were attending plenary virtually on Zoom; it is in the rules. Yes, Hon. Acom.

2.17

MS JOAN ACOM (FDC, Woman Representative, Soroti City): Thank you, Madam Speaker, for the communication. Let me comment on the issue of the Inter-Parliamentary Games. Three weeks ago, you directed that a report regarding the previous Inter-Parliamentary Games be tabled on the Floor.

As the athletics team - you know athletics has always made you proud from time immemorial. Therefore, it is our humble prayer that since we concluded the last Parliamentary games, the report be tabled on the Floor because the medals are rotting yet the trophies have not yet been displayed on the Floor.

Also, as the athletics team, we request that when the time comes, you equate us the same number of days as the other Members of Parliament since we are all leaving at the same time and we ought to be back at the same time as Team Uganda. Thank you.

THE SPEAKER: Thank you. The good thing is that the medals are not perishable; we shall accord you time to present them. The chairperson is supposed to present a report to the House and bring the medals. Can we have it on Wednesday? Yes?

2.19

THE OPPOSITION CHIEF WHIP (Mr John Baptist Nambeshe): Thank you, Madam Speaker. In your communication, you

have repeatedly made a call to Members to dutifully attend plenary. I have been tracking attendance of Members, not only in plenary but also in committees. However, what is very difficult to execute is retrieving the list of those that virtually attend plenary. It is now proven and confirmed that Members hardly attend committees on Zoom but there are Members who attend plenary on Zoom.

THE SPEAKER: Maybe to make a correction, it is 12 hours not 48 hours.

MR NAMBESHE: Maybe it is effective today, courtesy of your directive to the Clerk because there seems to be no trace of any records whatsoever.

THE SPEAKER: Honourable members, why would you want to attend a committee on Zoom? How come that every day you are in the House and you are defending people who want to be present online? Hon. Ssewungu is always here and that is why they should vote for him. If you want to represent your people on Zoom then there is a problem - much as we have it in our rules.

MR ALOYSIUS MUKASA: Thank you, Madam Speaker. With your permission, allow me to thank you, Members and whoever made it possible for us to sit in such an arrangement where we are not subjected to strict SOPs, an indication that COVID-19 is at a lower rate.

A few days ago, I keenly observed the Head of State, Gen. Museveni, driven in a mobile safe box when he was inspecting the Guard of Honour. He was in the box alone -

THE SPEAKER: Was that in my communication?

MR ALOYSIUS MUKASA: No, it is just a procedural matter.

THE SPEAKER: Honourable members, can we go to the next item? Matters of national importance are going to be handled. One thing that I have learnt from you people is that once you have raised your matter of national

importance, you take off. Let us first pass my Bills and then we shall handle matters of national importance.

2.21

MS BETTY AOL (FDC, Woman Representative, Gulu City): Madam Speaker, I rise to react to your communication. This House was not planned to accommodate close to 557 Members. If all of us come, I am very sure even the lobby will be overcrowded. So, how do we solve this problem? Some of us try our best but sometimes we come late and the House is too small.

THE SPEAKER: Honourable members, as leader of the House, your role is to come. I will know what to do and I will ensure that everyone is seated. This business of saying, "I should not go" - Why are you sacrificing yourself because the House is full?

MR AMOS OKOT: Thank you, Madam Speaker. This is vital information to all of us. In this 11th Parliament, we have adopted a new system of free sitting because we deliberate and speak for national issues. Therefore, the fear that we may be too congested in this House should not arise. We are here to work and if we are not working because of certain issues, you inform the - But the concern she has raised is right. Thank you.

2.24

DRE ELISARUTAHIGWA (NRM, Rukungiri Municipality, Rukungiri): Thank you, Madam Speaker. My contribution is on sports and specifically, those that are not currently enlisted in the games. I want to talk about darts.

Madam Speaker, some of us play darts. The last time I tried to train, I was told it is not - Yes, I would like to -

THE SPEAKER: Can we hear from the chairperson?

2.25

MR ASUMAN BASALIRWA (JEEMA, Bugiri Municipality, Bugiri): Thank you, Madam Speaker. First of all, the decision to

introduce a discipline is made by the Speakers of the East African Legislative Assembly through what they call Bureau of Speakers, where our Speaker sits.

Darts was introduced two years ago, specifically for Members of Parliament with disabilities at that time. So, as of now, the decision by the Bureau of Speakers is that darts will be an exclusive preserve for that category. Maybe in the future, they may reconsider the decision, but that is the position for now. That is the information I would like to give.

THE SPEAKER: Dr Rutahigwa, in the next meeting, we will bring it up that it should be open to all Members.

DR RUTAHIGWA: For now, Madam Speaker, since I am putting on glasses, can I qualify because medically -

THE SPEAKER: I have worn glasses but I am not disabled. Hon. Atkins - Honourable members, we need to move fast. I need to give you two hours for matters of national importance and that is dependent on you.

2.26

MR ATKINS KATUSABE (FDC, Bukonjo County West, Kasese): Thank you, Madam Speaker. I stand on a procedural issue. First, I would like to welcome you back from the Holy land. Since I am seated right at the front bench, I am confident that I am going to draw some blessings from you. Personally, I have been missing you and I am really happy.

THE SPEAKER: Have you heard that he has been missing me and so, he is coming for the blessings? Please, come for the blessing.

MR KATUSABE: I will, Madam Speaker. Thank you very much. Parliament has cardinal roles and one of those roles is representation. I stand on behalf of the people of Bukonzo West County who sent me to this Parliament by the grace of God. While I was away in the United States, the Government gave two tons of maize seeds to every Member of Parliament. When I came back about four months ago, I tried to

contact the seed company but the company indicated that my share was given to someone else.

Madam Speaker, I imagine that, that is only possible if there is authorisation from me. I demanded that I be served with a copy of the authorisation letter from Atkins Katusabe. This individual cut me off. Then, I received a call from a private number and this person said, "We have your two tons but please, if you want - is it okay for you to receive money?"

Madam Speaker, I thought that was strange. I said, "I only receive seeds not money. I would not invite a curse upon myself by receiving money in exchange for the two tons".

When I followed up with the seed managers, they told me that the Bukonzo county share had been taken back to the Consolidated Fund.

THE SPEAKER: Hon. Atkins Katusabe, points of procedure should always relate to the proceedings of the House. What you are raising is a very important issue. Can you write to me what you are raising? Otherwise, that matter borders criminality and we need an intervention on it. If the company giving out seeds is the one doing that then we will blacklist that company. So, can you write to me in that aspect? We shall handle it.

MR KATUSABE: Thank you, Madam Speaker. That is the reason I raised it because this person said, your two tons were sent back to the Consolidated Fund.

THE SPEAKER: We shall handle that.

MR KATUSABE: Madam Speaker, I appreciate your intervention.

THE SPEAKER: Honourable members, this House is for honourable members. When I hear you shouting, with all the victors we have in the gallery, they may not admire to be in the next Parliament.

In the public gallery this afternoon we have a delegation of students from across Uganda who have just completed the Uganda Schools Debate Championship organised by the Debate Society of Uganda. They are here to witness the proceedings; you are most welcome. Where are you? Please stand up. Thank you for coming. This is your Parliament; a people-centred Parliament. You can sit. Thank you.

We also have a delegation of leaders from Gulu City led by the City Mayor, Hon. Alfred Okwang and the RCC, Ms Jane Frances Amongin. Please stand up. They are represented by Hon. Aol Betty Ocan, Hon. Martin Mapenduzi Ojara, Hon. Okot and Fr Onen - Fr Onen, first stand up. *(Applause)*

Honourable members, we promised that this is a people-centred Parliament and that we would take Parliament to the communities. This is one of the communities that Parliament has just been training on their role as leaders. They are a local council.

We have been training and we have had training in several places including Fort Portal. This time it was Northern Uganda. We thank you so much for coming. This is your Parliament; a people-centred Parliament. You have good representatives, please send them back. *(Applause)* Go and work for them and make sure they come back to Parliament. We thank you for coming, please come again.

2.34

MR JOSEPH SSEWUNGU (NUP, Kalungu West County, Kalungu): Thank you, Madam Speaker. The issue I am raising is about the Katonga Bridge, which was raised on the Floor of Parliament. There is a big challenge –

THE SPEAKER: Why don't we handle it with the fuel prices?

MR SSEWUNGU: Most obliged, Madam Speaker.

MINISTERIAL STATEMENT ON THE
SPIKE IN THE PRICES OF FUEL

2.35

**THE THIRD DEPUTY PRIME MINISTER
AND MINISTER WITHOUT PORTFOLIO**

(Ms Rukia Nakadama): Madam Speaker, the ministers in charge of that docket are out of station but we communicated to them. Right now, they cannot present the statement. Thank you.

THE SPEAKER: How many ministers are in the Energy Ministry?

MS NAKADAMA: Madam Speaker, there are three.

THE SPEAKER: How can all of them be out of the station? Who is running the ministry?

MS NAKADAMA: Madam Speaker, the permanent secretary must be running the –

THE SPEAKER: The permanent secretary is a technical head. How about the political heads?

MS NAKADAMA: They always write –

THE SPEAKER: Rt Hon. Prime Minister, I want you people to take this Parliament seriously. Assuming, tomorrow you want to appropriate money for those ministries and these Members are not there, what would happen? Yes, Hon. Tebandeke.

MR TEBANDEKE: Thank you, Madam Speaker. The fact that the ministers are absent is very crucial because fuel started as a joking matter.

Before COVID-19, a litre of fuel cost Shs 3,500. Jokingly, the prices went up abnormally to even Shs 10,000 and beyond in some parts of the country. Right now, the prices are increasing without any intervention from the Government -

THE SPEAKER: We will not debate a report that has not been presented. Our issue is about the ministers not attending.

MR TEBANDEKE: Madam Speaker, my issue is, are we proceeding rightly? If you invoke Rule 87 of our Rules of Procedure, your ruling becomes part of the Rules that this House must follow. If the ministers are playing injustice on such crucial matters that affect the economy of the country, are we proceeding well?

THE SPEAKER: Of course we are not proceeding rightly and that is why we are complaining. Out of all the ministers we approved, how can we fail to have just one minister here?

2.37

MR JOHN TEIRA (NRM, Bugabula County North, Kamuli): Thank you, Madam Speaker. It has been the practice of this august House that when one minister is not around, reports are always delegated, especially to the Government Chief Whip who is in the House today.

The Prime Minister is also in the House today and she is the Leader of Government Business. My understanding is that the absence of ministers should not be an excuse for failure to present a report. I wish to –

THE SPEAKER: Maybe we need to find out if they have the report. Do you have the report, Government Chief Whip?

2.38

THE GOVERNMENT CHIEF WHIP

(Mr Hamson Obua): Madam Speaker, the instruction I received from this House yesterday was to ensure that three ministries are represented today. I do not have a written report from the Ministry of Energy and Mineral Development. However, just like the Rt Hon. Prime Minister indicated, from your directive yesterday, we wrote to them. The letters were served to the Minister of Energy, Minister of Education, Minister of Local Government and Minister of Works and I have evidence to that effect.

I do not have any further –(Interjection)- I can lay. This is a letter dated 30 August 2023,

addressed to the Minister of Energy and Mineral Development, and Kampala signed by Obua Denis Hamson, MP and Government Chief Whip.

The content read: “...*the purpose of this letter is to kindly request you to take the necessary action and update the House on the matter tomorrow, Thursday, 31 August 2023 as guided by the presiding officer*”. I acted on the instructions and as of today, I have no further instructions to present a report.

THE SPEAKER: Thank you.

2.40

MR JOSEPH SSEWUNGU (NUP, Kalungu West County, Kalungu): Through you, Madam Speaker, to the Prime Minister, you are in real trouble. There is no way you can conduct business here without your office being serious because you are the Leader of Government Business. The Government Chief Whip has always been writing; even to us on matters that we raise.

We have a challenge along Masaka Road; buses go through Ssembabule yet they are not meant to go through axle points. The prayer I would like to make regarding this matter of fuel is, allow buses to go through Katonga. People are failing to travel because transport is very expensive. They carry only 59 people on the bus.

Who can help us since the Minister of Works and Transport is not here? The people conducting transport business are collapsing because people no longer use those buses. Instead, coasters are plying that road.

Madam Prime Minister, I inquired with the engineers and they said that there is no reason as to why buses cannot use that road. It is becoming very costly for them to go through Ssembabule yet nothing is being done about fuel prices.

Rt Hon. Deputy Prime Minister, you should come out directly and tell us where the real Prime Minister, Hon. Nabbanja, who is fully

facilitated to appear here every week, is. It is now three weeks and she has not appeared here. *(Interjection)* - maternity leave? Where did she get it from?

THE SPEAKER: The Prime Minister, Rt Hon. Nabbanja, wrote to me that she delegated *Hajjat* and I permitted her to be away.

MR SSEWUNGU: Madam Speaker, can we ask the Ministry of Works and Transport and the Ministry of Energy and Mineral Development to examine these buses to establish whether they have any effect on Katonga Bridge?

THE SPEAKER: When they are coming up with that report; they should also include what you have said.

MR SSEWUNGU: And they should open up the road for people to travel.

THE SPEAKER: Yes.

2.42

MR HENRY KIBALYA (NRM, Bugabula County South, Kamuli): Thank you, Madam Speaker. The Prime Minister was very clear, she said she communicated to the ministers and they are out of station. After the Rt Hon. Prime Minister received the communication that her three ministers were out of the station and she knew that she was coming here to respond to this issue, which answer did she come up with?

THE SPEAKER: Honourable members, can we have – The Minister of Works is on another issue. The issue of fuel and the buses not crossing Katonga should be presented. We have got information that the reports are not here. Which minister of from the energy ministry is supposed to be here today? We have a rota.

2.44

THE GOVERNMENT CHIEF WHIP (Mr Hamson Obua): Madam Speaker, according to the rota that was laid on the Floor, under the Ministry of Energy and Mineral Development, on Thursday the ministry is supposed to be represented by Hon. Ruth Nankabirwa Sentamu, the Minister of Energy and Mineral Development.

THE SPEAKER: Can you write to the minister on this issue, warning her?

The guidelines in the circular include the following:

MR OBUA: Madam Speaker, I have no reservations because this is the directive of the Speaker. Mine is to relay and I undertake to do so.

1. No school, private or Government, shall increase fees for whatever reason without written authorisation from the Permanent Secretary, Ministry of Education and Sports and/or Chief Administrative Officer/Town Clerk, as the case may be.

MINISTERIAL STATEMENT ON THE
HIGH COST OF SCHOOL FEES IN SOME
PUBLIC SCHOOLS AND TERTIARY
INSTITUTIONS AND ATTENDANT
REGULATIONS

2. Other cash and non-cash requirements outside the approved school fees structure are strictly prohibited. All non-cash items must be catered for in the school budget.

2.45

THE MINISTER OF STATE FOR EDUCATION AND SPORTS (SPORTS) (Mr Peter Ogwang): Madam Speaker, I would like to thank the august House for allowing me to present a statement in line with the Order Paper of today.

3. Schools implementing the universal primary, universal secondary and universal post 'O' level education and training shall strictly adhere to the policy implementation guidelines where parents decide and agree to contribute towards an emergency in the school and permission is sought and granted by the Permanent Secretary, Ministry of Education.

The ministry shares the concerns of the honourable members about the prohibitive school fees charges which are denying access to education for several learners and compromising the Government's objective of providing affordable and quality education for all and increasing equitable access to education.

No learner shall be excluded from school on account of parents' failure to pay the agreed amount in accordance with Section 9(3) of the Education Act, 2008. As soon as the emergency is resolved, the school shall stop charging the emergency fee.

It is against this background that the First Lady, the Minister of Education and Sports, set up a Kayanja Committee in March 2017. The findings and recommendations of the committee were considered and guidelines were issued, while taking into consideration the liberalised nature of the economy and the consequent need for the Government to regulate rather than control levels of fees by designing guidelines that schools must abide by.

4. Where a school board/ school management committee has to employ additional teachers to those on payroll, permission shall be sought from the Permanent Secretary of the Ministry of Education and Sports in the case of a secondary school and the Chief Administrative Officer/ Town Clerk in the case of a primary school, to use part of the capitation grant towards the payment of the additional teachers.

From the recommendations that were drawn by the Kayanja report, the ministry has come up with measures to curb the continuously rising fee charges. These measures were communicated to the schools and the general public through press releases and a circular by the Permanent Secretary, Ministry of Education and Sports.

In line with (4) above, head teachers are warned against employing additional teachers before all the teachers on payroll have been assigned the minimum required teaching load. All teachers without a minimum teaching load should be promptly reported to the Ministry of Education and Sports in case of secondary schools or

respective local government in case of primary schools for appropriate redeployment.

5. All schools must respect the establishment ceilings for both teaching and non-teaching staff, as provided by the Ministry of Public Service.
6. Private schools must adhere to the approved staff employment guidelines. They should formally recruit, contract and effectively manage and develop staff on reasonable employment terms.
7. All Government and Government-aided schools should desist from taking commercial loans. Any school applying for a loan must seek authorisation from the Minister of Finance, Planning and Economic Development through the Permanent Secretary, Ministry of Education and Sports, as provided for in the Public Finance Management Act.

Madam Speaker, these guidelines have been widely circulated to institutions of learning across the country through local governments, Kampala Capital City Authority and the Directorate of Education Standards.

Before I conclude, Madam Speaker, I beg to lay on Table, the following:

1. Circular written on 24 October 2017 on the guidelines on school charges.
2. Circular written on 29 October 2018 on the guidelines on school charges; and
3. Circular written on 4 February 2020.

I beg to lay.

Madam Speaker, the Ministry of Education and Sports prepared a Cabinet Paper on school fees regulations. However, Cabinet, in a quest to fulfil the pledge for free education for all, directed the ministry to submit another memorandum on compulsory free education for all.

The ministry is embarking on this process and will brief Parliament accordingly on the progress of this at an appropriate time. Therefore, the policy regulating school fees has, as it were, been overtaken by events and a new position on universal education is being explored.

I beg to submit.

THE SPEAKER: Honourable minister, thank you for enduring to present. I want to know the categories: does your circular categorise these schools? We needed regulations, but you are talking about a circular but does your circular categorise them in terms of urban schools, village schools and that kind of thing? Also does it give the minimum services that are in those categories because it is from those minimum services that you determine how much school fees are paid?

For instance, if you are talking about a school in Kampala, which has a swimming pool, sports ground and all those kinds of things, it should be different from a school in Bukedea, which has nothing. And, who enforces whatever you are reading in that circular? What redress do we have for parents who come complaining about school fees that have been hiked?

Lastly, do all these parents know about that circular? I own a school, but I did not even know about those circulars. *(Laughter)* Yes, point of procedure.

MR TINKASIMIRE: Madam Speaker, I thank the honourable minister, for making an effort, at least, to be present and make a statement when he is required to do so. The honourable minister referred to the “Kayanja Report”. The “Kayanja Report” is the one that is informing the circulars and, literally, even the statement that he has made. However, he was not courteous enough to lay it on the Table or even inform the House about where we can find it.

Therefore, the procedural issue I am raising is: in the circumstance that we find this report critical, is it tenable for us to proceed and discuss his statement without this critical report that he

referred to, which informed his statement and the circulars that he laid on Table?

I beg to submit.

THE SPEAKER: Honourable minister, where can we get that “Kayanja Report” and what is it about?

MR OGWANG: Madam Speaker, first of all, I would like to thank you for those questions. On the “Kayanja Report”, I can be able to lay it on Table or submit it to the Office of the Clerk by tomorrow – since Parliament is not sitting tomorrow. However, like you have heard from my statement, the “Kayanja Report” was the basis upon which we came up with most of these guidelines and circulars, which I have presented here. I will be able to lay it on the Table, as Parliament has directed. I thank you.

THE SPEAKER: Honourable minister, Section 3(2) and Section 57(g) of the Education (Pre-Primary, Primary and Post-Primary) Act, 2008 mandates the minister to prescribe and regulate fees payable. In the process of regulating, we want to know – I have asked you very critical questions. On top of what I have asked you, I want to know the mechanisms that you have for redress by parents that are aggrieved.

However, still, the honourable member is asking you: where is that “Kayanja Report” and who is Kayanja? What we want is the regulation and you should be able to issue regulations frequently. You do not issue regulations in 2018 and you think the economy is still the same.

MR OGWANG: Madam Speaker, I entirely agree with your submissions and the questions –

THE SPEAKER: Just a minute! If you do not have the regulations, it is just polite enough for you to say: “I do not have them now. Let me come back with the regulations on Tuesday.” Do not suffer on what you do not have. Please! *(Members rose)* No, let us not debate what is not correct.

Honourable minister, if you do not have the regulations, just say: “I have now known what is required. Let me go back and come with the right document.”

MR OGWANG: Madam Speaker, I would like to refer the House to the concluding statements of my report to the House.

One, the ministry had come up with the regulations. However, we did submit these regulations to Cabinet and Cabinet did direct us not to submit. Cabinet decided to take on one policy and tasked us to prepare another Cabinet memo. That is why, in my concluding remarks – which I want to read – I said: “Therefore, the policy regulating school fees has, as it were, been –

THE SPEAKER: Honourable minister, the ministry presented the draft proposals to Cabinet, not regulations – because they were not gazetted. They can only be regulations when they are gazetted.

MR OGWANG: Madam Speaker, you have asked me quite many questions – *(Laughter)* – but I implore that you allow me to bring another statement on Tuesday concerning the questions you have asked. I thank you.

THE SPEAKER: Thank you, honourable minister. Now come with the regulations – *(Members rose)* – honourable members, you are not going to debate what is not correct; let us not debate it. The *Hansard* will record this as a matter we have received and debated yet we have not received any document from education ministry; we are putting them up for Tuesday. Next item.

2.59

MR PATRICK NSAMBA OSHABE (NUP, Kassanda County North, Kassanda): Thank you very, much Madam Speaker. You have required the minister to come back. I pray that when he comes, he also lets us know the amount of the investments that Government is putting in public schools because that determines what the private sector charges. When he comes back, he should let us know what Government is investing in these public schools. Thank you.

THE SPEAKER: Honourable members, that is what we said yesterday – that we appropriate to these schools and because we make appropriation to these and because of that we do not expect them to exceed a certain amount of money.

Also, in terms of requirements, how would you tell a student to bring a broom, a mat and all kinds of things?

3.00

MR ERIC MUSANA (Independent, Buyaga East County, Kagadi): Thank you, Madam Speaker. Wouldn't it be –

THE SPEAKER: Honourable member, I do not know what you are debating.

MR MUSANA: Madam Speaker, I am just seeking guidance. You have guided very well, but with specific reference, the ministry currently ordered all technical institutions to re-register and pay Shs 3 million. These are regulations that are being created time and again. These institutions are almost closing down. Remember, the Government had planned to have, in every constituency, a technical institute. So, apparently, there is a big problem. So, wouldn't it be procedurally right, Madam Speaker –

THE SPEAKER: Are those Government technical institutions?

MR MUSANA: No, they are private technical institutes but that they must re-register yet they were registered and cleared –

THE SPEAKER: That is private, not so?

MR MUSANA: Yes, private.

THE SPEAKER: Don't you want to register?

MR MUSANA: No, Madam Speaker, they already got registered and were cleared including those that were registered 10 years ago. Why re-register them and order them to pay Shs 3 million?

THE SPEAKER: There is always an upgrade. By the way, I also own a technical school and I have paid. Yes, Hon. Luttamaguzi.

MR LUTTAMAGUZI: Thank you, Madam Speaker –

THE SPEAKER: Honourable minister, what he is raising is very pertinent. Come with an answer to Hon. Eric Musana's question.

MR LUTTAMAGUZI: Madam Speaker, we would like also to know what the Kayanja Report is all about. We are just hearing about it. Thank you.

3.02

MR JOSEPH SSEWUNGU (NUP, Kalungu West County, Kalungu): Madam Speaker, I pray that Cabinet takes the issue of regulations very seriously. The moment we pass a Bill here and you do not provide regulations, that Bill just becomes academic because it will not have any significance. In the courts of law, there is no way you can proceed with a Bill unless judges take their own decisions. It is the regulations that give you guidance on how to operationalise an Act.

THE SPEAKER: Honourable members, we have asked to have regulations on this Floor on school fees.

MR SSEWUNGU: Madam Speaker, that is what I am saying. How would you charge Shs 3 million without regulations?

THE SPEAKER: Next item?

MINISTERIAL STATEMENT
ON THE NONCOMPLIANCE OF
LOCAL GOVERNMENTS, CITIES
AND MUNICIPALITIES WITH A
PARLIAMENTARY RESOLUTION ON
THE UTILISATION OF THE ROAD
MAINTENANCE GRANT

THE SPEAKER: Honourable members, the maintenance of roads is a major determinant of the lifespan and durability of our roads down there in the villages. I heard yesterday

Hon. Chemonges talking about the roads for training. It is against that background that we appropriated one billion shillings to each local government, municipalities and cities for road maintenance with strict guidelines – Hon. Omara, I am going to call you to come and chair this House - non-adherence to guidelines sent to local governments as prescribed by Parliament of Uganda - I am saying, “Parliament of Uganda” because the ones that were sent before had been issued by Ministry of Works and Transport.

However, there are guidelines that were approved by this Parliament. They have not been implemented by these local governments and their argument is that they have instructions to strictly use the original guidelines.

That is bringing a problem - the non-usage of the money. We are saying that money must be used strictly according to the guidelines that were issued by this Parliament.

This is a Parliament of the people of Uganda and it represents them. Representatives are here for all the more than 40 million people. Honourable minister, can we hear from you.

3.05

THE MINISTER OF LOCAL GOVERNMENT (Mr Raphael Magyezi): Thank you, Madam Speaker. Permit me to first express our thanks to you as a sector of Local Government. I know our councillors have left but we want to thank you for approving support for training councillors, not just in Gulu City, but even in the others.

Secondly, allow me to tender our apology, as ministers of local government, for not being in the House yesterday. It was because of an emergency we had. Colleagues, you know that the bus operators in the whole country had parked their vehicles. We had an engagement with them last week and had to conclude it yesterday, with the Minister of Works and Transport, Minister for Kampala Capital City and Metropolitan Affairs, Minister of Finance, Planning and Economic Development and Minister of Internal Affairs. Gladly, I can

report - we thought it would take an hour but it took quite a long time but the bus operators agreed to resume their services and suspend their strike. We will continue to engage them. Otherwise, our commitment to duty to Parliament is unquestionable.

Madam Speaker, I want to thank the Government Chief Whip and confirm that he did whip me in the evening. Hon. Obua is a gentleman but his softness comes with some strong whipping. He used the phone, the WhatsApp and even wrote letters.

In terms of our preparedness for the statement, we take this matter very seriously. It is a very important point. We thank Parliament for giving the one billion shilling per district. However, because of the little time I had, I was able to do the following:

One, I immediately summoned the executive committee of the district engineers. This morning I met them. They received the resolutions of Parliament and are committed to implementing them.

Secondly, we have sent a team to the different districts so that we are able to come up with a concrete answer to Parliament on; first, did they receive the money? How much this quarter? Second, how are they utilising it?

Madam Speaker, I want to beg your indulgence that you permit me and the Ministry of Works and Transport to continue harmonising with the Ministry of Finance, Planning and Economic Development so that within a week, we are able to provide a comprehensive statement on this matter. I am sure that each Member of Parliament wants to know what the situation in his or her district is. We shall be able to do that, if you give us up to next Thursday. Thank you.

THE SPEAKER: Honourable members, in the Public Gallery this afternoon, we have students from Artevelde University in Belgium who are attending the exchange programme at Nkumba University in Entebbe. You are most welcome to Parliament of Uganda.

Also, we have constituents from Mayuge District. They are represented by Hon. Rukia Nakadama, Hon. Iddi Isabirye and Hon. James Kubeketerya. You are most welcome. Thank you for coming and for bringing us these good Members of Parliament.

The minister has asked for one week for him to see the implementation and he says that he received the resolution from Parliament. After getting the resolution, did you write to the local governments and if you did, can you lay on the Table a copy of what you wrote?

There is only one thing that will solve the whole problem: give us a copy of the letter from the Ministry of Local Government that forwarded the guidelines that were passed by Parliament to all the local governments.

MR MAGYEZI: Madam Speaker, we did two things: first we met as ministers responsible and secondly, we dispatched the resolution. However, we did not provide the guidelines in terms of a resolution being crafted into guidelines of Government. So, they received the resolution.

This is why we ask you to give us a week. After meeting the engineers today, they say they still have the guidelines from the works ministry. So, as ministers, we still have to provide those guidelines in relation to the parliamentary resolution. Thank you.

THE SPEAKER: Minister of Local Government, which guidelines did you advise the local governments to implement?

Honourable members, when this House passed these guidelines, the same ministers went to Cabinet and said that the Speaker dictated different guidelines from theirs. Which ones have you advised the local governments to implement?

MR MAGYEZI: Let me *–(Interjections)–* I don't have to consult the minister; he is here - we have not taken this matter to Cabinet. We met as ministers for works and finance, I and Hon. Gen. Katumba Wamala -

THE SPEAKER: Hon. Magyezi, do you want me to mention who said it in Cabinet? I have asked you to do a simple thing: write a cover letter to local governments telling them to implement the guidelines that were approved by Parliament, and work on the roads.

MR MAGYEZI: Madam Speaker, the local governments today, have the guidelines as given to them by the Ministry of Works and Transport. They also have the resolution of Parliament, which we sent to them. Permit us to Table the revised guidelines on Thursday, which are in line with the Parliamentary resolution. I really want to confirm that we did not take this matter to Cabinet; not all.

THE SPEAKER: Yes, Hon. Asuman Basalirwa.

MR BASALIRWA: Madam Speaker, what is important to emphasise to the minister is that before passing the resolution of this House, the House was aware of the guidelines previously issued by the works ministry. In fact, we had considered those guidelines issued by the works ministry but we noticed that they had become an obstacle to themselves. It was against that background that Parliament resolved to take the guidelines issued and approved by Parliament.

Madam Speaker, the minister is saying that the local governments have two sets of guidelines. I think they just want to deliberately create confusion. The local governments are claiming that because they have two sets of guidelines they can choose which ones to follow.

So, unless the minister gives clarification to the local governments – information from Bugiri *–(Interjections)–* yes, from the Member of Parliament for Bukooli County Central. *(Applause)*

MR SILWANY: Madam Speaker, the information is that the day we passed the guidelines, the Minister of Local Government was represented as well as the works minister. They conceded to the guidelines because the Speaker kept on asking them if they agreed and they said that they agreed.

Madam Speaker, it is therefore, surprising to hear that there are two sets of guidelines yet the ministers conceded on the Floor of Parliament.

THE SPEAKER: Honourable members, all I want is for Hon. Magyezi, the Minister of Local Government, to write to all the local governments – and I want you people to know that you are all Members of Parliament; it affects all of us. Please write to all local governments and forward that resolution of Parliament. All I want is you to forward that resolution of Parliament on the usage of that money.

MR MAGYEZI: Madam Speaker, most obliged.

THE SPEAKER: When will I get a copy of that letter?

MR MAGYEZI: Madam Speaker, the copy of the letter will be on your desk on Tuesday.

THE SPEAKER: I want to have a copy of the letter tomorrow afternoon. Tomorrow is Friday, I will be working. *(Laughter)*

MR MAGYEZI: We shall do that, Madam Speaker.

THE SPEAKER: And I want you to give a copy of that letter to all Members of Parliament. *(Applause)*

MR MAGYEZI: The copies will be in the Members pigeon holes. *(Applause) (Laughter)*

THE SPEAKER: Thank you. Next item.

LAYING OF PAPERS

TREATIES RATIFIED BY THE GOVERNMENT OF UGANDA PURSUANT TO RULE 40 OF THE RULES OF PROCEDURES

THE SPEAKER: Honourable members, yesterday I guided that the treaties, which were laid on the Table were printed from an email and so, I asked the minister to present

another signed copy, today. Rt Hon. Prime Minister, we were supposed to have the treaties laid on the Table, pursuant to Rule 40(2) of the Rules of Procedure.

3.18

THE THIRD DEPUTY PRIME MINISTER AND MINISTER WITHOUT PORTFOLIO (Ms Rukia Nakadama): Madam Speaker, the Minister of Foreign Affairs is not here but we have called him. So, I request for some minutes so that he can come and present the treaties. I thank you.

THE SPEAKER: Honourable members, we have been reduced to a House, that is now supposed to wait for ministers. Next item.

MOTION FOR RECONSIDERATION OF THE NATIONAL LOCAL CONTENT BILL, 2023 AS RETURNED BY H.E, THE PRESIDENT IN ACCORDANCE WITH ARTICLE 91(3)(B) OF THE CONSTITUTION AND RULE 143 OF THE RULES OF PROCEDURE

THE SPEAKER: Honourable members, as you recall, the National Content Bill was passed by this House on 6 September 2022, and transmitted to H.E, the President, for assent in furtherance to Article 91(1) of the Constitution.

The President however, evoked Article 91(3), (b) of the Constitution and returned the Bill for reconsideration, by this House in a letter dated 16 January 2023.

The Bill was referred to the relevant committee for reconsideration under Rule 143(2) of the Rules of Procedure. The committee has considered the Bill and is now ready to report.

Therefore, in adhering to Rule 143(3), of the Rules of Procedure, I invite the sponsor of the Bill to move a motion for its reconsideration. Yes, Hon. Oshabe.

3.21

MR PATRICK NSAMBA (NUP, Kassanda County North, Kassanda): Thank you, Madam Speaker. I have been working on the

Local Content Bill since 2018. My primary purpose has always been on how we can bring Ugandans on board, in the development progress that we make.

Continuously, the Bill was passed the first time by the previous Parliament -

THE SPEAKER: First move a motion before you make your justification.

MR OSHABE: Thank you, Madam Speaker. I move a motion to reconsider the National Local Content Bill.

THE SPEAKER: Is it Seconded? Okay, it is seconded by Hon. Eric Musana, Hon. Tinkasiimire, Hon. Chemaswet, Hon. Naluyima, Hon. Olanya, Hon. Lukyamuzi, the Youth Representative, Hon. Oguzu, Hon. Goli, Hon. Apolot, Hon. Koluo, Hon. Emmanuel, *Ssabakuristo*, and Hon. Mbwatekamwa, Hon. Museveni, the Chairperson Committee on Legal and Parliamentary Affairs, Hon. Chemutai, and the whole House, without ministers. Would you want to justify your motion?

MR NSAMBA OSHABE: Madam Speaker, the Bill was read for the first time on 3 May 2022 and referred to the Committee on Finance, Planning, and Economic Development for scrutiny pursuant to Rule 121 of the Rules of Procedure of Parliament.

On 6 September 2022, Parliament considered and passed the National Local Content Bill 2022, which was then transmitted to H.E, the President for assent. However -

THE SPEAKER: Honourable members who are out, please come in; I ascertain the quorum.

MR NSAMBA OSHABE: His Excellency, the President, in a letter addressed to the Speaker, dated 19th January, returned the Bill to Parliament for reconsideration.

The committee reconsidered the Bill and Parliament passed it, for the second time. H.E, the President however, again returned the Bill on 1 August 2023, for reconsideration

by Parliament and the same was forwarded by the Speaker to the Committee on Finance, Planning and Economic Development for reconsideration on 8 August 2023.

The Bill, having been returned several times, Madam Speaker, and has been amended by the committee, no longer meets the intention, which it was meant to achieve. It was an affirmative action law for Ugandans, to ably participate in the provision of goods, works and services.

The Bill has, however, been modified to provide for priority and prioritisation of the East African Community Partner States, which offends its title and in contravention of Rule 116 of the Rules of Procedure of Parliament, which bars a Bill from containing anything foreign, which the title imports.

While we are aware, that all the East African Community Partner States are prioritising their own nationals in the provision of goods, works and services, Uganda is moving to give these same people priority equivalent to its own people.

Furthermore, the amendments to the Bill contravene many of the other new laws, including the procurement laws.

At an opportune time, I will seek leave of this House to introduce the National Local Content Bill again having thoroughly considered the amendments that are being proposed.

Madam Speaker, in accordance with Rule 140, of the Rules of Procedure, I therefore, wish to withdraw the National Local Content Bill, 2022.

THE SPEAKER: Honourable members, the Member wishes to withdraw the Bill; that has to be put to vote. Can you justify why you want to withdraw the Bill?

MR OSHABE: Thank you, Madam Speaker. My original intention in this Bill was for it to be an affirmative action law, for the people of Uganda. Having considered that they are facing

stiff competition from foreign companies, I intended that at least, there be a portion reserved for them.

However, continuously, Madam Speaker and honourable members, the numerous amendments – they have prioritised the Bill - I was in the committee today, and I saw them insisting that we cannot create a law that contravenes the East African Community Treaty Act. I told the chairperson, that if their intention is to -

THE SPEAKER: I hope you are not withdrawing it out of emotions. Because when we are here, we legislate for all our people.

MR OSHABE: No, Madam Speaker. My intention was about the people of Uganda. Now, if the law has been changed to speak to the rest of the East African countries, I see that my original intentions will not be achieved, under the current law the way it has been made. Thank you, Madam Speaker.

3.28

MR ASUMAN BASALIRWA (JEEMA, Bugiri Municipality, Bugiri): Madam Speaker, I stand to support the Member on the withdrawal of the Bill. Yesterday, while here, the House was adjourned at almost 8.30 p.m.- the few of us who were here, we were discussing the Veterinary Practitioners Bill. In that Bill, there was a proposal to allow citizens from East Africa *-(Interruption)*

THE SPEAKER: There is a point of order.

PROF. MUSHEMEZA: Madam Speaker, at the time the House was adjourned yesterday, we had quorum and that was put on record before we passed the Bill. Is Hon. Basalirwa in order to say that only a few Members were present? Wouldn't it be in order for him to withdraw that statement before he proceeds?

THE SPEAKER: Actually, we were not few; we were many and professor is right. Hon. Basalirwa, please change the wording of your statement because we were not few.

MR BASALIRWA: Madam Speaker, I agree we were not few, we were enough to constitute quorum including those online and the Professor knows because we have been together for long -

THE SPEAKER: We constituted quorum not that we were enough to -

MR BASALIRWA: And I did not say that there was no quorum, he is just importing words in my speech yet he is a professor but I will leave it at that.

Before I was diverted by Professor, I was saying that yesterday while we were discussing that Bill here, there was a proposal to open it up and allow veterinary practitioners from other East African countries to be registered and admitted here, and the justification was that we must now think East Africa.

However, we got information that other East African countries are not doing the same. So, as we plan to open up, they are closing and so, the Honourable Member is saying that we need to create what we call BUBU, to provide an opportunity to the citizens of Uganda. If really that was the intention of the Bill and there are amendments that are opening up the Bill, then there is a total departure from that intention.

I want to agree that the Member is absolutely in order and I want to invite the House to support the Member to have the Bill withdrawn for purposes of ensuring that his intention is preserved. I beg to support him.

3.31

MR SOLOMON SILWANY (NRM, Bukooli County Central, Bugiri): Madam Speaker, I stand to support Hon. Oshabe in withdrawing this Bill. I was one of the seconders of this Bill in the 10th Parliament. It all started with our engineers after we found out that the big contracts were going to external companies in different countries like China and so on.

Our indigenous Ugandans are bleeding; our beloved President has always been on record urging us to buy Uganda and build Uganda, and all of us believe in this.

I seconded this motion with the gist that we are supporting the indigenous Ugandans to get a chance to compete in these big contracts that exist in the country, especially in the road sector, infrastructure, so that we have the local content reservation for Ugandans.

Therefore, if there has been a departure from this intention, I want to stand with Hon. Oshabe that it is only right and wise that he withdraws, then maybe we can bring the Bill again to the House.

3.33

MR ABRAHAMS LOKII (NRM, Jie County, Kotido): Madam Speaker, I have tried to listen carefully and I thought the withdrawal by the sponsor sounded candid, but when I listened to my brother, Hon. Basalirwa, he seemed to be reinforcing the withdrawal based on a rumour. What evidence do we have that actually, as we are opening up, Kenya and Tanzania are closing? It is important to have those facts for a man like me who has no information to appreciate. I thank you.

3.34

MR ANTHONY AKOL (FDC, Kilak North County, Amuru): Madam Speaker, I sit on the Committee on Finance, Planning and Economic Development and in one of the meetings that we had in Tanzania with the able leadership of Hon. Avur, one of the issues we handled with them was that they were really not concerned about the East African issues. For them, Tanzania comes first.

Hon. Oshabe is right because I personally attended a meeting in Tanzania, where they told us, no, you might have your East Africa things but for us, it is Tanzania first. Maybe if she can reinforce that issue is good. Thank you.

THE SPEAKER: Honourable members, the withdrawal of Bills is catered for by Rule 140 of our Rules of Procedure. Do not speak on what is not going to be there. Otherwise, will you force the sponsor of the Bill to continue? I therefore, put a question to the motion by Hon. Oshabe to withdraw the National Local Content Bill?

(Question put and agreed to.)

Bill, withdrawn.

THE SPEAKER: The Bill stands withdrawn. Next item.

MOTION FOR RECONSIDERATION
OF THE COMPETITION BILL, 2023,
AS RETURNED BY HIS EXCELLENCY,
THE PRESIDENT, IN ACCORDANCE
WITH ARTICLE 91(3)(B) OF THE
CONSTITUTION AND RULE 143 OF THE
RULES OF PROCEDURE

MS AVUR: Thank you, Madam Speaker. The procedural point I stand to raise is to clear what my brother, Hon. Anthony Akol just stated on the Floor.

Indeed, in February or October last year, I led a delegation on a benchmarking visit to the Republic of Tanzania on the Local Content Bill. While in a meeting, the Tanzanians wished us well in our process of coming up with a law on local content – *(Interjections)*– I am on procedure, it does not require order.

They stated that they do not have any law on local content. However, when they are negotiating any project, loan or grant they are very -

THE SPEAKER: What is the procedural matter you are raising?

MS AVUR: The procedural matter is that it is not true that the Tanzanians said that they do not – *(Interjections)*– yes, I have to clear the air because my name was mentioned. Members, you should learn to listen. I have to clear the air because my name was mentioned.

THE SPEAKER: Honourable members, can you all listen. As you may recall, the Competition Bill was passed by this House on 26th May, 2023 and transmitted to the President for assent in furtherance to Article 91(1) of the Constitution of Uganda.

However, the President evoked Article 91(3) (b) of the Constitution and returned the Bill for reconsideration by this House through a letter dated 24th July 2023. The Bill was referred to the Committee on Tourism, Trade and Industry for reconsideration, pursuant to Rule 143 of the Rules of Procedure. The committee has considered the Bill and they are ready.

Can we have the minister to move a motion, in furtherance of Rule 143(3) of the Rules of Procedure?

3.39

THE MINISTER OF STATE FOR TRADE, INDUSTRY AND COOPERATIVES (INDUSTRY) (Mr David Bahati): Madam Speaker, I beg to move that the Competition Bill, 2022 be reconsidered.

THE SPEAKER: Is the motion seconded? I am surprised that even you, ministers, cannot support your Bill. It is a Government Bill and you are just seated there. *(Laughter) (Members rose)* It is seconded by Prof. Mushemeza, Hon. Milton, Hon. Mutembuli, Hon. Erick, Hon. Luttaguzi, the Prime Minister, Government Chief Whip, minister for local government, minister for water, Hon. Nandutu and the rest of the NRM side. Thank you.

Would you love to speak to your motion?

MR BAHATI: Madam Speaker, we did present this Bill to this House and it was passed with one amendment, which was contrary to what we had moved. Originally, we had proposed that the implementation of the competition law be done by a department or committee established under the ministry.

In the wisdom of the committee, they proposed, under clause 4, that we should form an authority. His Excellency, the President – which is now the position of Cabinet – thought of two reasons. The first reason is that we are in the process of the rationalisation of agencies in Government. The second reason is that, this being a Government Bill, Parliament could not move, under Article 93(a)(ii), because that would raise a charge on the Consolidated

Fund. That is why this Bill was returned to this House.

I am here to confirm to you that the ministry will establish a committee to overlook the implementation of this law, if passed by Parliament and we have the confidence and commitment. I beg the House to support the position of His Excellency, the President.

THE SPEAKER: Honourable minister, you said this House could not proceed, under Article 93, to put a charge on the Consolidated Fund. However, this is a Government Bill, not a Private Member's Bill.

MR BAHATI: In the opinion of the Attorney-General, the amendment of establishing an authority originated from the committee, not Government.

Government's position was to have a committee under the Ministry of Trade, Industry and Cooperatives. That is what was in the original Bill.

However, the committee introduced a clause – clause 4 – to establish an authority, which, in the opinion of the Attorney-General, in his advice to His Excellency, the President, raises a charge on the Consolidated Fund.

He thought that, that mandate could only lie with the Executive, not the committee.

THE SPEAKER: Thank you. Honourable chairperson, can you now present your report?

3.44

THE VICE-CHAIRPERSON, COMMITTEE ON TOURISM, TRADE AND INDUSTRY (Ms Catherine Lamwaka): Madam Speaker, I beg to lay on the Table, the report of the Committee of Tourism, Trade and Industry on the reconsideration of the Competition Bill, 2022, as returned by His Excellency, the President of the Republic of Uganda. I beg to lay.

Madam Speaker, also I beg to lay on Table the minutes of the meetings held during the reconsideration of the Competition Bill, as

returned by His Excellency, the President of the Republic of Uganda. I beg to lay.

THE SPEAKER: Please, lay.

MS CATHERINE LAMWAKA: Madam Speaker, I now proceed to read the report of the committee on the reconsideration of the Bill, as returned by the President.

Madam Speaker, the Competition Bill was passed by Parliament on Thursday, 26 May 2023 and presented for assent to the President, under Article 91(2) of the 1995 Constitution. In a letter, dated 24 July 2023, the President returned the Bill to Parliament, under Article 91(3) (b) of the 1995 Constitution, for reconsideration of clause 4 of the Bill.

Madam Speaker, on Tuesday, 15 August 2023, the Competition Bill, as returned by His Excellency, the President, was referred to the Committee on Trade, Tourism and Industry for reconsideration, in accordance with Rule 143 of the Rules of Procedure of Parliament.

In line with Rule 143(2) of the Rules of Procedure of Parliament, the committee reconsidered the Competition Bill, as returned by the President, and now reports.

Background

Madam Speaker, Article 21 of the Protocol on the Establishment of the East African Customs Union provides for requirement by partner's states to prohibit any practice that adversely affects free trade, including any agreement, undertaking or concerted practice which has, as its objectives or effects, the prevention, restriction or distortion of competition within the East African Community. As such, the East African Community has a vision to promote economic integration through ensuring that there is fair competition.

Madam Speaker, all the member states are obliged to adopt individual policies and laws pertaining to achieving the above vision. The enactment of a competition law in Uganda is

key in the realisation of the said vision since other member states, including Kenya and Tanzania, have competition laws while Rwanda has in place Rwanda Inspectorate Competition and Consumer Protection Authority.

Madam Speaker, for regional integration, market surveillance in the East African Community is buttressed by Section 6 of the EAC Standardisation, Quality Assurance, Metrology and Testing Act Regulations, 2013 that are intended to enhance the operationalisation of the EAC Standardisation, Quality Assurance, Metrology and Testing Act, 2006. It is on this basis that the Competition Bill was formulated.

Committee observations and recommendations on the concerns of the President about the competition Bill, as returned by His Excellency the President of the Republic of Uganda

Concerns of the President

In his letter of 24 July 2023, His Excellency, the President requested that Parliament reconsiders clause 4 of the Bill as passed by Parliament.

Clause 4 of the Competition Bill, as passed by Parliament, establishes the Competition and Consumer Protection Commission.

The President opined that the Competition Bill was introduced by the Executive and it initially provided for the Bill to be administered by the Ministry of Trade, Industry and Cooperatives.

Madam Speaker, the President further stated that the justification for having the Bill administered by the Ministry of Trade, Industry and Cooperatives, instead of a Commission, is to comply with Government Policy on rationalisation, where the Government has frozen the establishment of statutory bodies.

In addition, the President opined that the establishment of the Commission by Parliament is contrary to Article 93(a)(ii) of the 1995 Constitution, which prohibits Parliament from proceeding on a Bill or an amendment, unless

it is done on behalf of the Government, which imposes a charge on the Consolidated Fund or other public funds of Uganda.

Committee observations on Government policy on rationalisation

In his letter to the Speaker of Parliament, His Excellency, the President noted that Parliament's proposal to establish the Competition and Consumer Protection Commission is contrary to the Government's policy on rationalisation of Government agencies.

In a statement on rationalisation of Government agencies by Hon. Wilson Muruli, the Minister of Public Service, presented to Parliament, on 11 August 2021, the minister stated that the main objective of the rationalisation policy is to eliminate structural and functional duplication and overlaps, wasteful expenditures and realise resultant short-term and long-term savings.

It was the minister's submission that out of 157 Government agencies, which were reviewed under rationalisation of Government Agencies and Public Expenditure Exercise of 2018, a decision was taken to merge, mainstream and transfer the functions of 77 agencies, and 80 to be retained. Since then, eight of the institutions have been fully privatised, bringing the number of institutions to be merged, mainstreamed and transferred to 69.

The committee established that the principles for the Competition Bill were approved by the Cabinet over 10 years ago, with a view to establish an Authority for consumer protection and competition. The Bill, however, stalled and now at the time of its consideration, there is a rationalisation policy in the offing.

Notwithstanding the rationalisation policy of Uganda, the committee is cognisant of the fact that over 80 agencies shall remain in place, due to the distinguishable and prominent mandate of such agencies. These include the Uganda Revenue Authority (URA). This is a clear indication that there are exceptions to the rationalisation policy.

It is the committee's convinced opinion that the Competition and Consumer Protection Commission, if established, as passed by Parliament, qualifies to constitute the 80 agencies that will not be affected by the rationalisation policy of Government.

Madam Speaker, majority of the stakeholders that made an input to the Bill before the committee were of the view that a competent and independent agency would be best placed to implement matters of competition and consumer protection. They said it is the only means of building and sustaining a competition regime, supported by a high level of institutional trust.

The committee strongly agreed with the stakeholders that indeed, it is the only way of ensuring that trade regulation is effective and efficient for competitiveness.

Whereas the committee is aware that the Government policy of rationalisation is a means of effective governance and reduction of Government spending, the proposal for a Competition and Consumer Protection Commission is a matter of ensuring service delivery, effective governance, and increment of the non-tax revenue base.

The Competition and Consumer Protection Commission is a self-financing establishment and therefore, in line with the objectives of the Government policy of rationalisation. It is the considered opinion of the committee that the Government's use of the rationalisation policy as a justification not to establish the Competition and Consumer Protection Commission, as was envisaged from the onset, is misconceived and anticipatory.

In the opinion of the committee, the proposal for an independent Competition and Consumer Protection Commission is distinguishable, and calls for deliberate and specific consideration for exemption from the general application of the rationalisation policy of Uganda.

While considering the Bill, several and majority of the stakeholders that interfaced

with the committee warned that issues of competition and consumer protection are cross-cutting in all sectors of the economy. As such, implementation of the law under the Ministry of Trade, Industry and Cooperatives would amount to making the Minister of Trade, Industry and Cooperatives an overall regulator for all sectors of the economy on matters of competition and consumer protection.

The minister responsible for trade would be highly conflicted and not in position to effectively implement the law, especially given the fact that Parliament amended the initial Competition Bill to include all economic activity, without providing exemptions to the Government.

Finally, an independent and autonomous establishment is required and envisaged to accord confidence to the entire economy, including investors. This importance should outweigh the Government plan to rationalise. A complainant should approach the competent authority on competition and consumer protection matters, expecting a competent outcome without a taint of bias.

The Ministry of Trade, Industry and Cooperatives cannot be such a competent authority, since Government is also regulated under the Competition Act. It will be challenging and ineffective for the ministry responsible for trade to consider complaints lodged against the Government of Uganda, of which the ministry is part.

Lack of capacity by the Ministry of Trade, Industry and Cooperatives to implement the law

His Excellency, the President is of the view that matters of competition and consumer protection should be administered by the ministry responsible for trade, assisted by a technical committee on competition and consumer protection.

The technical committee is to be constituted by the minister responsible for trade by a statutory instrument and shall comprise persons

knowledgeable in competition and consumer matters from ministries, departments and agencies of Government, the private sector and academia.

The implementation mandate of matters on competition and consumer protection is not only wide, but also cross-cutting across all the sectors of the economy. The committee finds that the Ministry of Trade, Industry and Cooperatives assisted by a technical committee composed of persons from other MDAs, does not provide a sufficiently corresponding structure that will guarantee adequate redress to matters of competition and consumer protection.

Initially, the Bill exempted the Government from the application of the law on competition. Parliament, in its wisdom, passed the Competition Bill without exemptions. In its current form, as returned by His Excellency, the President, the Bill applies to all anti-competitive practices and agreements, abuse of dominant position and effects of mergers, acquisitions and joint ventures on competition.

The committee, therefore, Madam Speaker, finds that the proposal of His Excellency, the President to have the Bill administered under the Ministry of Trade, Industry and Cooperatives, is no longer tenable since the Bill also applies to the Government.

The provision is likely to lead to conflict Government agencies with the ministry, arising out of a conflict of mandates, stemming from the different statutes that establish the agencies and the application of the law to Government. To ensure that regulation of competition matters is effective, there is a need to have a competent authority that effectively discharges its duties without a taint of bias.

The committee observes that all neighbouring countries where competition laws have greatly developed have an independent authority in place. In the East African bloc, Kenya has the Competition Authority of Kenya, under its Competition Act, No.12/2010, Tanzania has a Fair Competition Commission, under its Fair

Competition Act, No.8/2003 and Rwanda has the Rwanda Competition and Inspectorate Authority (under its Law No.36/2012, relating to Competition and Consumer Protection).

The committee carried out a study visit in Zambia to benchmark the practices in regard to the competition law. The committee established that having initially administered matters of competition under the ministry responsible for trade, Zambia amended its Competition Act in 2010 to establish the Competition and Consumer Protection Commission and Tribunal.

Furthermore, the committee notes there is no need for Uganda to start the journey of regulation of competition and consumer protection matters from a tried and failed position. The Parliament of Uganda should enact laws that will stand to serve today and for future generations to come.

The committee further notes that the Bill provides that the technical committee on competition and consumer protection shall be constituted by the minister by a statutory instrument. The instrument, under this provision, shall provide for the appointment, composition, functions, meetings, and remuneration of the technical committee.

The committee observes that this may be compromising the committee and will definitely affect the independence of the technical committee since the same minister who is to constitute the committee is to be advised by the same.

In line with the best practice arising from a study of different countries that have implemented legislative frameworks on competition and consumer protection, an independent self-financing commission should be created to oversee competition matters. This is premised on the fact that competition matters are cross-cutting and as such there is need for an autonomous institution that has specialised persons to handle all competition matters. Therefore, the administration of the Act should be carried out by a specialised and

independent commission that ensures that trade regulation is effective and efficient.

Global experience has demonstrated that independence, objectivity, and impartiality are key elements of properly functioning and effective competition law regime. The absence of a specialised independent body in administering and enforcing the legislative framework on competition and consumer protection would reduce public confidence and therefore, its credibility and effectiveness.

Madam Speaker, it is the submission of the committee on Article 93(a)(ii) of the Constitution of the Republic of Uganda, 1995, that the Competition and Consumer Protection Commission is self-financing.

In his letter, the President noted that the establishment of the Competition and Consumer Protection Commission has a direct affront to Article 93(a)(ii) of the Constitution of the Republic of Uganda, 1995.

It is the committee's considered opinion that the Competition and Consumer Protection Commission is a self-sustaining agency, which will contribute immensely to the Consolidated Fund through merger filing fees, fines and penalties, both at the Common Market for Eastern and Southern Africa (COMESA), the East African Community and nationally within Uganda.

Article 93(a)(ii) of the Constitution of the Republic of Uganda, 1995, provides for restriction of financial matters as follows:

Parliament shall not, unless the Bill or the motion is introduced on behalf of the Government, proceed upon a Bill including an amendment Bill that makes provision for the imposition of a charge on the Consolidated Fund or other public fund of Uganda, or the alteration of any such charge otherwise done by reduction.

The committee established that the COMESA rules on COMESA Revenue Sharing of Merger Filing Fees envisages the establishment of a

competition authority commissioned by each member state to which any money due to member states is remitted.

According to Rule 8 of the Common Market for Eastern and Southern Africa, Rules on COMESA Revenue Sharing of Merger Filing Fees, the Commission retains 50 per cent of the Common Market merger filing fees and is supposed to distribute the remaining 50 per cent among the relevant competition authority in the designated member states as attached in Annex A.

The share of the common market merger filing fees for each relevant competition authority in the designated member state is supposed to be proportional to the value of turnover in each member state relative to the total value of the turnover in the common market.

The committee established that in 2022, the COMESA Competition Commission realised \$8,590,630 due to member states while in 2021 \$5,871,666 in form of merger filing fees. The committee further established that since 2013 when the COMESA Commission was established, Uganda as a member State has not claimed its entitlement under the revenue of COMESA Revenue Sharing of Merger Filing Fees to this effect. Uganda is now owed approximately \$ 1.5 million.

The committee is also privy to the fact that the Ministry of Trade, Industry and cooperatives is in the process of undertaking a memorandum of understanding with COMESA as an implementing agency on competition and consumer protection on behalf of the Government of Uganda to claim the merger filing fees due to the Republic of Uganda. It is the committee's considered opinion that the accumulated merger filing fees due to the Republic of Uganda would go a long way in enabling the establishment of the competition and consumer protection commission.

Consequently, the competition and consumer protection commission will be self-financing through merger filing fees, fines and penalties among other funds, both at the level of the

Common Market for Eastern and Southern Africa, as well as, the national level. This will also be a much-needed recognisable contribution to the Consolidated Fund. It is the strong opinion of the committee that the establishment, therefore, does not impose a charge on the Consolidated Fund and does not affront Article 93(a)(ii) of the Constitution of the Republic of Uganda, 1995, but instead seeks to expand the revenue base through non-tax revenue.

In conclusion, the committee therefore, reiterates its earlier position and beseeches Parliament to approve the establishment of the Competition and Consumer Protection Commission of Uganda as earlier on passed by the House. *(Applause)*

The committee recommends that Parliament passes the Competition Bill as returned by His Excellency, the President of the Republic of Uganda without amendment. I beg to move.

THE SPEAKER: Thank you. Just a quick one. How do you cure Article 93(a)(ii) of the Constitution of the Republic of Uganda, 1995, as seen in the committee report?

MS CATHERINE LAMWAKA: Madam Speaker, Article 93(a), which is generally about charges on the Consolidated Fund - when you look at the committee position on establishment of the commission, you will notice that the committee has established a commission, which is raising revenue for the Government; it is a self-financing commission. The committee has also provided for merger fees, fines, penalties, which increase non-tax revenue to the Government instead of spending on one side.

THE SPEAKER: That is an accountant's explanation. Can I have a legal interpretation of Article 93(a)(ii)?

4.07

MR ASUMAN BASALIRWA (JEEMA, Bugiri Municipality, Bugiri): Thank you, Madam Speaker. When we were debating this Bill, I think we were in agreement –

THE SPEAKER: Before Hon. Basalirwa comes in, the issue of rationalisation should not be raised because we will be debating in anticipation. This House rejected rationalisation, therefore, we will not buy that. What is left now that we should handle is Article 93(a)(ii).

MR BASALIRWA: Thank you, Madam Speaker. Considering the issue of Article 93 - I have listened to the report and the bigger argument is that the commission will be “self-financing” - I think that is the statement they used.

Unfortunately, the framers of the Constitution did not envisage that. In fact, they were of the opinion that whether you are in a position to get monies to fund any process as long as there is an implication on the Consolidated Fund, the hands are tied.

I want to agree with the presentation of the minister that we are constitutionally barred from proceeding on this matter on account of Article 93.

But, I want to persuade the minister to consider seriously buying the proposal by the committee because you are going into a competition - it is very obvious you are going into competition and as a Government, you will definitely be conflicted.

There is no way you are going to have that committee in a ministry yet the Government will be in business and in a competition.

So, I want to plead with you that you consider introducing an amendment yourselves to have this commission. Because the committee has given very good justification as to why we should have a Consumer Protection Commission. The committee has also given experiences learnt from elsewhere. They have talked about what is happening in Zambia, Tanzania, and Rwanda. So we should really not be left out as far as this matter is concerned.

In fact, this being a Government Bill, it can only make sense and be logical if we created

an independent commission. Otherwise, in the absence of that commission, this would be a hollow piece of legislation. I want to persuade you to consider bringing that amendment. Otherwise, on this matter, we are constitutionally barred.

THE SPEAKER: Honourable members, on this matter, we are constitutionally barred. Now, what we are asking the minister is to bring an amendment that creates a commission.

4.11

MR JOHN TEIRA (NRM, Bugabula County North, Kamuli): Madam Speaker, I wanted to add to the Hon. Basalirwa’s voice. Legally speaking, we do not have an escape point. We are laying a charge on the Consolidated Fund and the framers of the Constitution did not have any anticipatory provision in there.

We are talking about generating revenue by the commission, and this is speculation. So, until we are there, the Constitution bars us. And legally speaking, we are out of context.

The minister seems to have bought into the idea of reconsidering the Bill to provide a commission internally after this position, and I would like to implore him to do that. Thank you.

THE SPEAKER: Minister, I want your commitment that you will bring an amendment - which law school did you go to? *(laughter)* Minister, I want your commitment.

4.15

THE MINISTER OF STATE FOR TRADE, INDUSTRY, AND COOPERATIVES (INDUSTRY) (Mr David Bahati): Thank you, Madam Speaker and colleagues. I thank Hon. Basalirwa, for his opinion and indeed you are very useful to the House, especially in the absence of the Attorney-General. I want to say that once this has been passed and assented to, then after consultations we can consider bringing the amendment, because –

THE SPEAKER: Honourable members, this report is self-explanatory. We have only one

amendment. On this one amendment, I put the question that the Competitions Bill, 2023, as returned by His Excellency, the President, in accordance with Article 91(3)(b) of the Constitution and Rule 143 of the Rules of Procedure, be considered by this House.

(Question put and agreed to.)

BILLS
COMMITTEE STAGE

THE COMPETITION BILL, 2023 AS
RETURNED BY HIS EXCELLENCY, THE
PRESIDENT

Clause 4

4.15

THE MINISTER OF STATE FOR TRADE, INDUSTRY AND COOPERATIVES (INDUSTRY) (Mr David Bahati): Madam Chairperson, I want to reinstate what was in the Competition Bill, 2022.

Clause 3

The Act shall be administered by the Ministry responsible for Trade.

Clause 4

The functions of the Ministry

The functions of the Ministry in the administration of this Act are:

- (a) To promote and sustain fair competition in the market;
- (b) To protect the interests of consumers in the market;
- (c) To monitor the market for anti-competitive and unfair practices and agreements;
- (d) To investigate anti-competitive and unfair practices and agreements in the market;
- (e) To approve mergers, acquisitions, and joint ventures; that have no adverse effect on competition in the market;

- (f) To hear and determine complaints in respect of competition and consumer protection matters;
- (g) To protect consumers and implement the law relating to consumer protection;
- (h) To develop appropriate procedures for consultation and public sensitisation on competition and consumer protection matters;
- (i) To collect the data and undertake studies and publish reports relating to competition and consumer protection;
- (j) To liaise with other authorities responsible for competition and consumer protection at regional and international level; and
- (k) To perform such duties which are necessary for the discharge of its functions under this Act.

Madam Chairperson, the original Bill also had clauses 5, 6, and 7, which relates to the establishment of a committee that will govern the implementation of this Act. And I would like to seek your permission to continue to read through all of them at ago. So, that was clause 4, because of that we have got to also consider clauses 5,6, and 7. I therefore, beg to read clause 5.

“Reference of competition matters to the ministry in certain cases:

1. *Where in the course of any proceedings before any statutory authority or body, with the responsibility of regulating the provision of any utility or service, a party alleges that the decision or proposed to be taken by statutory authority or body is likely to affect competition in the market. The statutory authority or body shall refer a matter to the ministry;*
2. *On receipt of reference under subsection (1), the ministry shall after hearing the parties to the proceedings; give its opinion to the statutory authority or body which shall decide a matter after taking*

into account the opinion of the ministry; and

3. *Where reference is made to the ministry under this section, a statutory authority or body concerned shall not make any final order until the ministry offers its opinion.*

Clause 6

Technical committee on competition and consumer protection

1. *To assist the ministry to properly perform the function specified under subsection (1). There shall be established in the ministry a technical committee on competition and consumer protection;*
2. *A technical committee shall provide technical guidance and advise the ministry on implementation of the policy and the laws relating to competition and consumer protection;*
3. *The minister shall by statutory instrument provide the appointment compositions, functions, meetings and remuneration of the technical committee referred to in subsection (2); and*
4. *Without prejudice, subsection (4), the technical committee shall comprise of persons knowledgeable in competition and consumer matters from ministries, departments, agencies of Government, the private sector and academia.*

7) *The powers of the Ministry*

In performance functions specified in section 4, the ministry may –

- a) *After consultations with the technical committee –*
 - i) *direct an enterprise to seize and desist from any un competitive practise;*
 - ii) *order the determination on a reification as the case may require of any agreement, conduct, activity, practise or decision prohibited by this Act;*

b. *Take any reasonable action which may be necessary in furtherance of its function; and*

c. *Shall, as far as practicable, cooperate with anybody established under the Treaty for the establishment of the East African Community Treaty, establishing the Common Market for East Africa and South Africa (COMESA), or any other law to promote and regulate competition.”*

This was the original proposition by the Government and this a proposition His Excellency, the President would want this House to reconsider. I beg to move.

THE CHAIRPERSON: Thank you. This is the change of part two of the Bill.

MS CATHERINE LAMWAKA: Madam Speaker, since the House has already taken the decision on the legal guidance on the clause as was read by the minister, I concede on behalf of the committee.

THE CHAIRPERSON: Thank you. I put the question that part 2 of the Bill be substituted with the new Bill that has been read by the minister.

(Question put and agreed to).

Part 2, as amended, agreed to.

MOTION FOR THE HOUSE TO RESUME

THE CHAIRPERSON: Honourable minister, I also need you to commit that you are bringing an amendment to this House to introduce an authority. We are only incapacitated by Article 93(a)(ii). Not the issue of rationalisation. However, let us first move the motion for the House to resume.

4.24

THE MINISTER OF STATE FOR TRADE, INDUSTRY AND COOPERATIVES (INDUSTRY) (Mr David Bahati): Madam Chairperson, I beg to move that the House do resume and the Committee of the whole House reports thereto.

THE CHAIRPERSON: I put the question that the House resumes and the Committee of the whole House reports thereto.

(Question put and agreed to.)

(The House resumed, the Speaker presiding.)

REPORT FROM THE COMMITTEE OF
THE WHOLE HOUSE

4.25

THE MINISTER OF STATE FOR TRADE, INDUSTRY AND COOPERATIVES (INDUSTRY) (Mr David Bahati): Madam Speaker, I beg to report that the Committee of the whole House has re-considered a Bill entitled “The Competition Bill, 2022” and passed clauses 3,4,5,6 and 7, and replaced part 2.

MOTION FOR ADOPTION OF THE
REPORT OF THE COMMITTEE OF THE
WHOLE HOUSE

4.26

THE MINISTER OF STATE FOR TRADE, INDUSTRY AND COOPERATIVES (INDUSTRY) (Mr David Bahati): Madam Speaker, I beg to move that the report from the committee of the whole House be adopted.

(Question put and agreed to.)

Report adopted.

THE SPEAKER: Before we started this, I confirmed that we had 188 Members of Parliament - 156 physically; the others were online.

BILLS
THIRD READING

THE COMPETITION BILL, 2023

4.26

THE MINISTER OF STATE FOR TRADE, INDUSTRY AND COOPERATIVES (INDUSTRY) (Mr David Bahati): Madam Speaker, I beg to move that the Bill entitled

“The Competition Bill, 2022” be read the third time and do pass.

THE SPEAKER: I put the question that a Bill entitled, “The Competition Bill, 2023” as returned by His Excellency, the President be read the third time and do pass.

(Question put and agreed to.)

A BILL FOR AN ACT ENTITLED “THE
COMPETITION ACT, 2023.”

THE SPEAKER: Title settled and Bill passes. The House is adjourned to Tuesday at 2.00.p.m.

(The House rose at 4.27 p.m. and adjourned until Tuesday, 5 September 2023 at 2.00 p.m.)