

BILLS SUPPLEMENT

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Bill No. 17 *Assets of Departed Asians' (Amendment) Bill* **2024**

**THE ASSETS OF DEPARTED ASIANS' (AMENDMENT)
BILL, 2024**

MEMORANDUM

1. Policy and principles of the Bill

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

2. Defects in existing law

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

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

3. Remedies proposed in the Bill

The intention of the Bill is to amend the *Assets of Departed Asians' Act, Cap. 83* to mainstream the functions of the *Departed Asians' Property Custodian Board* established under the Act into the Ministry responsible for finance to—

- (a) relieve the Government of the financial drain on its resources and the burden of wasteful administration and expenditure;
- (b) facilitate efficient and effective service delivery by clearly delineating the mandates and functions of the Ministry responsible for finance in respect to the management of the assets of departed Asians, thereby, avoiding duplication of mandates and functions;
- (c) promote coordinated administrative arrangements, policies and procedures for—
 - (i) ensuring the efficient and successful management, financial accounting and budgetary discipline of government departments;
 - (ii) enabling the Government to play its proper role in management of the assets of departed asians more effectively; and

(iii) enforcing accountability.

4. Provisions of the Bill

The Bill has 20 clauses. Clause 2 of the Bill provides for the objectives of this Bill. Clause 3 provides for the purpose of the repeal of Cap. 83, which is to mainstream the functions of the Departed Asians' Property Custodian Board established under Cap. 83 into the Ministry responsible for finance. Clause 4 seeks to dissolve the Departed Asians' Property Custodian Board. Clause 5 seeks to transfer the functions of the Departed Asians' Property Custodian Board to the Ministry responsible for finance. The rest of the provisions of the Bill seek to implement the dissolution of the Departed Asians' Property Custodian Board.

MATIA KASAIJA (MP)

Minister of Finance, Planning and Economic Development

A Bill for an Act

ENTITLED

**ASSETS OF DEPARTED ASIANS' (AMENDMENT)
ACT, 2024**

An Act to amend the Assets of Departed Asians' Act, Cap. 83 to mainstream the functions of the Departed Asians' Property Custodian Board into the Ministry responsible for finance in order to give effect to the Government Policy on Rationalisation of Government Agencies and Public Expenditure, and for related purposes.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Interpretation

In this Act, unless the context otherwise requires—

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

“commission” means a body established by the Constitution;

“Government” means the Government of Uganda;

“Ministry” means the Ministry responsible for finance.

2. Objectives

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

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

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

- (iii) enforcing accountability; and
- (d) the restructuring and re-organisation of agencies and departments of Government by eliminating bloated structures and functional ambiguities in Government agencies and departments.

3. Purpose of amendment of Cap. 83

The purpose of amending the Assets of Departed Asians 'Act, Cap 83 is to mainstream the functions of the Departed Asians' Property Custodian Board into the Ministry responsible for finance.

4. Dissolution of Departed Asians' Property Custodian Board

On the commencement of this Act, the Departed Asians' Property Custodian Board shall be dissolved.

5. Responsibility for functions under Cap. 83

On the commencement of this Act, the Ministry responsible for finance shall be responsible for performing the functions of the dissolved Departed Asians' Property Custodian Board under Cap. 83.

6. Repeal of section 4 of Cap. 83

Section 4 of the Cap. 83, hereinafter referred to as the "principal Act" is repealed.

7. Repeal of section 5 of principal Act

Section 5 of the principal Act is repealed.

8. Amendment of section 6 of Principal Act

Section 6 the principal Act is amended—

- (a) by substituting for the word "board" wherever it appears, the word "Minister"; and
- (b) by substituting for the word "it" wherever it appears, the word "him or her".

9. Repeal of section 7 of principal Act

Section 7 the principal Act is repealed.

10. Repeal of section 8 of principal Act

Section 8 the principal Act is repealed.

11. Repeal of section 9 of principal Act

Section 9 of the principal Act is repealed.

12. Repeal of section 10 of principal Act

Section 10 the principal Act is repealed.

13. Repeal of section 11 of principal Act

Section 11 the principal Act is repealed.

14. Amendment of section 13 of principal Act

Section 13 the principal Act is amended by substituting for “board” wherever it appears, the word “Minister”.

15. Amendment of section 15 of principal Act

Section 15 the principal Act is amended by substituting for “board” wherever it appears, the word “Minister”.

16. Amendment of section 16 of principal Act

Section 16 the principal Act is amended by substituting for “board” wherever it appears the word “Minister”.

17. Amendment of section 18 of principal Act

Section 18 the principal Act is amended—

- (a) by substituting for “board” the word “Minister”; and
- (b) by substituting for “its” the words “his or her”.

18. Amendment of section 19 of principal Act

Section 19 the principal Act is amended by substituting for “board” the word “Minister”.

19. Amendment of section 20 of principal Act

Section 20 the principal Act is amended by substituting for “board” wherever it appears, the word “Minister”.

20. Amendment of section 21 of principal Act

Section 21 the principal Act is amended by substituting for “board” wherever it appears, the word “Minister”.