

**Tuesday, 30 March 2021**

*Parliament met at 2.48 p.m. in Parliament House, Kampala.*

PRAYERS

*(The Speaker, Ms Rebecca Kadaga, in the Chair.)*

*The House was called to order.*

COMMUNICATION FROM THE CHAIR

**THE SPEAKER:** Honourable members, I welcome you to this afternoon’s sitting. In view of the rainy season, I would like to ask you to plant some trees. Last week, we launched the campaign for 40 million trees through the Ministry of Water and Environment and other agencies. Therefore, I urge Members to visit the ministry to secure some seedlings, so that you can take them home to your constituencies and make use of this rainy season.

There are just a few matters of national concern. Let us start with hon. Baba Diri. You have two minutes.

2.50

**MS MARGARET BABA DIRI (NRM, Woman Representative, Koboko):** Thank you, Madam Speaker. I rise on this Floor to raise a matter of national importance.

Yesterday, I received shocking news from the mayor of our municipality in Koboko that 11 Ugandan drivers were killed along Juba Yei Road. The four were killed on Sunday, 28 March in the afternoon. They were identified as residents of Koboko; I even have their names. The other seven were killed yesterday, Monday 29 March 2021. They have not yet been identified, but I know most of them are from Koboko and West Nile in Uganda.

This problem of killing our people in South Sudan has become a menace. We have now lost 11 drivers and their families are now suffering. Koboko is now grieving. Some were taxi drivers and others were lorry drivers who went to do business but they are now no more. They go to South Sudan to provide services to the South Sudanese who need the services.

In Uganda, the South Sudanese live peacefully; we do not kill them. We are keeping them as refugees and in our communities, they are our friends. However, our people are being killed in South Sudan.

Madam Speaker, this issue is very painful. My prayers are that –

1. The Minister of Foreign Affairs takes interest in this matter and investigates it in order to find out why our drivers are being killed.

2. The Government of Uganda and South Sudan talk and find a lasting solution to these killings of Ugandans in South Sudan.

3. The road between Juba and Yei be protected, like the one from Juba to Nimule, where soldiers patrol the road and people are escorted along the road. However, the short road between Juba and Yei is not protected at all, so you use it at your own risk. I would like to see that road also protected.

4. These 11 people who were killed have left widows and their children are now orphans. I, therefore, request the Government of Uganda to compensate these families so that these children also go to school.

Madam Speaker, I would like to add something small. The method of killing is also appalling; they strip them naked and then shoot them in front of the passengers. The passengers are also stripped naked and left to go around. That is very inhumane treatment.

Madam Speaker, I would propose that a lasting solution be found to deal with this problem between Uganda and South Sudan. Thank you very much.

**MR ATIKU:** Thank you, Madam Speaker. I thank hon. Baba Diri for raising this very important matter. As our people are being ambushed and killed in South Sudan, just last evening, Uganda Revenue Authority (URA) enforcement agents also killed a young man, who was purportedly carrying contraband goods from the Democratic Republic of Congo (DRC). This led to a fracas where the *wanainchi* almost lynched the URA enforcement agents.

Madam Speaker, this is not the first time this kind of barbaric action has taken place in Arua, particularly West Nile. Of course, it is for obvious reasons, that we neighbour DRC and a lot of illicit trade takes place. However, the manner in which the URA has been doing the enforcement has, on many occasions, left some of the culprits dead and sometimes even damaged their goods without any compensation.

I think it is high time that this Parliament took some measures to put URA to order as regards to the manner in which they enforce some of these measures to curb illicit trade. Uganda Revenue Authority works for the *wanainchi;* therefore, they should have a human face. If somebody is on a bicycle and you are in a vehicle, why should you run over them instead of disabling them and arresting them with the goods?

My appeal goes to the Ministry of Internal Affairs to put URA to order and bring these culprits to book, so that the victims of some of these barbaric actions are compensated. Thank you, Madam Speaker.

**THE SPEAKER:** I see the Minister of Internal Affairs here. I do not know whether he has any information about our drivers killed in South Sudan and also the one of the URA engagement at the border of DRC, before we assign the minister to handle.

2.57

**THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Mr Obiga Kania):** Madam Speaker, it is true that Ugandan drivers were killed between Friday and Sunday. We lost about eight or nine; the number is not yet clear because it is possible that some of the people who were injured could have died.

This matter is known to the Ministry of Foreign Affairs because all these people died in South Sudan. There is another group of about eight who were killed on the 19th, on the Moyo side, near South Sudan. They had gone to fish and they were killed in this area.

There are armed military groups in those areas that apparently are opposition forces to the Government in South Sudan, and they are in control of that area. Therefore, the responsibility for that matter lies with the South Sudan Government. The Ministry of Foreign Affairs is aware. We had a discussion with them and they are taking up the matter. Our embassy in South Sudan is handling it. When they have done it, the country will be informed by the Ministry of Foreign Affairs.

Regarding the operations of the URA enforcement team, it is also unfortunate that they use excessive force and in a number of cases, they are brutal. Unfortunately, this force is not under the control of the Ministry of Internal Affairs. However, it is still under Government and we regret it. We will inform the Ministry of Finance, Planning and Economic Development, under which URA and that force falls, to make sure that they bring those people to book. Thank you.

**THE SPEAKER:** Thank you very much, honourable minister. Can we ask the Minister of Foreign Affairs to respond to the prayers of hon. Baba Diri and see whether it is not necessary to issue a travel advisory to Ugandans, because these killings have taken place over about four days. Perhaps, they should issue a travel advisory so that Ugandans know whether to go that side or not.

For the one concerning the URA staff, we shall ask the ministry of finance to come and update the country on this incident and tell us how they are going to move forward with the management of situations such as these, which happened near the Congo border.

3.01

**MR APOLLO MASIKA (NRM, Bubulo County East, Namisindwa):** Thank you, Madam Speaker. I would like to raise an issue of national importance concerning boda bodas in Uganda.

We have very many boda bodas; I do not know the correct number off head. These motorcycles have been lying idle or are underutilised. People in Uganda, East Africa and Africa at large know that a boda boda is just for transporting people and goods. However, I have gone to many countries including China, Japan, Vietnam and I have seen how these people utilise their boda bodas to boost the agricultural economy. I feel that if we do that here, we can also boost our agricultural economy, which can be multiplied 10 times, and we can get trillions of shillings.

I saw that a boda boda can be used as a ploughing tool in the gardens. A boda boda has 500 horsepower, which means the power of 500 horses has been compressed in one item. If you use it wisely, you can use a boda boda to plough the land.

That is one component; the others are that the boda boda can be used to put seeds in the soil, for slashing, lighting the house – if the wiring is proper – so that children can use the light for studying. It can also be used to draw water for irrigation during the dry season. If the water is very far, plastic pipes can be connected and the boda boda can draw the water and it is put in tanks.

If I were to mention all the functions of a boda boda, they can be more than 100.  I request the Ministry of Agriculture, Animal Industry and Fisheries to inform our Government to bring in those components. A boda boda has got very many uses.

In India, I saw them use a big plastic jerrican of about 500 litres and then the boda boda was used to draw human waste from the latrine and take it to the road where the cesspool emptier was stationed. It was then taken for processing for agricultural use.

In Uganda, and East Africa, I have not seen this anywhere, apart from Bulambuli where I saw some boys using a boda boda to draw water from the rivers for irrigation. I, therefore, appeal to our Government, especially the ministry in charge of agriculture, to make sure that these components are imported or made in Uganda and sold to the boda boda riders at a subsidised price, so that our agricultural sector can be boosted.

**THE SPEAKER:** Thank you very much, hon. Masika, for your brilliant ideas. We shall ask the Minister of Agriculture, Animal Industry and Fisheries to examine the possibilities for the other uses of the boda boda.

I ask you to work with the Committee on Science and Technology to see whether you can mount an exhibition during our next science week, so that we can see it at work here and also help us to advocate with the Government.  Thank you very much.

3.06

**THE LEADER OF THE OPPOSITION (Ms Betty Aol):** Thank you, Madam Speaker. I am here to raise a complaint or a petition by Sam Arinaitwe and Robert Adrifua plus 30 others against illegal eviction and land grabbing on Block 01 of Plot 108, Kakiika Cell, Kamukuzi Division, in Mbarara Municipality by Capt. Gordon Mugume since 4 May 2002. The Chairperson LC III of Kamukuzi Division intervened in the land dispute that emerged that time, and it involved Capt. Mugume Gordon who works in State House; they tried to build consensus but never succeeded.

The Uganda People’s Defence Forces (UPDF) soldier, by that time attached to the Presidential Guard Brigade, Entebbe, started the process of evicting the residents and complaints were availed to State House on 20 December 2016. Household property and banana plantations were all demolished, cut and destroyed. They said they have been struggling; there was no voice by the Office of the Director of Public Prosecutions against the illegal and criminal acts.

In July, a request was made as an open letter to the President; I have a copy here and I will lay it on the Table. An instruction was given to the Resident District Commissioner that time on 1 August 2016 but nothing has been done to help these 32 people.

They reached out to my office about three months ago; so, last week, I handed over some copies of the document to the President’s Principal Private Secretary (PPS), Dr Omona. However, because they keep calling, I thought I should bring it up and maybe the minister in charge of the presidency or the legal department of State House should be directed by Parliament to ensure compensation of the evictees and enforcement of the judgement against the illegal eviction of Arinaitwe Sam, Adrifua Robert and the 30 others.

The Inspector General of Police and the Director of Public Prosecutions should assist in availing a report to this House on why no prosecution and prohibition was done against the illegal eviction pronounced by the court.

A special land grabbing committee - if our usual committee is now failing us - should be put in place to look into this land grabbing. It is not just one; they are very many.

People from State House usually put themselves above the law. We need to help our people. I have this open letter to the President - I will lay it on the Table - and also the letter to the Resident District Commissioner of Mbarara at that time. From 2002 to 2016 and up to 2021, these people are still struggling with no proper communication to them. I thank you.

**THE SPEAKER:** Honourable Leader of the Opposition, is the matter in court or not?

**MS BETTY AOL:** Thank you, Madam Speaker. I think the matter right now is not in court.

**THE SPEAKER:** Okay. Honourable members, we shall ask the Minister for the Presidency to examine that complaint and give us an update in a fortnight’s time. Thank you.

3.12

**MS AGNES TAAKA (NRM, Woman Representative, Bugiri):** Thank you, Madam Speaker. I rise on a matter of urgent concern about the owners of clubs; these are part of the entertainment sector that includes bars and organisers of concerts. This group of businessmen and businesswomen are concerned that although their services are not essential, they have been diligent taxpayers and are seeking protection from Government.

It is now a year since we went into lockdown. Club owners invest between Shs 300 million to Shs 700 million to put up clubs and sometimes even more. Such investments drive them into borrowing and as such, before the lockdown these proprietors had outstanding financial and contractual obligations, including loans from banks and other lenders, unpaid supplies, rent to landlords and contractual obligations such as lease agreements and employment.

Since Government partially opened, the moratorium that had been put on loan repayments expired and these people are concerned that the banks are now starting to seize their properties because of the loans. Also, the Judiciary is already executing rent distress applications to the landlords for them to be evicted.

They request the Government to pronounce a moratorium on repayment of loans to commercial lenders for businesses since they are still under lockdown, so that they avoid the rampant bank seizures that are happening.

Secondly, they request that the evictions against their businesses by the landlords are halted because establishing clubs takes a lot of investment, yet when they are evicted and they remove such material, it becomes almost useless because they cannot put it anywhere. Besides, they have already established their business places. It may seem as if the landlord is taking over the business premises whose name the club owner has already established.

They do not mind staying under lockdown because they understand the nature of the pandemic but they request that the evictions be halted.

They also request Government to consider a substantial stimuli package for the sector because they are grappling financially with so much, having taken a long time without working.

They request Government to defer taxes for them because their businesses are still under lockdown; and that Government, through the Judiciary, halts the execution of applications against their businesses and others that are still under lockdown. Thank you.

**THE SPEAKER:** Thank you, honourable member. I recall that before we went on recess in October, this matter was brought to our attention and we sent the petition to the Prime Minister as the head of the COVID-19 national taskforce. Apparently, nothing has been done.

Secondly, we had asked the Minister of Finance, Planning and Economic Development to lay here an instrument from Bank of Uganda directing or advising the commercial banks not to foreclose on loans and also to freeze interest on loans. However, that document has never been laid here, so we do not know whether, other than the pronouncement, it really happened. We still want to know.

Thirdly, we think that the Government should take an interest in the survival of these businesses which are still under lockdown. Again, we would like to ask the Prime Minister to come and address us on that issue. The petition will be sent to the Minister of Finance, Planning and Economic Development, the Minister of Trade, Industry and Cooperatives and the Prime Minister for expeditious action. In view of the urgency, we would like to get an answer within one week. Thank you very much.

LAYING OF PAPERS

**THE SPEAKER:** Can I ask Commissioner Aol to lay the papers?

3.18

**THE LEADER OF THE OPPOSITION (Ms Betty Aol):** Thank you, Madam Speaker. I beg to lay on the Table the reports of the Auditor-General on the financial statements for the year ended 30 June 2020 for the following:

1. Insurance Regulatory Authority.
2. Uganda Development Corporation.
3. Insurance Training College.
4. Rural Communications Development Fund (RCDF).
5. Great Lakes Trade Facilitation Project.
6. Uganda Bureau of Statistics.
7. Inspectorate of Government.
8. Financial Intelligence Authority.
9. Regional Communications Infrastructure Programme (RCIP) IDA Loan No. 5635-UG.
10. Public Procurement and Disposal of Public Assets (PPDA) Appeals Tribunal.
11. Public Procurement and Disposal of Public Assets Authority.
12. National Information Technology Authority-Uganda.
13. Uganda Retirement Benefits Regulatory Authority.
14. Soroti Fruits Limited.
15. Uganda Investment Authority (UIA).

Madam Speaker, I beg to lay.

**THE SPEAKER:** Thank you very much, Commissioner Aol. All these reports are sent to the Public Accounts Committee (Commissions, Statutory Authorities and State Enterprises) for perusal and report back.

Can I quickly invite hon. Pamela Nasiyo.

3.23

**MS PAMELA KAMUGO (NRM, Woman Representative, Budaka):** Thank you, Madam Speaker. I rise on a matter of national importance regarding the amalgamation of the women’s fund.

Madam Speaker, I rise to seek for an explanation from the Minister of Finance, Planning and Economic Development and the Minister of Gender, Labour and Social Development on the status of the Uganda Women Entrepreneurship Programme (UWEP). In the Financial Year 2015/2016, Government of Uganda launched the Uganda Women Entrepreneurship Programme, also known as the women’s fund, to address issues of financial exclusion of women and empowerment, to improve on their income levels through provision of interest-free credit.

We recognise the tremendous success of the programme across the country in just a period of only five years of implementation, with an impressive recovery of 82 per cent, according to the programme annual report and other reports, including the report of the NRM Manifesto Implementation Unit, which noted excellent performance of the programme. For example, out of Shs 23 billion amount due, Shs 19.9 billion has already been recovered under the programme.

We recognise that UWEP is anchored within national, regional and international commitments and obligations on economic empowerment of women, namely the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), Sustainable Development Goals (SDGs), Beijing Platform of Action, United Nations, African Union Gender Strategy, Maputo Protocol, East African Community Gender Policy, among others.

Under Common Market for Eastern and Southern Africa (COMESA), for example, each member state is required to establish a women economic empowerment fund in fulfilment of the above provisions. Uganda, like other COMESA states such as Kenya, Ethiopia, Rwanda, Tanzania and Zambia, among others, established women funds; in the case of Uganda, it is known as UWEP.

As a Member of Parliament, in my constituency I have interacted with women who have testified that the programme has enabled them to improve their welfare. Stories of women being able to pay medical bills, pay school fees for their children, buy household items, put up shelter – reducing dependence on men - and even buy land abound in the communities. I am sure Members agree with me on this.

Aware that in the Cabinet meeting of 15 March 2021, Cabinet approved amalgamation of eight wealth creation funds, including UWEP, into one basket to be implemented under the parish model, under Ministry of Local Government with effect from 1 July 2021.

I would like to ask the Minister of Finance, Planning and Economic Development –

One, whether the Government has lost interest in this important UWEP programme that has been so successful. Members, you will note that Uganda has been praised for coming up with good policies and programmes such as this one, unfortunately, we abandon them along the way only for our neighbours to copy and implement them.

Two, whether the Minister of Finance, Planning and Economic Development has to kill this UWEP programme to implement the parish model, which has not been tested anywhere. How will the interests of women who have been successfully paying back, knowing that it is a revolving fund, be protected in one basket at the parish?

Madam Speaker, I would like to know if the Minister of Finance, Planning and Economic Development is aware that this fund was a result of a long struggle by the women of this country, and that the NRM Government has maintained in its manifestos of 2016 to 2021 and 2021 to 2026 a pledge not only to maintain but also to boost the fund.

I would like to ask the Minister of Gender, Labour and Social Development –

One, what will happen to the regional and international commitments that Uganda has made towards establishment of the women’s fund and other commitments to achieve gender equality and women’s economic empowerment?

Two, the minister is okay with the apparent migration of the ministry’s mandate of promotion of gender equality of women economic empowerment to the Ministry of Local Government.

Madam Speaker, I have two prayers:

1. That we let the UWEP programme stay the way it is and be monitored by the Ministry of Gender, Labour and Social Development;
2. Transfer the Shs 32 billion that has been transferred to the Ministry of Finance, Planning and Economic Development and that will be monitored by the Ministry of Local Government. I beg to submit. Thank you.

**THE SPEAKER:** Thank you very much, honourable member. It is indeed a matter of grave concern that 52 per cent of the population of Uganda has a small fund, which is now being proposed to be dissipated in different directions.

So, let us invite the Minister of Gender, Labour and Social Development to respond to the questions raised by hon. Kamugo and also the Minister of Finance, Planning and Economic Development to explain this matter to the House and the country.

However, I also would like to urge the members of the Committee on Budget to ensure that this money is tracked and put where it was proposed to be put in the first place. Thank you very much.

3.29

**THE LEADER OF THE OPPOSITION (Ms Betty Aol):** Madam Speaker, I also came out in Gulu at a press conference to completely say “no” to the move to merge UWEP with other programmes. The UWEP is very special and it is dear to the hearts of women. Instead of adding to it, how do you again think of removing it? It is special; unless you are a woman, you cannot benefit from it. It is for women empowerment.

This is something which is for women empowerment. We struggled with it in the Ninth Parliament and the implementation started in the Tenth Parliament; how on earth do you dream of removing it immediately? We had *Bonna* *Bagagawale and Entandikwa* whose whereabouts we cannot trace - *(Interjections)-* and probably *Emyooga* now.

We are praying as women of Uganda that do not interfere with the women’s fund that is very specific to women. Instead, we should be advocating for increasing what should be given, because the women benefit from this fund and pay back knowing that other women should also benefit. Therefore, why take it away now?

Don’t we have women in Cabinet to defend this specific fund for women, or have they lost their sense of women empowerment? They should not tamper with this fund. Instead, we should all advocate for an increase in the amount of money for this fund. Thank you.

**THE SPEAKER:** Let us go to item No.3.

REQUEST TO BORROW UP TO SDR 72.3 MILLION (SEVENTY-TWO MILLION THREE HUNDRED THOUSAND SPECIAL DRAWING RIGHTS) (EQUIV. TO USD 99.56 MILLION) FROM THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT (IFAD) AND USD 30 MILLION FROM THE OPEC FUND FOR INTERNATIONAL DEVELOPMENT (OFID) TO FINANCE THE NATIONAL OIL SEEDS PROJECT (NOSP)

**THE SPEAKER:** Where is the chairperson of the national economy committee? She is not here. Where is the minister in charge of agriculture or his representative? Let us then go to Item No.4

MOTION FOR ADOPTION OF THE REPORT OF THE COMMITTEE ON RULES, PRIVILEGES AND DISCIPLINE ON THE PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE OF PARLIAMENT

3.34

**THE CHAIRPERSON, COMMITTEE ON RULES, PRIVILEGES AND DISCIPLINE (Mr Ongalo Obote):** Madam Speaker, this is report of the Committee on Rules, Privileges and Discipline on the proposed amendments to the Rules of Procedure of Parliament.

Before I proceed, allow me to lay on the Table a copy of the report, the proposed amendments and the annexures attached thereunder.

Rule 172 of the Rules of Procedure of Parliament mandates the Committee on Rules, Privileges and Discipline, by order of the House, to review the Rules of Procedure of Parliament from time to time and to make such recommendations to the House for amendment as the committee considers necessary, for the satisfactory functioning and efficient transaction of the business of the House and its committees.

Pursuant to Rule 172(1)(c), the Speaker, on the 28 January 2021, directed the committee to review the rules and report back to the House. The committee executed the task and hereby presents its report to the House for consideration.

Methodology

The committee perused the Rules of Procedure and I beg to –*(Interruption)*

**MR SSEMUJJU:** Thank you very much, Madam Speaker. The chairperson has cited Rule 172(1) (c). According to this rule, the review will be done by order of the House. My understanding of this is that there will be a motion and Parliament will vote on it. The chairperson says that it will be on the directive of the Speaker.

The procedural issue I am raising is whether the chairperson can go ahead to conduct work, not ordered by the House as the rule provides, but instead as instructed by the Speaker.

**The Speaker:** Honourable members, the Speaker is a custodian of the Rules of Procedure of this House. Over time, we have identified areas that need to be amended. That is why we asked the committee to go and make some proposals. Therefore, the proposals have come to this House. You will study, discuss them and they will be amended according to what will be got from the House. Honourable chairperson, proceed with the report.

**Mr ongalo:** Thank you, Madam Speaker, for your wise ruling. The committee reviewed a report from the technical committee –*(Interruption)*

**Mr ssemujju:** Madam Speaker, maybe I did not put my question well. The question I am raising is about the law - whether the Speaker, in this case, becomes the House. That is the guidance I am seeking from you.

The subject matter is very serious because it concerns Parliament. We need to follow our rules as they are written. Otherwise, to disregard the rules as they are and bring more, to me does not make sense.

Therefore, the procedural issue I am raising is for you to interpret whether the Speaker has become the House and whether we are working not on the order of the House, but on the directive of the Speaker.

**The Speaker:** Honourable member, proceed.

**Mr ongalo:** The committee -

1) Considered some specific directives from the House and incorporated recommendations in the report;

2) Received submissions from some Members of Parliament; and

3) Compiled this report that it now presents to this House for consideration.

Observations and Recommendations

Administration of Oaths

Rule 3 provides for the Clerk to Parliament to administer the Oath of Allegiance and the Oath of a Member of Parliament to new Members of Parliament prior to the first sitting of Parliament. In subsequent cases, after constitution of the House, this rule requires the Clerk to administer the oaths before the House.

In the recent past, however, situations have arisen where the oath had to be urgently administered during periods when a duly constituted Parliament was on recess. Such circumstances necessitated the oath to be administered before the Speaker in places within the precincts of Parliament other than the House.

The committee proposes that the rules should be amended to provide for the administration of the oath before the Speaker during periods when Parliament is on recess or in situations where a Member-elect is unable to reach the parliamentary buildings for reasons beyond his or her control.

Election of the Speaker and the Deputy Speaker

The committee, on 10 March 2021, received a directive from the House to make proposals on how to curb the use of foul language against different contenders for the positions of Speaker and Deputy Speaker in the Eleventh Parliament.

The committee, in its consideration of the matter, finds that the positions of the Speaker and Deputy Speaker are held in such high esteem that the candidates must not be seen in situations that could compromise their dignity. It, therefore, follows that public campaigns should not be permitted because there are high chances of hurting the dignity of the individuals concerned and in turn, the institution of Parliament.

The committee, therefore, recommends that Rule 5 should be amended to bar candidates for the said positions from conducting public campaigns.

Resignation of the Speaker and the Deputy Speaker

The Rules of Procedure currently provide for the election of the Speaker and the Deputy Speaker of Parliament but the only exit from these positions envisaged is by impeachment, under rule 107. It was observed that the rules do not provide for voluntary exit from these offices.

The committee notes that this gap needs to be rectified and therefore, proposes that the rules should be amended to provide for the resignation from the offices of the Speaker and the Deputy Speaker.

Sittings of the House

The size of Parliament has increased over time with the Eleventh Parliament expected to be 72 Members bigger than the Tenth Parliament. It is, however, a matter of concern that the hours of sitting of Parliament have remained the same.

With a view to creating more opportunities for Members to speak in the House, the committee proposes that Mondays should be made sitting days in addition to Tuesdays, Wednesdays and Thursdays. The committee, therefore, proposes that Rule 19(2) be amended to include Monday as a Parliament sitting day.

Statement of Business by the Leader of Government Business

Rule 28 requires the Leader of Government Business, on every last sitting day of the week, to make a statement in the House regarding the Government business of the succeeding week.

The committee observes that this rule is currently inactive. This limits the participation of Members of Parliament in debates of the House because they are not given opportunity to sufficiently prepare for Parliament’s sittings.

The committee proposes that the rules be amended to make it mandatory for the Clerk to ensure that Rule 28 is reflected on the Order Paper of every last sitting day of the week.

Parliamentary Calendar

The Speaker, at the beginning of the Second Session of the Tenth Parliament, announced a parliamentary calendar that gave priority to different categories of business during each meeting of the session as follows:

1. First Meeting – prioritisation of Bills;
2. Second Meeting – prioritisation of committee reports; and
3. Third Meeting - prioritisation of the Budget process.

The committee welcomed the calendar but in addition to the current arrangement, it proposes that exclusive periods be allocated to committee activities, plenary sittings and recess within a given meeting in a session.

The proposed amendment will enable Members to concentrate on parliamentary business at a given time. This is likely to improve the efficiency of Parliament, with Members being more available and prepared for most parliamentary business, and at the same time, more accountable to their constituencies.

The committee, therefore, proposes that Rule 25 be amended as such.

Prime Minister’s Time

The Prime Minister’s time provided for under Rule 41 was borrowed from the House of Commons in the United Kingdom. However, the committee notes that the Prime Minister of Uganda does not have the same powers as the one of the United Kingdom.

In the United Kingdom, the Prime Minister is the head of Government and chief executive of the country. Therefore, he is fully answerable for the actions of his government. In Uganda, this is not the case; the Prime Minister is answerable to the President, who is both the head of state and head of Government, as per Article 98(1) of the Constitution of the Republic of Uganda.

The committee observes that under the current arrangement, answers during the Prime Minister’s Time may not be conclusive because, on certain issues, the Prime Minister may have to consult with the President and the sector ministers. This makes the procedure not as effective as it is in the United Kingdom.

The committee, therefore, proposes that questions to be asked during the Prime Minister’s Time should be –

i) submitted to the Prime Minister in advance;

ii) limited to questions on Government policy;

iii) clustered together if they are related to the same policy.

A summary of questions asked during the Prime Minister’s Time should be published periodically and distributed to Members, detailing a categorisation of questions asked under each policy and the list of Members who asked the questions.

Reorganisation of Part IX of the Rules Relating to Questions

Part IX of the rules that govern the various types of questions in the House is devoid of a chronological flow, yet chronology is a cardinal tenet of rules. This has partly inhibited the utilisation of some procedural avenues for questions such as questions for oral answer and questions to commissioners and chairpersons.

It is against this background that a reorganisation of the relevant rules, notably rule 42 to rule 50, has been proposed.

Consideration of Annual Reports of Government Agencies and Public Corporations

Parliament periodically receives annual reports of various public entities and in some cases, especially reports of parastatals are referred to the Committee on Public Accounts (Commissions, Statutory Authorities and State Enterprises).

It was noted that these annual reports usually deal with the functions and operations of these public entities, an aspect that would be best suited for sectoral committees. The consideration of annual reports should, therefore, be left to sectoral committees since they spell out the operations of an entity in a given year and its inherent oversight function.

Need for Policy Statements to Conform to Section 43 of the Access to Information Act

The Access to Information Act, 2005, requires that policy statements should include a listing of requests for access to information made by the public during the previous year, indicating whether or not access was granted and the reasons for denial.

The committee proposes that Rule 145 be amended to conform to the requirement of the Access to Information Act, 2005.

Consideration of Supplementary Estimates

The rules only provide for consideration of supplementary estimates on the Floor of the House under Rule 152. The committee observes that this is an omission because the procedure for considering supplementary estimates should be the same as the one for considering the annual budget. It should, therefore, be laid on the Table and referred to the Budget Committee and the relevant sectoral committees.

The current practice is to have the Budget Committee consider the supplementary estimates. However, this committee notes a gap in this procedure because the sectoral committees that oversee the sector that benefitted or is to benefit from the supplementary request has a better understanding of the financial requirements of the sector and is the one involved in scrutinising all other aspects of the sector budget.

The committee further notes that supplementary requests presented to the House must clearly state the source of funding to enable Parliament act appropriately, as the case may be. For example, in the event that the source of funding is external financing, the House should consider the loan request before supplying the supplementary budget request.

The committee, therefore, proposes that rules be amended to clearly provide the procedure for considering a supplementary budget request.

Membership to Committees

Rule 154 inter-alia provides that with the exception of the Business Committee, Appointments Committee and Budget Committee, a Member shall not belong to more than two committees.

This committee observes that in order to cater for the ramifications of the increasing number of Members of Parliament, such as space constraints and exceedingly large numbers of Members of Parliament on each committee, if the status quo remains the same, membership to committees should be limited to one committee per Member, with the exception of the Business Committee and the Budget Committee. The membership to each committee should be on annual rotational basis.

The committee further argues that limiting Members to belong to only one committee would also improve on the efficiency and effectiveness of committees as the problem of conflicting schedules would be eliminated, hence ensuring quorum. Members would also be able to concentrate on their committee activities.

The Committee on National Economy

Rule 175 mandates the Committee on National Economy inter-alia to examine and make recommendations to the House on all loan agreements required to be authorised or approved by the House, under Article 159 of the Constitution.

This committee observes that the loan requests are for projects that fall within sectors under the purview of sectoral committees. It, therefore, follows that sectoral committees have a better understanding of issues within the sectors that they supervise.

The current situation is that the Committee on National Economy scrutinises the loans without an input from the sectoral committees. This could result in ill-informed decisions. The risk is heightened by the fact that the rules do not provide for a checklist of documents that must accompany all loan requests submitted to Parliament for approval.

The committee also noted that the Committee on National Economy does not consider loan agreements but rather the terms and conditions of the loan requested for. This is so because there is no agreement at the point when the committee is scrutinising the loan request.

The committee recommends that the rules should be amended to-

i) provide for the Committee on National Economy to receive an input from the sectoral committees that oversee the sectors that are to benefit from a particular loan;

ii) provide for a checklist of documents that must accompany all loan requests submitted to Parliament for approval;

iii) reflect the fact that the Committee on National Economy does not consider loan agreements but rather the terms and conditions of the loan requested for.

Functions of the Committee on Government Assurances and Implementation

One of the functions of the Committee on Government Assurances and Implementation, stipulated under Rule 176 of the Rules of Procedure of Parliament, is to submit to each sectoral committee a list of Government assurances that are pending fulfilment during consideration of policy statements and budget estimates.

The committee, however, observes that sector allocations are made during consideration of the budget Framework Paper, a process that precedes consideration of the ministerial policy statements. By the time the committee is considering policy statements, it is too late to introduce new items in the budget.

The committee, therefore, proposes that the rules should be amended to have the Committee on Government Assurances and Implementation submit the list of Government assurances to the relevant committees during consideration of the Budget Framework Paper.

Functions of the Committee on Human Immunodeficiency Virus (HIV) or Acquired Immunodeficiency Syndrome (AIDS)

Rule 181 only envisages Parliament or the committee working closely with the Uganda AIDS Commission. However, the committee notes that the Committee on HIV/AIDS in its activities has to relate closely with the Ministry of Health, as the responsible centre for public healthcare service delivery.

The committee, therefore, proposes that the rules should be amended to include the Ministry of Health as an entity that the Committee on HIV/AIDS must liaise with in the fight against HIV/AIDS.

Workload of Public Accounts Committees

Pursuant to Article 173 and in accordance with Article 90 of the Constitution of the Republic of Uganda, financial accountability committees are mandated to consider the Auditor-General’s reports in their respective jurisdictions, with a view to enabling Parliament debate and take appropriate action thereto. These are Public Accounts Committee (Central Government), Public Accounts Committee (Local Government), and Public Accounts Committee (Commissions, Statutory Authorities and State Enterprises) or COSASE.

The committees are currently overwhelmed by the amount of work before them and as a result, there is a substantial amount of backlog. In the case of the Public Accounts Committee (COSASE), for example, its mandate covers 121 entities, out of which, only 20 have been considered in the course of the Tenth Parliament.

The committee received a submission from a team of Members of Parliament proposing a split of the accountability committees to enable efficiency. It, however, considered the proposal and concluded that the split of the committees will not result in efficiency if the same method of work is maintained. The committee noted that most Commonwealth parliaments have only one public accounts committee and they seem to work efficiently.

The committee, therefore, proposes that a more detailed study of the methods of work of public accounts committees be undertaken so as to find a more sustainable method that will ensure efficiency.

Fast tracking Implementation of Parliamentary Resolutions

The committee received a directive from the Speaker to examine the Rules of Procedure for mechanisms to ensure compliance by the Executive to resolutions of Parliament. This followed the receipt of a letter from hon. Alex Ndeezi, Member of Parliament representing Persons with Disability, proposing amendments to the rules to include provisions that will ensure fast-tracking the implementation of parliamentary resolutions.

The committee, on examining the rules, found that Rule 217 sufficiently serves the purpose. It provides thus: “*A minister shall submit to Parliament an action taken report detailing what actions have been taken by the relevant ministry following the resolutions or recommendations of Parliament or committee.”*

Special Powers of Committees

Rule 205(e) gives parliamentary committees powers to confine, for any specific periods, any recalcitrant witnesses and cite any person for contempt.

This committee, however, observes that this provision should be limited to confining the person for further investigation to avoid abuse. The committee recommends that the rules should be amended to provide the boundary of this rule.

Issue and Service of Summons

Rule 211 provides that an order to attend or to produce documents before a committee shall be notified by a summons signed by the chairperson of the committee.

This provision contradicts Section 9 of the Parliament (Powers and Privileges) Act Cap. 258 that provides for the Clerk to Parliament to sign the summons under the direction of the Speaker.  The committee, therefore, proposes that the rules be amended to conform to the Act.

Regularisation of Receipt of Documents in Committees

The irregular practice of chairpersons, members and some unauthorised staff receiving documents on behalf of committees has been noted. This is in contravention to Rule 212 that stipulates thus: “*No document received by the clerk of a committee shall be withdrawn or altered without the knowledge and approval of the committee.”*

The breach of this rule often imposes undue influences on committee decisions and potentially breeds mistrust in committees, and may pose the risk of adulterating committee outputs.

The committee proposes an amendment to Rule 212, to emphasise the need for all official documents submitted to committees to be through the clerk to the committee.

Rules of Procedure for the Election of Members of the East African Legislative Assembly

Under Appendix B –

1) Signatures supporting nominations

The rules provide that all nomination forms shall include signatures and constituencies of not less than 20 Members of Parliament supporting the nomination of the candidate and that the Member of Parliament shall not nominate more than nine candidates for election to the Assembly.

The committee observes that –

a) The number of 20 Members of Parliament required to nominate a candidate for election to EALA is not commensurate to the number of the electorate. It also unnecessarily strains the candidates;

b) There should be a penalty for a Member who nominates more than nine candidates;

c) A candidate who is nominated by a Member who nominates more than nine candidates should not be punished for the action of the errant Member.

The committee proposes that –

a) The number of signatures required to support the nominations should be reduced to five;

b) Where it is found that a Member has nominated more than nine candidates, the Member shall be cited for contempt of Parliament and referred to the Committee on Rules, Privileges and Discipline;

c) The tenth and subsequent candidates nominated by a Member who nominates more than nine candidates shall have the nomination by that particular Member nullified and be given three working days to get another Member of Parliament to nominate them.

2) Nomination Fees

The committee proposes that in order to harmonise the election procedures of the East African Legislative Assembly with that of other electoral offices in the country, a nomination fee should be introduced.

The committee proposes that the rules be amended to provide for a nomination fee of Shs 3 million for candidates for election to EALA.

Electronic Media Coverage of the House

The advent and proliferation of social media applications in media coverage and information flow has presented both opportunities and challenges. While it has eased information flow, it has also stretched the right to privacy and heightened misinformation. It is against this background that the committee observes that electronic coverage of House proceedings must be further regulated.

The committee proposes that Appendix G of the rules should be amended to further regulate electronic coverage of House proceedings.

Conclusion

Madam Speaker, I beg to move that this report be adopted by this House. Thank you.

**THE SPEAKER:** Thank you very much, honourable chairperson and members of the Committee on Rules, Privileges and Discipline.

Honourable members, I would like to propose that you now go and study the proposals. If any of you wish to make proposals, they should be submitted early enough to the Clerk. Otherwise, there will be no spontaneous proposals from the Floor. A date will be given for the debate of this report. Thank you.

BILLS

COMMITTEE STAGE

THE SUCCESSION (AMENDMENT) BILL, 2018

Clause 27

**THE CHAIRPERSON:** Honourable members, we had partially considered the amendments to this law. We had gone as far as Clause 27. Honourable Chairperson -

**MR EDWARD MAKMOT (Independent, Agago County, Agago):** Madam Chairperson, in clause 27, we propose a replacement of Section 86 of the principal Act. In the proposed amendment to Section 86, replace the proposed sub-section (2) with the following:

“(2) Words in a will expressive of relationship shall be taken to include -

(a) a person who is related to the deceased by full blood or half-blood;

(b) a person born during the deceased’s lifetime and those who conceived in the womb on the date of the deceased person’s death and subsequently born alive; and

(c) male and female relatives of the deceased person.”

Justification: This is for clarity, better drafting and completeness.

**THE CHAIRPERSON:** You have heard the proposals under Clause 27. I put the question that Clause 27 be amended as proposed.

*(Question put and agreed to).*

*Clause 27, as amended, agreed to.*

*Clause 28, agreed to.*

Clause 29

**MR MAKMOT:** Clause 29 is on replacement of section 179 of the principal Act. The proposed section 179 is amended as follows:

(a) In the proposed subsection (1), insert the figure “36 (6)” immediately after figure “29”.

(b) In the proposed subsection (3), insert after the word, “may” the following: “within six months of the recovery of the donor.”

The justification is:

1. To subject the provision to Section 36(6), which exempts residential holding, including chattels, from being given away in contemplation of death.
2. To impose a timeline within which a donor may redeem the property he or she has granted to a person in contemplation of death.

**THE CHAIRPERSON:** Honourable members, you have heard the proposal on Clause 29. I put the question that Clause 29 be amended as proposed.

*(Question put and agreed to.)*

**Mr MAKMOT:** We are also inserting a new clause immediately after Clause 29 of the Bill-

**THE CHAIRPERSON:** Let me first put the question. I put the question that Clause 29, as amended, do stand part of the Bill.

*(Question put and agreed to.)*

*Clause 29, as amended, agreed to.*

**MR MAKMOT:** We are inserting new clauses immediately after Clause 29 of the Bill. Immediately after Clause 29, insert the following new clause:

“Amendment of section 183 of the principal Act

Section 183 of the principal Act is amended by numbering the existing provision as sub-section (1) and inserting immediately after sub-section (1) the following-

‘(2) Where a testator is survived only by a child and does not expressly appoint an executor but appoints a guardian for the child, the guardian so appointed shall be the executor of the will of the deceased person.’”

**THE CHAIRPERSON:** Honourable members, the proposal is that a new clause be introduced as proposed. I now put the question that a new clause be introduced.

*(Question put and greed to.)*

**MR MAKMOT:** There is also amendment of Section 184 of the principal Act to read as follows:

“Section 184 of the principal Act is amended by-

(a) numbering the existing provision as subsection (1);

(b) substituting for the words, ‘is of unsound mind’ appearing in the provision, the words, ‘who has mental illness’; and

(c) inserting immediately after subsection (1) the following-

‘(2) Notwithstanding anything in this Act, court shall have the discretion to determine whether a person who is otherwise qualified to be granted probate is fit and proper and a court may defer the appointment of the executor or executrix to a later date or refuse to grant probate where an applicant is not suitable.’”

**THE CHAIRPERSON:** Honourable members, you should avoid numbering the subsection and leave that to the drafts people. However, I put the question that section 184 be amended as proposed.

*(Question put and agreed to.)*

**MR MAKMOT:** Madam Chairperson, Section 189 of the principal Act is amended by-

(a) Numbering the existing provision as sub-section (1)

(b) Inserting immediately after sub-section (1) the following new sections:

“(2) An executor or executrix who, before the grant of probate, misapplies the estate of the deceased person or subjects it to loss or damage, is guilty of an offence and is, on conviction, liable to imprisonment for a term of two years or to a fine not exceeding 48 currency points or both.”

(3) In addition to the penalty in sub-section (2), the person convicted shall be liable to make good, to the estate and beneficiaries of the estate, the loss or damage so occasioned.”

**THE CHAIRPERSON:** Honourable chairperson, is all this under the same Clause 29?

**MR MAKMOT:** Yes.

**THE CHAIRPERSON:** I think you can first read them all because they are all under the same clause.

**MR MAKMOT:** “Amendment of section 190 of the principal Act

Section 190 of the principal Act is amended by -

(a) numbering the existing provision as subsection (1) and substituting for the words, ‘is of unsound mind’ appearing in the provision, the words, ‘who has mental illness’; and

(b) inserting immediately after sub-section (1) the following – ‘(2) Notwithstanding anything in this Act, court shall have the discretion to determine whether a person who is otherwise qualified to administer an estate under this Act, is fit and proper to do so and the court may defer the appointment of an administrator to a later date or refuse to grant letters of administration where an applicant is not suitable.’”

“Amendment of Section 192 of the principal Act

Section 192 of the principle Act is amended by numbering the existing provision as sub-section (1) and inserting immediately after sub-section (1) the following new subsections:

‘(2) An administrator who before the grant of letters of administration misapplies the estate of the deceased or subjects it to loss or damage, shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term of two years or a fine not exceeding forty-eight currency points or both.

(3) In addition to the penalty in sub-section (2), the person convicted shall be liable to make good, to the estate and the beneficiaries of the estate, the loss or damage so occasioned.’”

“Amendment of Section 200 of the principal Act…”

Should I go on, Madam Chairperson?

**THE CHAIRPERSON:** Not yet. Honourable chairperson, you need to correct the spelling of “defer” under Section 190. In the new subsection, it should be “defer” not “differ”.

**MR MAKMOT:** Noted, Madam Chairperson.

**THE CHAIRPERSON:** Honourable members, I put the question that Clause 29 is amended variously, as proposed.

*(Question put and agreed to.)*

*Clause 29, as amended, agreed to.*

**MR KAFUUZI:** I wish to make a small correction, Madam Chairperson. On the amendment of Section 192 of the principal Act, under sub-section (2) they are saying, “An administrator who before the grant of letters of administration…” It should be “A person who before the grant of letters of administration misapplies the estate of the deceased…”

My request is that we replace the words “an administrator” with the words “a person”. He is not an administrator at the time he misapplies the estate because he is not yet granted letters of administration. I beg to move.

**THE CHAIRPERSON:** Honourable chairperson, I believe you do not have an objection.

**MR MAKMOT:** Madam Chairperson, I thank the learned Attorney-General for that insight, and we concede.

Madam Chairperson, still under Clause 29, we have another amendment - if I may read it.

“Amendment of Section 200 of the principal Act

Section 200 of the principal Act is amended by substituting for ‘next of kin’ the words, ‘the spouse and lineal descendants of the deceased person.’”

The justification is:

1. The amendment proposed to section 183 is in recognition of the current position of the law as far as the appointment of guardians and the execution of estates of children is concerned.
2. In Section 184 and 190, for consistency, to change the nomenclature used from “unsound mind”, which condition may not be ascertainable, to “mental illness”, a condition that is ascertainable under laws of mental illness.
3. The term “next of kin” was not defined in the principal Act and is therefore impossible to determine, considering that there is no provision requiring the appointment of next of kin. Therefore, for consistency, the term needs to be replaced with words which are used ordinarily. Also, in this case, given the centrality of the spouse and lineal descendants in the grant of letters of administration, then it is imperative that the notification required in this section is given to the person proposed in the Bill.
4. To impose a fit and proper person test in the appointment of administrators and executors.
5. It also incorporates the proposal made in the 2019 Succession (Amendment) Bill, particularly clauses 24, 25, 26, 27 and 29.

Thank you, Madam Chairperson.

**THE CHAIRPERSON:** Honourable chairperson, apparently, we have finished clause 29. These are now new proposals; isn’t it?

Honourable members, I put the question that a new clause be introduced as proposed.

*(Question put and agreed to.)*

Clause 30

**MR MAKMOT:** Madam Chairperson, clause 30 is on the insertion of a new section 201A to the principal Act.

In Clause 30, the proposed section 201A is redrafted to read as follows:

“201A. Preference of surviving spouse to administer the estate of a deceased person

(1) The surviving spouse shall have preference over any other person in the administration of the estate of the deceased intestate.

(2) The preference of the surviving spouse under subsection (1) may be disregarded by the Administrator-General, where-

(a) the surviving spouse is not a fit and proper person to administer the estate of the deceased spouse; or

(b) the Administrator-General finds it necessary, in the circumstance of the estate, to grant the administration of the estate to another person.”

The justification is:

1. To codify a practice developed by court to wherein widows and widowers are no longer given priority over the administration of estates of their deceased partners due to the reality of our complex family structures. Judges are uncomfortable with such applications where a deceased person is survived by children from different women or in a polygamous family since court is not sure of the number of partners or children the deceased had at the time of death.

In order to protect the interest of all the beneficiaries of such estates, there are instances where it may be preferred that the administration is granted not to the surviving spouse alone but to any other person alone or a group of people, with or without the surviving spouse.

1. The proposal to give preference and not priority to the surviving spouse is to protect other beneficiaries of the estate, especially in polygamous relationships, where spouses have obtained administration without the knowledge of their step-children and have disinherited them.

It is for this reason that the courts themselves are reluctant to issue grants to widows applying alone, unless there is proof that all the children are born of the widow and the deceased.

**THE CHAIRPERSON:** Honourable members, I think when we were doing another Bill, there were issues around this provision. Did we accept it in the Administrator-General’s Act? I recall that we had issues about this type of arrangement when we were handling the Administrator-General’s Act. I want to know whether we passed it.

**MR KAFUUZI:** Madam Chairperson, this matter was removed from the Administrator-General’s Act and placed in this one.

**THE CHAIRPERSON:** Okay.Honourable members, I put the question that Clause 30 be amended as proposed.

*(Question put and agreed to.)*

*Clause 30, as amended, agreed to.*

*Clause 31, agreed to.*

Clause 32

**THE CHAIRPERSON:** I put the question that Clause 32 be deleted.

*(Question put and agreed to.)*

*Clause 32, deleted.*

*Clause 33, agreed to.*

Clause 34

**THE CHAIRPERSON:** I put the question that clause 34 be deleted.

*(Question put and agreed to.)*

*Clause 34, deleted.*

Clause 35

**MR MAKMOT:** Clause 35 - replacement of section 215 of the principal Act.

In Clause 35, redraft the proposed Section 215 as follows:

“215. Administration when child is sole beneficiary or residuary legatee

(1) Where a child is a sole beneficiary or sole residuary legatee, letters of administration with the will annexed may be granted to the guardian of the child or to such other person as court determines fit, until the child attains the age of majority.

(2) Notwithstanding sub-section (1), where the sole beneficiary or sole residuary legatee is eighteen years and above, court may, on the application of the sole beneficiary or sole residuary legatee-

(a) grant the sole beneficiary or sole residuary legatee letters of administration or probate where court considers the sole beneficiary or sole residuary legatee a fit and proper person; or

(b) grant the sole beneficiary or sole residuary legatee letters of administration or probate under the supervision of court or the Administrator-General where the applicant is not a fit and proper person.”

Justification

1. Currently, Section 215 conflicts with Section 184 of the Succession Act in so far as allowing the appointment of a minor as executor is concerned. The amendment is therefore to ensure that section 215 is in conformity with Section 184.
2. To remove the ambiguity in the amendment proposed in the 2018 Bill in so far as it allows the appointment of the guardian of a child as administrator of the estate when a child is the sole executor. As noted, a child cannot be appointed sole executor as required in Section 184. It also assumes that the guardian of the child will be appointed to administer the estate on behalf of the child yet court may appoint any other person in spite of the presence of a guardian.
3. To expand the provision to allow for the supervised administration of the estate where a young person is appointed administrator. This will safeguard the estate from abuse.
4. To limit the provision to a situation where there is a sole beneficiary or residuary legatee

Madam Chairperson, I do not know whether I should read the insertion-

**THE CHAIRPERSON:** Let us deal with Clause 35 first. Honourable members, I put the question that clause 35 be amended as proposed.

*(Question put and agreed to.)*

*Clause 35, as amended, agreed to.*

**MR MAKMOT:** The new clause comes immediately after clause 35 of the Bill. Immediately after Clause 35, we insert the following new clause:

“Repeal of Section 216 of the principal Act

Section 216 of the principal Act is repealed.”

Justification:

1. Consequential amendment arising from the amendment of Section 215 as proposed in clause 35.
2. To incorporate proposals made by the Succession (Amendment) Bill, 2019, specifically in Clause 31.
3. For consistency, to remove matters that conflict with section 184 wherein the appointment of minors as executors is specifically barred.

Thank you, Madam Chairperson.

**THE CHAIRPERSON:** Honourable members, I put the question that a new clause be inserted as proposed?

*(Question put and agreed to.)*

*New clause inserted.*

Clause 36

**MR MAKMOT:** Clause 36 is on the amendment of Section 234 of the principal Act.

In Clause 36, replace the proposed amendment to Section 234 with the following:

“Section 234 of the principal Act is amended-

(a) in sub-section (2) by inserting immediately after paragraph (e) the following:

‘(f) the person to whom the grant was made has grossly mismanaged the estate.’

(b) by inserting immediately after subsection (2) the following -

‘(3) Where a grant of probate or letters of administration is revoked under sub-section (2) (b) or (f) of this section, the executor, executrix or person to whom letters of administration were granted, as the case may be, shall be guilty of an offence and shall on conviction be liable to imprisonment for a term of three years or to a fine not exceeding seventy-two currency points or both.

(4) In addition to the penalty in sub-section (3), the person convicted in sub-section (3) shall be liable to make good, to the estate and the beneficiaries of the estate, the loss or damage so occasioned.

(5) Court may, in the same process for revocation of letters of administration, grant letters of administration to another to grant where court determines that such a person is a fit and proper person to be granted letters of administration under this Act.’”

The justification is –

1) To create criminal offences against persons who obtain letters of administration through fraud and untrue allegations as prescribed in sections 234(2)(b), and (f). Imposing such an offence against a person who fails to file an inventory would scare would-be administrators or executors and make the administration of estates hard. Criminal sanctions should be left for serious offences related to wastage, theft, conversion, deliberate misapplication of estate property, or forgery of documents during or before the process of administration of the estate.

2) To adopt proposals made by Government in Clause 32 of the Succession (Amendment) Bill, 2019 wherein Government proposes to impose criminal sanctions against the executor, executrix or person granted letters of administration where letters of administration or probate are revoked by court.

3) To save time and resources, to empower courts to grant letters of administration in the same process as the process for cancellation of letters of administration.

Madam Chairperson, there are other insertions -

**THE CHAIRPERSON:** Is this a new one? Let us first deal with the existing clause.

**MR NANDALA-MAFABI:** Madam Chairperson, the chairperson of the committee is talking of “grossly mismanaged”, yet here in the Bill it says, “has mismanaged”. Why are you introducing the word “grossly” and not adopting what is in the Bill?

**THE CHAIRPERSON:** Hon. Nandala-Mafabi, where is your issue?

**MR NANDALA-MAFABI:** Madam Chairperson, the report says, “the person to whom the grant has grossly mismanaged.” Now, my concern is that in the Bill, it says, “the person to whom the grant was made, has mismanaged.” The issue is: how do you measure gross mismanagement? Mismanagement is mismanagement; you cannot measure gross mismanagement of the estate.

**MR MAKMOT:** Madam Chairperson, the impression initially was that clause 36 had been amended and that is why the word “grossly” was put in. However, there is a consensus that if it is an issue, we can leave it out.

**THE CHAIRPERSON:** Yes, because if you say “grossly”, it means if it is not gross, it is acceptable. That is what it means.

**MR MAKMOT:** We concede, Madam Chairperson.

**THE CHAIRPERSON:** Therefore, should we leave Section 234 as it was? That is in relation to the first subclause; what about the rest? Are the rest okay?

Honourable members, I put the question that Clause 36 be amended as proposed in paragraph (b) and in (3), (4) and (5).

*(Question put and agreed to.)*

*Clause 36, as amended, agreed to.*

**MR MAKMOT:** Madam Chairperson, we are inserting a new clause immediately after clause 36 as follows:

“Amendment of section 235 of the principal Act

Section 235 of the principal Act is amended by repealing subsection (2).”

“Amendment of section 236 of the principal Act

Section 236 of the principal Act is amended by replacing the term ‘district delegate’ with ‘chief magistrate and a magistrate’.”

Justification

1. This is a consequential amendment arising from the deletion of the word “delegate”, which makes the provision redundant.
2. To adopt amendments proposed in clauses 33 and 34 of the 2019 Bill. Thank you.

**The Chairperson:** Honourable members, I put the question that a new clause be introduced as proposed.

*(Question put and agreed to.)*

*Clause 37, agreed to.*

Clause 38

**Mr makmot:** Clause 38 is on amendment of Section 258 of the principal Act

In Clause 38, in the proposed amendments to Section 258, substitute for the proposed sub-sections (2) and (3) the following:

“(2) A person to whom probate is granted under sub-section (1) shall carry out the duties and functions authorised by the grant of probate for a period not exceeding two years.

(3) Notwithstanding sub-section (2), court may on application extend the duration prescribed in sub-section (2) for a further period of two years if it is satisfied that-

(a) it is in the best interest of the beneficiaries to extend the period; and

(b) the person to whom the grant of probate was made has-

(i) complied with the provisions of this Act or any condition on which probate was granted; and

(ii) obtained the consent of all the beneficiaries in the estate for which probate was made.

(4) Sub-sections (2) and (3) shall not apply to-

(a) probate granted to a guardian under Section 215 except that for cases falling under subsection 215, probate shall terminate automatically as required in Section 215 of this Act; or

(b) probate granted to the Administrator-General under the Administrator-General’s Act.”

Justification

1. The imposition of a validity timeline will result in additional costs on the estate to renew probate, which will expose the estate to additional costs, thereby eroding the beneficiaries’ legacy.
2. To limit the functions of the executor to two years since, in the majority of estates, the functions of executor being the collection and distribution of the estates to persons entitled to it can be carried out within two years and any attempt at increasing it beyond that time will delay the beneficiaries from accessing their entitlements and will result in the executor unreasonably holding onto the estate for personal gain.

Limiting the grant to two years would put the executor on notice that their role is much limited and they would execute their duties as soon as possible. Providing a total term of six years, as proposed in the Bill, would be counterproductive when what is needed is for administration to be concluded as fast as possible.

1. The provision also did not take into account estates of minor children as prescribed in Section 215 wherein the office of the executor does not terminate until the child, who is the sole legatee or residue legatee, has reached the age of majority.
2. In order to reduce on the cost of administering the estate, the Administrator-General need not give consent to applications made under sub-section (3).
3. To impose grounds upon which court may extend the duration of grant.
4. To limit the application of the provision to guardians since they are looking after the interests of children.
5. To prescribe the duration of the extension.

**Mr nandala-mafabi:** Madam Chairperson, I would like to seek clarification. In the justification, the chairperson of the committee talks of two years yet in the Bill, he says it should not exceed three years. I would like us to harmonise that.

In the Bill it states as follows: *“The grant of probate under sub-section (1) shall be valid for a period of three years from the date of issue.”* What has changed for us to say, “not exceeding three years” and what is in the Bill? I would like to understand what he is trying to cure.

Secondly, why does the justification talk about two years, yet here it is three years? In my view, I would go by the justification and say, “The grant of probate under subsection… shall not exceed two years.” The moment it exceeds the two years, the executor will want to plunder the estate if he discovers that it is juicy. In the end, the beneficiaries will lose out. Such executors should execute their work within 24 months. Therefore, it should be two years as mentioned in the justification but not as it is in the Bill.

**Mr kafuuzi:** Madam Chairperson, our intention is to align this with what we have in the Administrator-General’s Act where we also capped it at two years.

Secondly, I believe my senior colleague, hon. Nandala-Mafabi, does not have what we are presenting. He has the Bill but what we are presenting is the proposed amendment to the Bill. I beg to submit.

**Mr nandala-mafabi:** Madam Chairperson, I would like to tell my young brother that in the proposed amendment, the committee says,“…not exceeding three years”–*(Interjections)*– So, does this report have a mistake? The report has signatures.

**The Chairperson:** The report I have says two years. Honourable members, I put the question that clause 38 be amended as proposed.

*(Question put and agreed to.)*

*Clause 38, as amended, agreed to.*

Clause 39

**Mr makmot:** Clause 39 is on amendment of Section 259 of the principal Act

In Clause 39, substitute for the proposed amendment to Section 259 the following:

“(2) A person to whom letters of administration are granted under subsection (1) shall carryout the duties and functions authorised by the letters of administration for a period not exceeding two years.

(3) Notwithstanding subsection (2), the court may on application extend the duration prescribed in subsection (2) for a further period of two years if it is satisfied that-

(a) it is in the best interest of the beneficiaries to extend the period; and

(b) the person to whom letters of administration were granted has –

(i) complied with the provisions of this Act or any condition to which the grant of letters of administration is subject to; and

(ii) obtained the consent of all the beneficiaries in the estate to which the letters of administration apply.

(c) Sub-sections (2) and (3) shall not apply to letters of administration granted to -

(i) a guardian under section 215 except that for cases falling under subsection 215, letters of administration shall terminate automatically as required in section 215 of this Act; or

(ii) the Administrator-General under the Administrator- General’s Act.”

Justification

1. The imposition of a validity timeline will result in additional costs on the estate to renew, which will expose the estate to additional costs, thereby eroding the beneficiaries' legacy.
2. To limit the functions of the executor to two years, since in the majority of estates, the functions of administrator being the collection and distribution of the estate to persons entitled to it, can be carried out within two years. Any attempt at increasing it beyond that time will delay the beneficiaries from accessing their entitlements and will result in the executor unreasonably holding onto the estate for personal gain.
3. Limiting the grant to two years would put the executor on notice that their role is much limited and they should execute their duties as soon as possible –

**MR NANDALA-MAFABI:** Madam Chairperson, I rise on a procedural issue. I have a report signed by members and it talks about three years but my brother is reading two years. I have even confirmed with my colleagues the two years –

**MR MAKMOT:** I think my colleague is not alluding to the fact that after the first report, harmonisation was done with the learned Attorney-General and the private Member who moved. I think he is still holding onto the old report before the harmonisation; probably, that is where the discrepancy arises.

**MR NANDALA-MAFABI:** Madam Chairperson, could I have a copy of the harmonised one? I have checked my iPad and I cannot see it.

**MR MAKMOT:** This current report that we are reading is actually uploaded. My colleague should be able to access it.

**THE CHAIRPERSON:** Honourable members, this is a report we used when processing the first half of this Bill. We already have it. I put the question that clause 39 be amended as proposed.

*(Question put and agreed to.)*

*Clause 39, as amended, agreed to.*

**MR MAKMOT:** We propose insertion of a new clause immediately after clause 39. The new clause reads as follows:

“Amendment of Section 265 of the principal Act

Section 265 of the principal Act is amended by –

(a) numbering the existing provision as sub-section (1) and substituting for the words ‘the petitioner for probate or letters of administration, as the case may be, shall be the plaintiff, and the person who may have appeared to oppose the grant shall be the defendant’, appearing in the provision, the words, ‘either the petitioner for probate or letters of administration or the person who may have appeared to oppose the grant for probate or letters of administration, may be the plaintiff in the suit’; and

(b) inserting immediately after sub-section (l), the following new subsections:

‘(2) The High Court may refer the parties to a suit under this section to the Administrator-General, where the party whose application is the cause of the suit was not required to, and therefore, did not give the Administrator-General notice of the application for a grant under Section 5 of the Administrator-General's Act.

(3) The High Court shall in all matters before the court under this section issue summons to all the persons mentioned in the application for probate or letters of administration to appear before the court as witnesses.’”

The justification is: to incorporate the proposals contained in the 2019 Succession (Amendment) Bill, especially Clause 37.

Thank you, Chairperson.

**THE CHAIRPERSON:** Honourable members, the question is that a new clause be inserted as proposed.

*(Question put and agreed to.)*

*New clause, agreed to.*

*Clause 40, deleted.*

Clause 41

**MR MAKMOT:** In Clause 41, substitute for the proposed Section 268 the following:

“268. Intermeddling and other acts

(1) A person who intermeddles with the estate of a deceased person commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or imprisonment not exceeding ten years, or both.

(2) A person is taken to intermeddle in the estate of a deceased where that person, while not being the Administrator -General, an agent of the Administrator-General, or a person to whom probate or letters of administration have been granted to by court-

(a) takes possession or disposes of a deceased person’s property; or

(b) does any other act which belongs to the office of executor or the administrator.

(3) Notwithstanding subsection (2), a person shall be taken to intermeddle in the estate of the deceased person where that person, although designated by the beneficiaries of the estate as administrator or appointed in the will as executor, does any other act which belongs to the office of executor or administrator before he or she has been granted probate or letters of administration by court.

(4) Sub-section (1) shall not apply in cases where the intermeddling is by a spouse or lineal descendant of the deceased person and it happens before grant of letters of administration or probate, in circumstances prescribed in sub-section (5).

(5) The circumstances referred to in sub-section (4) are where the intermeddling of the spouse is for the purpose of -

(a) preserving the estate;

(b) providing for the deceased’s funeral;

(c) providing immediate necessities for the deceased’s family;

(d) preserving and prudent management of the deceased person’s business, including preserving the deceased person’s goods of trade; or

(e) receiving money or other funds belonging to the deceased.

(6) The duration for which a person referred to in sub-section (4) may intermeddle in the estate of the deceased person is six months from the date of the deceased person’s death or until the grant of letters of administration or probate, whichever first occurs.

(7) A person who intermeddling with the estate of the deceased person, pursuant to subsection (4) shall immediately report particulars of the property and of the steps taken to the Administrator-General or its agent.

(8) A person who has reason to believe that the person intermeddling in the estate of a deceased person, pursuant to sub-section (4), has caused a loss or damage to the estate or that there are reasonable grounds for ending the intermeddling, may report to the Administrator-General or its agent for redress.

(9) A person who intermeddles in the estate of a deceased person pursuant to sub-section (4) shall be personally liable for any loss occasioned to the estate arising from the intermeddling and shall make good the loss caused to the estate.

(10) Notwithstanding sub-section (9), a person who intermeddles with the estate and causes loss shall make good the loss occasioned to the estate, except that where the person who causes the loss is a beneficiary under the estate, a portion of that person’s entitlement, representing the loss occasioned to the estate, shall be applied towards making good the loss occasioned to the estate.

(11) A person who intermeddles in the estate of the deceased person beyond the time prescribed in sub-section (6) commits an offence and is liable to a fine not exceeding one thousand currency points or imprisonment not exceeding ten years, or both.”

The justifications are:

1. To expand the definition of the word “intermeddling” to include instances where court has appointed an administrator or executor. Currently, and even in the proposed amendment, intermeddling can only happen before grant of letters or probate, yet we know that intermeddling can happen even after the grant of letters of administration or probate.
2. In order to preserve the estate from abuse before letters or probate is granted, to expand the provision to allow intermeddling in the estate by a spouse, children or a partner of the deceased.
3. To limit the intermeddling to six months or until letters or probate is granted;
4. To create an offence against a person who is intermeddling beyond the time prescribed.
5. To implore the person to make an application to court to end intermeddling where the estate is being mismanaged.
6. To require a person who intermeddles in the estate of the deceased to make good the loss caused to the estate.

Thank you, Madam Chairperson.

**THE CHAIRPERSON:** On page 56, under (7), I think it should be “a person who intermeddles…” not “intermeddling”. It is “intermeddles.”

**MR MAKMOT:** Yes. That is true. I concede.

**MR NANDALA-MAFABI:** Madam Chairperson, under (11), we are prescribing what the person will be liable for but in sub-clause (9), we are talking about a person making good the loss.

Madam Chairperson, I want to propose that we merge sub-clauses (4) and (11) to the extent that the person who intermeddles in the estate of the deceased beyond the time prescribed, commits an offense and is liable – This is the one who exceeds but what about the one who commits an offence under sub-clause (9)? Subsection (9) reads as follows: “A person who intermeddles in the estate of a deceased person pursuant to subsection (4) shall be personally liable for any loss arising from the intermeddling…”

Why don’t we penalise this person? Why do we only look at the loss and not penalise the person as well, so that we can deter this person from meddling? If they know the loss, they will only pay for the loss of the estate. However, if they also get penalised beyond the loss, then that punishment will become a deterrent to this person to stay away from intermeddling in the affairs of the estate.

Therefore, I want to propose that even in sub-clause (9), we add a penalty in addition to making good the loss.

**THE CHAIRPERSON:** I do not know whether that is necessary. Under subclause (9), the presumption is that the matter will go to court and the determination will be made about how much to refund.

I put the question that the clause 41 be amended as proposed.

*(Question put and agreed to.)*

*Clause 41, as amended, agreed to.*

Clause 42

**MR MAKMOT:** We propose that clause 42 is substituted with the following:

“270. Disposal of property

(1) Subject to sections 27 and 36 (6), an executor or administrator may, with the written consent of the surviving spouse and all the lineal descendants of the estate, dispose of the property of the deceased either wholly or in part.

(2) Where a beneficiary of the estate is a child, the consent required in subsection (1) shall be given by the guardian of the child and where the guardian of the child is the executor or administrator, the consent shall be granted by court.

(3) The executor or administrator shall account to the estate the proceeds of sale;

(4) In disposing of property under this section, the first option shall be given to a beneficiary of the estate to purchase the property.

(5) An executor or administrator shall not be eligible to purchase property of the estate, except where such executor or administrator is a surviving spouse or lineal descendant.

(6) Any disposal of the property belonging to the estate of a deceased person in contravention of this section shall be void.”

The justifications are:

1. To exempt the disposal of matrimonial homes from sale.
2. To impose restrictions on the sale of property of the deceased person.
3. To bar the executor or administrator, as the case may be, from purchasing the property belonging to the estate he or she is administering or executing.
4. To impose an obligation on the executor or administrator to account to the estate for the proceeds arising from the sale of property.
5. To grant pre-emption rights to the beneficiary of the estate to purchase the property before it is offered to a third party.
6. Finally, to incorporate the proposal made to Section 270 under the 2019 Succession (Amendment) Bill.

**THE CHAIRPERSON:** Honourable members, I need to remind you that we agreed earlier that instead of the word “child” we use the word “infant”, because a child does not need a guardian. This is someone who is 17 years old and below. So, please, let it be changed wherever it occurs.

Honourable members, I put the question that a new clause be inserted as proposed.

*(Question put and agreed to.)*

*Clause 42, as amended, agreed to.*

**THE CHAIRPERSON:** Is there a new clause?

**MR MAKMOT:** Yes, Madam Chairperson.We propose insertion of a new clause after Clause 42. Immediately after Clause 42, insert the following new clause:

“Repeal of Section 271 of the principal Act

Section 271 of the principal Act is repealed.”

The justification for the repeal of Section 271 is:

1. To ensure that the executor or administrator cannot sell to him or herself property belonging to an estate he or she is executing or administering, since this will be a conflict of interest.
2. It is a consequential amendment arising from the amendment of Section 270 of the Succession Act, in Clause 42.

**MR NANDALA-MAFABI:** The current section 271 is about the purchase of the deceased’s property and states thus: *“If an executor or administrator purchases, either directly or indirectly, any part of the property of the deceased, the sale is voidable at the instance of any other person interested in the property sold.”*

Now, you want us to remove this, yet it helps to prevent an executor or an administrator from purchasing. I think that if we delete it, we will be saying that the executor or administrator can purchase, yet we are saying that they should not.

**MR KAFUUZI:** Madam Chairperson, to address my senior colleague’s concern, we are creating an exception. We are saying you can only purchase if you are a surviving spouse or a lineal descendant.

**THE CHAIRPERSON:** Section 271 talks about the executor or administrator and not the spouse. This is the person who has the responsibility for the estate, not the spouse.

**MR BASALIRWA:** The clarification I would like to give hon. Nandala-Mafabi is that the proposal by the committee is intended to outlaw any purchase of property by an executor or administrator because the current provision merely makes it voidable.

In other words, the current provision is permissive because they use the word “voidable”. The proposal is to completely outlaw and bar the executor or administrator from purchasing the property he or she is administering or executing.

**MR MAKMOT:** Madam Chairperson, in clause 42, we had already barred the executor from selling to himself or herself, and that is the reason we are deleting section 271. It is because in clause 42, we had already outlawed him from selling to himself.

**THE CHAIRPERSON:** Honourable members, I put the question that a new clause be introduced as proposed.

*(Question put and agreed to.)*

Clause 43

**MR MAKMOT:** Clause 43 is being substituted with the following- “Amendment of section 272 of the principal Act

The principal Act is amended by -

(a) renumbering the current provision as subsection (1); and

(b) inserting immediately, after the following-

‘(2) Notwithstanding subsection (1), where there are more than one executor or administrator, probate or letters of administration may, with the consent of all the other executors or administrators, be granted to a sole executor or administrator or any other number of executors or administrators as the case may be.’”

Justification

To require the consent of all executors or administrators in a situation where there is more than one executor or administrator but one or a few of them are interested in obtaining probate or letters of administration.

**MR NANDALA-MAFABI***:* I was trying to consult my brother, hon. Basalirwa. I think it should be a written consent because someone can give consent in a bar and tomorrow when they go to court, there will be a problem. Here, we should add the words, “written consent”, and hon. Basalirwa seems to agree with me. *(Laughter)*

**MR MAKMOT:** Madam Chairperson, we will take the wisdom of the senior member. We concede.

**THE CHAIRPERSON:** Honourable member, I put the question that clause 43 be amended as proposed.

*(Question put and agreed to.)*

*Clause 43, as amended, agreed to.*

Clause 44

**MR MAKMOT:** Substitute for the proposed Section 273 the following-

“273. Survival of executors or administrators

Upon the death of one or more executors or administrators, the surviving executor or administrator shall-

(c) in the case of an estate with immovable property, with the consent of the beneficiaries of the estate and with leave of court, continue as executor or administrator of the estate; and

(d) in the case of an estate with movable property only, continue as executor or administrator of the estate.”

The justification is –

1. For clarity.
2. To allow an executor or administrator to continue, notwithstanding the death of one or more executors or administrators, save for the estate with immovable property, where they need an order of court.
3. To ensure that a surviving executor and administrator should seek the consent of the beneficiary before applying for leave of court to continue in administration of an estate.

**MR NANDALA-MAFABI:** Madam Chairperson, since we have adopted “written”, even the consent here should be written. If the chairperson concedes to that, it will be better.

**THE CHAIRPERSON:** Honourable members, with that adjustment, I put the question that Clause 44 be amended as proposed.

*(Question put and agreed to.)*

*Clause 44, as amended, agreed to.*

*Clause 45, agreed to.*

*Clause 46, agreed to.*

Clause 47

**MR MAKMOT:** For clause 47, there is substituted the following-

“Replacement of Section 311 of the principal Act

The principal Act is amended by substituting for Section 311, the following-

‘311. Procedure in respect of the share of a child in intestacy

(1) Where a person entitled to a share in the distribution of the estate of the deceased is a child, the executor or the administrator shall deliver the share of the child to the guardian of the child.

(2) The guardian of the child shall manage the property delivered to him or her in sub-section (1) in a prudent manner and shall-

(a) apply the property for the benefit of the chid;

(b) take reasonable steps to safeguarded the property of the child from loss or damage; and

(c) annually account in respect of the child’s property to the surviving parent in any court or any other person as court may direct.

(3) Except where there is an order of court to the contrary, the guardian shall within six months of the child attaining the age of eighteen years, transfer all the property in his or her custody to the child.

(4) Notwithstanding sub-section (3), a guardian or any other person who considers that a person to whom a property will be transferred to pursuant to sub-section (3) is not fit to administer his or her property, the guardian or such other person my apply to court to determine the suitability of the person to manage his or her property.’”

Justification

1. This is to align the provision with the provisions of the Children Act which require the appointment of a guardian to take charge of the child’s property and to administer the same.
2. To provide for a time within which a guardian shall transfer property to a child upon attaining the age of majority.
3. Finally, to allow court to determine the suitability of a person to manage his or her property.

**THE CHAIRPERSON:** Honourable members, again, I am taking issue with your removal of the word “minor”. A minor, in law, means you are 17 and below, so we cannot substitute it with anything else. Under sub-section (4) of your proposal, the word “to” is missing – “…is not fit to administer…”

**MR NANDALA-MAFABI:** Madam Chairperson, we need to maintain the word “minor”. I would also like to seek clarification from the chairperson of the committee. What about those who have unstable minds and are beneficiaries of the estate; we have not made a provision for them. How do we take care of their interests because they will need some of the estate maybe for maintenance and other needs?

Madam Chairperson, I would like the chairperson to think about it, so that we could add “minor and those who are incapable” - above 18 years but incapable.

**MR MAKMOT:** Madam Chairperson, in the wisdom of the committee, they saw that, first of all, under sub-section (4), “not fit to administer” had in a way catered for that. Also, there is an Act, which actually deals with the administration of the estate of persons of unsound mind, which elaborately addresses that. So, that was the reasoning here.

**MS OGWAL:** Madam Chairperson, the person may not necessarily be of unsound mind but may be sickly and that sickness makes that person incapable of managing the property.

However, Madam Chairperson, the point I want clarification on is under sub-section (2)(b) - “take reasonable steps to safeguard the property…” Are “reasonable steps” defined somewhere in the law? If they are not defined, then leave it to the guardian to decide what is reasonable and what is not. I want to be put at ease that somebody cannot use this word, “reasonable”. Thank you.

**MR BASALIRWA:** Madam Chairperson, to try and address the concerns of Mama Cecilia, whenever the law uses the word “reasonable”, they take the standard of an ordinary person on the street. Usually, that statement is used on the basis that human nature is not necessarily perfect.

You are likely to have situations where imperfections may occur but usually, “reasonable” is a question of fact - what is reasonable in the circumstances. It could be a very broad term but sometimes, it is unavoidable in legislations of this nature.

There are many statements of that nature that appear in many of our laws for purposes of ensuring that nature may not be entirely perfect. That is usually the import of that statement.

**MR KAFUUZI:** Madam Chairperson, I wish to depart from the submission of my colleague, hon. Asuman Basalirwa. In this particular case, I wish to agree with the proposal of *Mama* Cecilia Ogwal and hon. Nandala-Mafabi.

When you remove the word “reasonable”, it reads, “takes steps to safeguard the property”, which creates an obligation on this person to take steps to safeguard the property. However, if you say “reasonable steps”, depending on his or her state of mind - Assuming this person wants to acquire that property themselves or through someone else, they can put a feeble fence or defence around the property, which will be overrun and then they say, “We lost the property”. We shall have embedded weakness in the law which will allow people to manipulate the system.

On that basis, I would propose we remove the word “reasonable” and go with “take steps”, in which case it is incumbent upon whoever is in charge to show which steps he or she has taken to safeguard the property. I beg to submit.

**MR NANDALA-MAFABI:** Madam Chairperson, I want to thank the Attorney-General for agreeing very fast because you can get a judge who can say, “the person was reasonable”; for example, if you get Justice Kavuma - *(Laughter)*

**THE CHAIRPERSON:** Honourable members, I put the question that Clause 47 be amended as proposed.

*(Question put and agreed to.)*

*Clause 47, as amended, agreed to.*

Clause 48

**MR MAKMOT:** Madam Chairperson, we propose to substitute for clause 48, the following:

“Amendment of Section 331 of the principal Act

Section 331 of the principal Act is amended -

(a) by substituting the reference to “Tanzania or Kenya”, appearing in the headnote and in the section, with “a country other than Uganda; and

(b) by substituting “the Supreme Court of Kenya or a High Court of Tanzania and” appearing in sub-Section (3) with “a court of a country other than Uganda.”

The justification is: to clarify and for better drafting, since the old Section 331 of the principal Act need not be amended. The areas that are in need of amendment are those outlined in Clause 40 of the 2019 Government Bill and this should be adopted.

**THE CHAIRPERSON:** Honourable members, I put the question that Clause 48 be amended as proposed.

*(Question put and agreed to.)*

*Clause 48, as amended, agreed to.*

Clause 49

**MR MAKMOT:** In Clause 49, substitute for the proposed amendment to Section 332 the following:

“332. Liability of executor or administrator for damage or loss to estate

(1) An executor, executrix, or administrator who -

(a) misapplies the estate of the deceased person;

(b) misappropriates or cannot account for the proceeds accruing to the estate of the deceased person or to a beneficiary of the estate; or

(c) subjects the estate or a beneficiary to loss or damage,

commits an offence and is liable, on conviction, to imprisonment for a term of three years or to a fine not exceeding one thousand currency points or both.

(2) The court shall, in addition to the penalty under sub-section (1), order the person to make good the loss or damage occasioned to the estate or beneficiary.”

The justification:

1) To extend the provision to cater for beneficiaries, thereby imposing a duty of care towards the individual members of the estate of the deceased person.

2) To expand the circumstances under which a person will be criminally liable for loss.

3) To adopt the proposal made in clause 41 of the 2019 Succession (Amendment) Bill, especially on the penalty for breach.

**MR NANDALA-MAFABI:** Madam Chairperson, I went to Busoga College Mwiri; I never studied English. Since you have said “executor” and you have brought in “executrix”, I think that one is a woman; I cannot tell.

**THE CHAIRPERSON:** That means a woman.

**MR NANDALA-MAFABI:** If you are also talking of an administrator, then you should also talk of “administratrix” –*(Laughter)*. Madam Chairperson, do you agree with me?

**THE CHAIRPERSON:** Yes.

**MR NANDALA-MAFABI:** Thank you very much. I want to ask the chairperson why you forgot that one - administratrix. I want to propose that we add that.

**THE CHAIRPERSON:** I think it is really in order.

**MS OGWAL:** Madam Chairperson, my concern is about the way it is drafted. Maybe people like hon. Nandala-Mafabi would have helped me because he is a professional accountant. Sub-section (1)(c) says, “subjects the estate or a beneficiary to loss or damage, commits an offence and is liable, on conviction, to imprisonment for a term of three years or to a fine not exceeding…”

My concern is that it depends on the gravity of the loss. Particularly, when we are talking of mismanagement, loss or damage, there must be accountability to quantify the loss or the damage. Where the whole estate has been mismanaged and there are no clear accounts to put your fingers on or to identify the exact amount of loss, I find the liability or imprisonment of only three years difficult.

Maybe we could make it even more stringent, because we are not sure of the amount of money that would have been lost during this period of mismanagement. I am not very comfortable with the way it has come out, Madam Chairperson.

**THE CHAIRPERSON:** Hon. Ogwal, what are you proposing?

**MS OGWAL:** I am proposing that the Attorney-General translates my explanation into a legal *– (Laughter)*

**MR MAKMOT:** Madam Chairperson, again, if it can be of benefit, subsection (2), just after what my senior *mama* has read, says, “The court shall, in addition to the penalty under subsection (1), order the person to make good the loss or damage occasioned to the estate or beneficiary.”

There is an indication - With the wisdom of the learned Attorney-General, the translation can be “pay back” or “compensate” or the remedy of restitution. Thank you, Madam Chairperson.

**THE CHAIRPERSON:** Is the word “make good” the problem? It means that you must replace.

**MR MAKMOT:** Madam Chairperson, the provision as it stands, in her view is that in addition to the penalty that *- (Interjections) -* I think *mama* is in consent with it as it stands. The other one was by the way.

**THE CHAIRPERSON:** Okay, the operational word is “in addition”. Honourable members, I put the question that – Yes, she agreed. Please, speak to the amendment about executor, executrix, administrator and administratrix.

Honourable members, after administrator, let us add the word “and administratrix”. I put the question that clause 49 be amended as proposed.

*(Question put and agreed to.)*

*Clause 49, as amended, agreed to.*

Clause 50

**MR MAKMOT**: In Clause 50, redraft the proposed sub-section (1) as follows:

“(1) An executor or administrator who occasions loss to the estate by neglecting to do an act or omission which causes loss to the estate of a deceased person or to a beneficiary under the estate of a deceased person commits an offence and is liable, on conviction, to imprisonment for a term of three years or to a fine not exceeding one thousand currency points, or both.”

Justification:

1) To expand the provision to include beneficiaries in addition to the general estate, thereby imposing a duty of care towards the individual members of the estate of a deceased person.

2) To expand the provision to include all negligent acts or omissions done by the executor or administrator.

3) For consistency, to harmonise the penalties prescribed in section 332 and 333 of the Succession Act.

4) To adopt amendments proposed to section 333 under the 2019 Bill.

**MR NANDALA-MAFABI:** Madam Chairperson, we are defining the only way you can be punished and we are saying, “by neglecting or omission”. However, there are other ways. This is wrong. What we should say, or what I am proposing, is: “An executor or administrator who occasions loss to the estate of a deceased person…” We remove the reference to neglect and omission because one will argue that they never neglected or made an omission, but a loss has occurred because of his acts. His acts may not be an omission or neglect. They can even be intentional.

I would like to propose as follows: “An executor or administrator who occasions loss to the estate of the deceased person or the beneficiary under this…” So, we remove the words “neglect” and “omission”.

**MR KAFUUZI:** Madam Chairperson, I beg to disagree with my senior colleague. When you remove the words, “neglect” or “omission”, you are creating direct liability without subjecting it to the test. The provision for neglect or omission, in law, which we call misfeasance or nonfeasance - failing to do or doing wrongly - means that there is a subjective test. If we remove it, we open it to abuse. I beg to submit.

**THE CHAIRPERSON:** Hon. Nandala, for instance, if I am the administrator and I am required to pay taxes and then I omit to pay those taxes for three or four years and Uganda Revenue Authority grabs the property, that is by omission.

Honourable members, I put the question that Clause 50 be amended as proposed.

*(Question put and agreed to.)*

*Clause 50, as amended, agreed to.*

*Clause 51, agreed to.*

Clause 52

**MR MAKMOT:** In Clause 52, under the proposed sub-section (2), substitute the words, “to a fine not exceeding twenty-four currency points or imprisonment not exceeding one year, or both” with the words, “imprisonment for a term of three years or to a fine not exceeding one thousand seventy-two currency points, or both.”

Justification

1. To enhance the penalty imposed to make the provision deterrent enough.
2. To harmonise the prescribed penalty with similar penalty prescribed in the proposed amendment to sections 331, 332 and 333 of the Succession Act.

**THE CHAIRPERSON:** Honourable members, I put the question that Clause 52 be amended as proposed.

*(Question put and agreed to.)*

*Clause 52, as amended, agreed to.*

Clause 53

**MR MAKMOT:** Clause 53 is amended in paragraph (a) by inserting the following: “minor a reference to child”. That was dealt with before.

**THE CHAIRPERSON:** I thought we had agreed -

**MR MAKMOT:** We can adjust it.

**THE CHAIRPERSON:** A minor is a minor, please.  Are you harmonising it? Okay, wherever you have put the word “child”, replace it with the word “minor”.

**Mr makmot:** Secondly, by inserting immediately after paragraph (b) the following:

“(c) by substituting for the term –

(a) ‘district delegate’ appearing in Part XXXI of the Act and in any other part of the Act, the term ‘Chief Magistrate or Magistrate’;

(b) ‘lunatic’ wherever it appears in the Act, the term, ‘person with mental illness’;

(c) ‘Minister’ whenever it appears in the Act, the term ‘Attorney-General’; and

(d) ‘First Schedule’, ‘Second Schedule’, ‘Third Schedule’ and ‘Fourth Schedule’ wherever it appears in the Act, the term ‘Schedule 2’, ‘Schedule 3’, ‘Schedule 4’, and ‘Schedule 5’ respectively.”

Justification

1. For clarity and completeness.
2. To adopt the proposal in Clause 53 of the 2019 Bill.

Madam Chairperson, we have other insertions.

**The Chairperson:** Let us finish with the existing clause. I put the question that Clause 53 be amended as proposed.

*(Question put and agreed to.)*

*Clause 53, as amended, agreed to.*

**Mr makmot:** Insert the following new clauses immediately after clause 53 as follows:

“Insertion of a new Section 340, 341 and 342 in the principal Act

The principal Act is amended by inserting immediately after section 339, the following new section:

‘Amendment of Schedule 1 to this Act

The Attorney-General shall, with the approval of the Cabinet, by statutory instrument, amend Schedule 1 to this Act.’”

The principal Act is amended by inserting immediately after Section 340, the following new sections:

“Transitional provision

Sections 6, 7 and 46 of this Act shall apply to an estate of a deceased person who died on or after 5 April 2007, where the estate of that deceased person is not distributed at the date of commencement of this Act.”

“Insertion of a new Schedule 1 in the principal Act

The principal Act is amended by inserting the following Schedule appropriately:

‘Schedule 1

Currency Point

A currency point is equivalent to twenty thousand Uganda shillings.’”

The justification is:

1. To prescribe a currency point.
2. To harmonise the proposed amendment in the 2018 Bill and the 2019 Bill on the position of the schedule on currency points.
3. To empower the Attorney-General to amend the first schedule to this Act whenever it is necessary.
4. To provide a transitional provision.
5. For clarity, consistency and better drafting.

**Ms ogwal:** Madam Chairperson, I need some clarity on this. I would like to know, if the minister comes up with the amendment to the schedule, can we be assured that it can be laid on the Table in Parliament so that we can follow up?

This is a very important law. I will not want the amendment to end with Cabinet. There must be something compelling the Attorney-General to lay it here without necessarily notifying us, so that we are aware that this is how the schedule has been amended.

**Mr kafuuzi:** Madam Chairperson, that amendment would be by form of statutory instrument and it is the practice that the minister concerned lays it on the Table – *(Interjections)* – but that is how it is with all the other ministries where they are asked to make statutory instruments. Why would we provide specifically for this one when all the others do not? It is a practice that has evolved over time and we do it here.

**Mr basalirwa:** Madam Chairperson, the learned Attorney-General is right in stating that this is the practice. However, Mama Cecilia Ogwal’s concern, which should run even to other pieces of legislation that we pass, is the element of notifying Parliament about the various statutory instruments that are issued by the ministries.

Madam Chairperson, you recall how we demanded for the statutory instruments on COVID-19 from the Attorney-General. They were not forthcoming until you made a directive - actually some have never been tabled.

Going forward, for each piece of legislation that we consider, there is the element of requiring the line minister to table it, for information purposes and not necessarily a debate because it would then undermine the concept of subsidiary legislation. It would be important it becomes part of our laws to have them formally tabled here.

**Mr kafuuzi:** I appreciate hon. Asuman Basalirwa’s submission. Like I said, we do not have a law providing for tabling but the practice has evolved that all ministers who make statutory instruments do table them in Parliament.

In the event that you feel there is a mischief that we need to cure by providing specifically in the law that these statutory instruments should be laid on the Table, maybe we should make a law to that effect - compelling all the other ministries other than embedding it in one law targeting only the Attorney-General’s office. I beg to submit.

**The Chairperson:** Attorney-General, this is an issue of accountability in exercise of authority. I do not see why you are resisting. Just say, “I will bring these instruments here.” We are dealing with people’s property. I do not know when you will bring the other law, which you are just thinking about now.

**Mr kafuuzi:** Madam Chairperson, it has just come up. Now that it has come up, I can submit on it comprehensively sometime next week. I will ask my drafts-people to do that so that we liaise with the Business Committee of Parliament and we agree on how best to proceed.

**Ms ogwal:** Madam Chairperson, I would not like the Attorney-General to think that we are targeting his office. This particular Bill, which we are about to pass into law, is very important to all of us. We cannot afford to make a mistake. There could be circumstances when the amendment could drastically change what you originally had intended it to be. That drastic change in the original position is my concern.

Therefore, I would like the Attorney-General to understand that this is done in good spirit, not that we are targeting your ministry. However, if you feel that it is necessary, the Speaker can guide the House and we come up with a substantive motion now requiring all ministers to do so. We can do that, but for this particular law, because it concerns the property of a person who has already passed away, we insist that any variation be tabled in Parliament.

**Mr ssozi:** Thank you, Madam Chairperson. The gravity of this Bill differs from all others. This is about property of the dead. I do not see why the Attorney-General does not set a precedent with this and others can borrow from this. It has a very grave impact for the minister to just make amendments and keep quiet.

Hon. Basalirwa has cited a scenario of the COVID-19 instrument where the Attorney-General’s office took time. We need to set a precedent for the gravity of this Bill. Thank you. That is the information.

**MR KAFUUZI:** Madam Chairperson, for clarity to hon. Cecilia Ogwal, when I said “targeting”, it was not in bad faith.

Secondly, it is wrong for us to say that this law is more important than all the others. When we say “the gravity of this law”, we are creating the impression that all the other laws, which also permit ministers to make statutory instruments, are less important than this.

What I agree with, which I think is proper and in good faith, for accountability purposes, is for us to pass a law asking every minister, who has been given authority by an existing law to pass a statutory instrument, to lay the same on the Table so that it is mandatory for that minister to do so. I beg to submit.

**THE CHAIRPERSON:** Honourable Attorney-General, we have the Uganda Communications Act, which requires the minister to lay the regulations here before they can come into force. It is not more important. I do not know why you are resisting; this is the nature of accountability. You can make the other law for everything else, because now you are going to go to Cabinet to discuss whether you should and they might say that you should not do it or go to the grassroots.

Let me propose what we could say - “The statutory instrument referred to in subsection (1) shall be laid in Parliament.” It is just that.

**MR MAKMOT:** Chairperson, there is a proposal almost exactly as you stated. It says, “The statutory instrument referred to in sub-section (1) be laid in Parliament for information.” I guess to avoid the aspect of –

**THE CHAIRPERSON:** Yes, so that we do not have to dismantle it. That is okay. We should agree; that is a necessary amendment.

**MS KAMATEEKA:** Madam Chairperson, I thought it was the standard procedure and requirement that all statutory instruments operationalising laws passed by this House be laid on the Table. When we do this for just a select piece of legislation and leave out those that may not contain this clause, are we saying that it is only that which we have spelt out that should be tabled before the House? Is it okay for others not to be tabled?

I thought that it should be a standard requirement that no statutory instrument should go into effect, unless the minister has laid it on the Table. I beg to submit.

**THE CHAIRPERSON:** Are you going to propose the statutory instrument Act here? Is that what you are saying? That will require you to move a motion, bring it here, we debate it and then you go to draft it.

**MS KAMATEEKA:** Madam Chairperson, what I am saying is that it is not necessary at all because this is the existing procedure of Parliament. It is a standard requirement that all ministers must lay every statutory instrument on the Table.

**THE CHAIRPERSON:** Why avoid stating it?

**MR BASALIRWA:** Chairperson, I think hon. Kamateeka is right. It is actually a conventional practice in Commonwealth Parliaments. The challenge we face in our own situation here is that the practice is abused. In fact, you rarely find ministers laying before Parliament statutory instruments they have issued. That is the challenge.

If there is no culture of voluntarily laying these instruments on the Table of the House, then you have to adopt the other option - we either make it mandatory in every piece of legislation that we pass, like the way we are proposing in this particular Succession Bill, or we have a motion before this House. It will then be extracted and served to the Executive and that will become the *modus operandi*.

Otherwise, virtually every month or thereabouts, ministers are issuing statutory instruments. When you go to the Uganda *Gazette*, they are there and Parliament is not aware of them. I think that is where the problem is. There has been reluctance on the side of the Executive to bring those instruments here for purposes of *–(Interruption)*

**MR SSOZI:** Thank you. Madam Chairperson, we need to compel the minister to update information, considering the gravity of this Bill. Let us compel them; otherwise, the practice has been abused, as the senior colleague has cited. I beg to submit.

**THE CHAIRPERSON:** Honourable members, I would like to appeal to you to remember that this is a House that makes laws for everybody. The people that need this law cannot come here. We are the ones who are here. If we see a problem, we should deal with it. They can bring another law later but for now, we are dealing with the Succession Act.

Can you restate your proposal, honourable chairperson, so that we move on?

**MR MAKMOT:** “Amendment of Schedule 1 to this Act

The statutory instrument referred to in sub-section (1) shall be laid in Parliament for information purposes within a month.”

**MS AMODING:** Madam Chairperson, the timeframe is very important for this particular law. We recall the law called the Domestic Violence Act legislated in 2010; it took another two years for some sections of the law to be implemented. So, if we do not specify the timeframe, sometimes it affects the work of the ministers and also the implementation of the law.

It took us a lot of effort to get the minister to come with the regulations on that Bill before it could be implemented. I beg to support what Members are saying. We need timeframes in this Act.

**THE CHAIRPERSON:** Can I also remind you about the law on Islamic banking. We are still waiting for action from Government. It has been four years since we made the law.

**MR MAKMOT:** There is a proposal that the timeframe could be 45 days from the time of –

**MR BASLIRWA:** Let us not confuse two issues here. There is time within which to make the regulations and then there is time within which to notify Parliament. We must be very specific on what we want to discuss.

I think the debate on the Floor at the moment is notification of Parliament when a statutory instrument has been made. If a minister makes a statutory instrument, when should they notify Parliament? Is it within one week after they have been made and gazetted? Is it within 45 days? That must be very clear.

The other aspect is if an Act of Parliament obligates a minister to make regulations, when should those regulations be made? I think that is where we need to focus for purposes of this debate.

Chairperson, I see that we are confusing the two things. A law mandates a minister to make regulations but they do not make them and when the regulations are made, this Parliament is not notified. We need to be very specific.

**THE CHAIRPERSON:** What is the import of gazettement? If the instrument is gazetted, it means it is ready. Isn’t it?

**MR BASALIRWA:** Yes.

**THE CHAIRPERSON:** So, the House should be informed immediately upon gazettement.

**MR BASALIRWA:** Chairperson, if we want to go that way, then perhaps – The proposal being made is that once a statutory instrument has been made and gazetted, then the minister should, at the next sitting of Parliament, lay it before the House - from the date of gazetting.

**THE CHAIRPERSON:** Let us say, “upon gazettement”. As soon as it is gazetted, you must inform us. Let us use, “upon gazettement”.

**MR MAKMOT:** What you said makes sense, Madam Chairperson. If it is already gazetted, what is then left? The House should know because the public is already aware. Thank you.

**THE CHAIRPERSON:** Let us say, “upon gazettement”. Honourable chairperson, please make the proposal. We want to move.

**MR NANDALA-MAFABI:** As the Chairperson is preparing to make a proposal, some people mistake gazetting to mean that everybody is aware. The people who are aware of the *Gazette* are those who read it, like my advisor here. *(Laughter)* We, villagers, do not read the *Gazette* but when it is laid in the House, then the people of Sironko will know that a law of this nature has been made. I think the Attorney-General should agree to say that upon gazettement, this should be laid in the House.

**THE CHAIRPERSON:** It will not come into effect until it is gazetted. When it is gazetted, it should be on notice to the public and therefore come to the House.

**MR MAKMOT:** We are ready with the proposal - “The statutory instrument referred to in sub-section (1) shall, upon publication in the *Gazette*, be laid in Parliament for information.”

**THE CHAIRPERSON:** Is that okay?

**DR BARYOMUNSI:** I think the extra statement, “for information” should be deleted. You can lay the instrument on the Table and we may have some issues with it. Therefore, you should not tie the hands of Parliament. It should end at “should be laid in Parliament”. Thank you.

**MR MAKMOT:** I totally understand where my brother is coming from but there is also the principle of referral. What the law envisaged here is that this is the mandate of the minister but we need to know. When we find problems with it, we can refer it back to the minister.

The challenge we have with trying to get into all this is that we will end up getting into legislating on statutory instruments - subsidiary legislation - which is going to open up Pandora’s box.

**THE CHAIRPERSON:** Honourable members, unless the law states it, we normally do not go into dismantling those. We note them for action. We do not normally debate them. No, we do not.

**MS OGWAL:** Madam Chairperson, information can lead us to an obligation, which we do not want. Not everybody reads the *Gazette*. When we say that we shall lay it here for information purposes, I do not think that is agreeable.

We want regulations laid on the Table as soon as they have been published in the *Gazette*. That is all. Let it stop there. The part that stipulates that it is for information purposes is wrong. If I look at the *Gazette* and find that it does not seem to carry the message which we passed here, then it is up to me to carry the *Gazette* and point out the differences between the law we passed here and what was gazetted.

**THE CHAIRPERSON:** Honourable members, let us not complicate this matter. We are not reinventing the wheel. The instruments are laid here so that we can know about them but we do not take them to the committee to say that they did not do this properly or that this is not strong enough. Let us not complicate this matter. Let us lay them here upon gazettement.

Hon. Makmot, please state the position and we move quickly.

**MR MAKMOT:** The proposal is: “The statutory instrument referred to in subsection (1) shall, upon publication in the *Gazette*, be laid in Parliament.”

**THE CHAIRPERSON:** Honourable members, I put the question that a new clause be introduced as proposed.

*(Question put and agreed to.)*

Clause 54

**MR MAKMOT:** For Clause 54, there is substituted the following: “Amendment of First Schedule to the principal Act.

The First Schedule to the principal Act is amended by renumbering the Schedule as Schedule 2.”

Justification

1. It is a consequential amendment arising from the rejection of the proposal to delete Part III of the principal Act.
2. It is a consequential amendment arising from the insertion of the new schedule on currency points as Schedule 1.
3. To adopt the proposed amendment in the 2019 Bill.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 54 be amended as proposed.

*(Question put and agreed to.)*

*Clause 54, as amended, agreed to.*

Clause 55

**MR MAKMOT:** In Clause 55, there is substituted the following:

“Amendment of Second Schedule to the principal Act

The Second Schedule is amended -

(a) by renumbering the schedule as Schedule 3

(b) in paragraph 1, by substituting for sub-paragraph (1) the following:

‘In the case of a residential holding occupied by an interstate prior to his or her death as his or her principal residence, the following categories of persons, who were normally resident in the residential holding, shall be entitled to occupy it:

(a) the spouse of the interstate person;

(b) a minor child of the interstate person, and where the child attains eighteen years of age, he or she shall be eligible under paragraph (c) as may be applicable;

(c) a lineal descendant who is above eighteen years of age, who is undertaking studies or is unmarried…”

**THE CHAIRPERSON:** I think we deleted that part.

**MR MAKMOT:** Yes, I concede. It was consequential.

‘(d) a lineal descendant who has not been married, or who is by reason of mental or physical disability incapable of maintaining himself or herself until he or she marries or upon the cessation of disability, whichever comes first.’

(c) in paragraph 8, by numbering the provision as subparagraph (1);

(d) by substituting for paragraph (1) (a) of paragraph 8, the following:

‘Where the occupant is a spouse, upon marriage or upon the spouse voluntarily leaving the principal residence or misusing it and putting it in disrepute.’

(e) by substituting for paragraph (1)(c) of paragraph 8 the following:

‘(c) where the occupant is a minor child of the intestate person, upon the attainment of eighteen years of age and on attainment of eighteen years of age, where applicable, subparagraph 1 (c) (a) or paragraph 8(2) shall apply as the case maybe.

(f) by inserting immediately after subparagraph (1) (c) of paragraph 8 the following:

‘(ca) where the occupant is a lineal descendant of the interstate person and above eighteen years of age but below twenty-five years of age at the time of the death of the intestate person, upon the attainment of 25 years of age, ceasing to undertake studies or on becoming married, whichever is earliest;’

(g) in paragraph 8, by inserting a new sub-paragraph (2) as follows:

‘(2) Where the intestate person is survived by a lineal descendant who has a disability specified in paragraph 1(1)(d), and who is dependent on the interstate person for his or her livelihood, the lineal descendant who has a disability shall be entitled to occupy the principal residential holding for the duration of his or her lifetime, except where provision for the accommodation of that lineal descendant, at the same station of life, is made.’

(h) in paragraph 10, by substituting the words, ‘not exceeding six months or a fine not exceeding one thousand shillings, or both’ with ‘not exceeding three years or a fine not exceeding seventy-two currency points, or both.’”

The justification is:

1. The proposal to delete the second schedule is rejected since it is overtaken by the amendments proposed in Section 7, which included female intestates who had previously been excluded, and to revise the percentages of distribution of the estate of an intestate.
2. To include the proposals made in the 2019 Succession Bill as prescribed in Clause 46.

There are other new insertions-

**MR NANDALA-MAFABI:** Madam Chairperson, under (b)(1)(a) we are saying a spouse is entitled, in (b) a minor, in (c) a person who is undertaking studies and we have removed unmarried. However, (d) is confusing me; apart from the one who is mentally or physically disabled, when you say, “incapable of maintaining himself or herself until he or she is married” – I have understood that now; this concerns those who are disabled.

However, in (h), the fines are confusing. You are saying, “not exceeding six months or a fine not exceeding one thousand shillings or more”, but then you say, “not exceeding three years or a fine not exceeding seventy-two currency points.”

One is in shillings another one is in currency points. I want the chairperson to help me understand why the two. Why don’t we just make one penalty which is very clear, including currency points not shillings.

**THE CHAIRPERSON:** That is why he is substituting the word, “shillings” with “currency points”. The original was in shillings.

**MS OGWAL:** Madam Chairperson, we seem to be measuring the normality of a child with marriage. I do not know why we are using it as a condition. “A lineal dependant who has not been married…” - what does that mean? – “…or who is, by reason of mental…” - that one is understandable. However, when you continue to say, “until he or she marries”, you are tying marriage to normalcy of a child. Maybe because I am a villager, I am not a learned citizen, but we need some clarity there.

Does marriage have anything to do with demonstration that a child is normal? In this case, you have not even specified. Does it include boys and girls, men and women; what is it? Am I mature only when I am married or by having children, like hon. Nandala-Mafabi can only prove to me that he is normal when he is married?

**MR MAKMOT:** Madam Chairperson, it looks like our senior mother anticipated the mind of the chairperson. We intend to remove all those references to unmarried in (c), in (d) and where it says “who has not been married” and also “until he or she marries.”

That had been resolved earlier. The fear is that you could have somebody who is 90 years, unmarried and still staying in. In the wisdom of the committee, we propose that consequentially, because of what had been -

**THE CHAIRPERSON:** Tell us where you are removing it from so that we can take a vote on it.

**MR MAKMOT:** If we go to Clause 55 to the amendment of the schedule to the principal Act, on page 55, part (c) says, “a lineal descendant above eighteen years of age, who is undertaking studies or unmarried.” We are removing that unmarried bit.

The following one is (d), which says, “a lineal descendant who has not been married…”. That is also being taken out. Also, in the following last paragraph where it says, “…until he or she marries or upon the cessation of the disability, whichever comes first.”

That is the concern of the senior *mama*.

**MR NANDALA-MAFABI:** We have agreed on that but how do you determine capability, because I can have a son and he decides to stay in my house, claiming that he is mad? So, who determines disability? Is it through medical examination? We need to understand how you determine disability, which can justify somebody to continue living in a certain home. Who determines disability and inability?

**MR MAKMOT:** Our understanding is that in the disability Act, this is clearly defined. More so, we think disability is a medical issue which is a capacity issue; in many jurisdictions, it is a medical opinion - on permanent disability among other things.

However, in the case of a will, I do not know whether - Disability for work purposes; that means the person at the end of the day is an infirm who will not be able to work and provide for themselves, therefore the need to cater for them.

**MS OGWAL:** Madam Chairperson, the chairperson of the committee comes from northern Uganda where there is this local brew called *lira-lira.* Many young people who have fed themselves on *lira-lira* for a while have actually become disabled. How will we deal with such a case, because now the inability comes in not due to medical reasons? So, how would you help parents or the administrator in dealing with that? How will you help in that situation?

**THE CHAIRPERSON:** Honourable members, I think that will be a question of fact established by a medical examination.

Honourable members, we remove the words “unmarried” or “until they marry” wherever they occur. I now put the question that Clause 55 be amended as proposed.

*(Question put and agreed to.)*

*Clause 55, as amended, agreed to.*

**MR MAKMOT:** Madam Chairperson, we are inserting new clauses immediately after Clause 55. The first new clause is about amending the Third Schedule to the principal Act and reads thus:

“The Third Schedule to the principal Act is amended by renumbering the Schedule as Schedule 4 and repealing Form A.”

“Amendment of the Fourth Schedule to the principal Act

The Fourth Schedule to the principal Act is amended by renumbering the Schedule as Schedule 5.”

The justification is: for consequential amendments, arising from the insertion of a schedule on currency points, and to adopt the amendment contained in the 2019 Bill.

**THE CHAIRPERSON:** Honourable members, I put the question that a new clause be introduced as proposed.

*(Question put and agreed to.)*

Clause 56

**MR MAKMOT:** We propose the deletion of Clause 56. The justification is that this is consequential amendment, arising from the insertion of the schedule on currency points as Schedule 1 instead of as proposed in the Bill.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 56 be deleted as proposed.

*(Question put and agreed to.)*

*Clause 56, deleted.*

*Fifth Schedule, agreed to.*

**THE CHAIRPERSON:** Did we finish with the interpretation clause? Are there any changes in clause 1 on interpretation?

**MR MAKMOT:** Clause 1 is on amendment of Section 2. Clause 1 is amended -

a) by substituting paragraph (a) of the Bill with the following:

“by repealing the words, ‘legitimate, illegitimate and’ appearing in paragraph (b);”

b) in the definition of “currency points”, by substituting the word “fifth” with the word “first”.

c) In paragraph (d), in the definition of “daughter”, by inserting the words, “first degree”, immediately before the word, “lineal”.

d) by inserting immediately after paragraph (e), the following new paragraph:

“by inserting immediately after paragraph (g) the following: ‘(ga) ‘disability’ has the meaning assigned to it under the Persons with Disabilities Act.’”

I think those are the ones.

**THE CHAIRPERSON:** You had interfered with the issue of the minor and the child. Is it not in the interpretation?

**MR KAFUUZI:** Madam Chairperson, I reject the proposal in (c), which says, “in paragraph (d), in the definition of “daughter”, by inserting the word “first degree”. I reject that. This matter is addressed by the table of consanguinity that was adopted in clause 11 of the Succession (Amendment) Bill.

Alternatively, I propose to amend the provision as follows: “paragraph (d) of the Succession (Amendment) Bill, 2018 be amended by deleting the words, ‘a female child or first-degree lineal descendant’.” The new provision will then read as follows:

“‘Daughter’ includes a daughter adopted in a manner recognised under the laws of Uganda.”

In his proposal under (e), he says, “in paragraph (f), in the definition of the word ‘guardian’ by inserting immediately after the words, ‘customary guardian’, the following: ‘testamentary guardian, statutory guardian and a guardian by agreement of the parents of the child.’”

We wish to reject this. The proposed amendment seeks to introduce a term “guardian by agreement of the parents of the child” but does not define the term. Whereas a definition of the terms, “customary guardian, testamentary guardian and statutory guardian” can be obtained from the Succession Act, the Children Act and Black’s Law Dictionary, the definition of the term “guardian by agreement of the parents of the child” cannot be obtained from such established reference materials.

The proposed definition cannot be interpreted and attempts to apply it would bring confusion among the users. For example, what is the accepted agreement for the parents; is it verbal, written or recorded on social media? How do we apply this definition in the case of a child born of parents that do not live together?

Our proposal is to retain the definition in the Succession (Amendment) Bill, 2018, which is similar to that in the Government Bill - the Succession (Amendment) Bill, 2019 - and the Children Act.

The definition of a guardian under the Children Act is as follows: “‘*Guardian’ means a person having parental responsibility of a child.*”

I beg to submit.

**THE CHAIRPERSON:** By the way, honourable members, for one to be a guardian, you do not simply sit there and say, “I have been appointed a guardian.” There is a legal process; you have to go to court. A person has to be appointed formally and has to report to the court to account. This thing of agreement of the parents - I do not know.

**MR MAKMOT:** Madam Chairperson, my understanding is that there was harmonisation done with the learned Attorney-General and the private Members. That is how we came to the position that we have here. I am not sure whether this is a new development.

**THE CHAIRPERSON:** Guardianship is formal; it is not simply a question of looking after people. It is a formality under the law. You are appointed by the court or by will.

**MR KAFUUZI:** Madam Chairperson, I understand we harmonised but some things were outstanding and this is one of them.

**MR MAKMOT:** Madam Chairperson, we have consulted further and would like to concede with the discussion that we have.

**THE CHAIRPERSON:** Okay. Is there anything else under the interpretation clause?

**MR NANDALA-MAFABI:** Madam Chairperson, since in the Succession Act, Section 2(o) defined “minor” and we have maintained “minor”, instead of “attainment of age of twenty-one”, we must amend this to “eighteen years” because we have maintained “minor”. Therefore, we have to drop what the committee is proposing and we maintain Section 2(o) but the amendment shall be, “…has not attained the age of eighteen years”.

Secondly, Madam Chairperson, I have seen that the committee had proposed amendments to the interpretation, and I have looked through them, but the chairman has not mentioned them. For example, there is the interpretation of “principal residential property” – the chairperson has not talked about it - or “other residential property”. I believe that these would be important for purposes of this law because of the issue of marriage and spouses – matrimonial homes.

**MR MAKMOT**: Madam Chairperson, if I may continue to read the others- (e) – which I think the learned Attorney-General had already alluded to – in paragraph (f), in the definition of the word “guardian” by inserting immediately after the words, “customary guardian” the following: “testamentary guardian, statutory guardian and a guardian by agreement of the parents of the child.” That was the proposal initially.

(f) by inserting a new paragraph immediately after paragraph (f) as follows:

“by substituting paragraph (k)(ii) with-

(ii) married to the deceased in another country by a marriage recognised as valid under the laws of Uganda;”

(g) by deleting paragraph (i) of the Bill;

(h) by deleting paragraph (k);

(i) by deleting paragraph (l);

(j) by deleting paragraph (o);

(k) in paragraph (p) of the Bill, in the definition of the word “spouse”, by inserting the word, “valid” immediately before the word, “marriage” appearing in the last line;

(i) in paragraph (q) of the Bill, in the definition of the word, “son”, by inserting the words, “first degree” immediately before the word “lineal”;

(m) by inserting new paragraphs in the Bill as follows:

“(i) by repealing paragraph (l);

(ii) by repealing paragraph (n);

(iii) by repealing paragraph (u);

(iv) by substituting paragraph (w) (ii) with-

‘(ii) married to the deceased in another country by a marriage recognised as valid under the laws of Uganda’.”

Justification

1) The use of the word “child” in the Succession Act is unique and separate from the way the same is defined under other laws. The word “child” under the Succession Act is used to define all the children of the deceased person, irrespective of age. Attaching age to the definition will mean that a person above 18 years cannot benefit from the estate of a deceased person since this will be reserved for persons below 18 years of age.

2) The definition of the words “daughter and son” are confusing in the Bill since it uses the word “lineal descendant”, a term that includes all persons that share a common stock or ancestor. The insertion of the words, “first degree ascending” is intended to ensure that only the children of the deceased person can be referred to as “daughter” or “son” and not to extend it to other people such as grandchildren, as the Bill had proposed.

3) The deletion of paragraph (i), defining lineal descendant, is for consistency since the proposed definition conflicts with section 20 of the principal Act.

4) The deletion of paragraph (o) – the definition of separation – is for consistency with the amendment made to section 30, making the proposed definition redundant.

5) The proposal to delete the proposed definitions of the words, “land or house from which the deceased person or surviving spouse was deriving his or her sustenance”, “other residential property”, and “principal residential property” are intended to protect customary land as well as for removing a conflict between the definitions and amendments made to section 26 of principal Act.

The definitions had the unintended consequence of extending the residential holding beyond merely the homestead, thereby making section 26 of the principal Act redundant.

6) To consolidate the definitions contained in the Succession (Amendment) Bill, 2019 with those in the Succession (Amendment) Bill, 2018.

7) To remove redundant words which are no longer used such as husband, illegitimate child, legal heir, senior wife, etc. - as hon. Nandala may want to add.

8) To remove from the definitions any inequality based on gender.

Thank you.

**MR KAFUUZI:** Madam Chairperson, we have only one rejection - paragraph (l) which my colleague mentioned as “i”. It says, “in paragraph (q) of the Bill, in the definition of the word, ‘son’, by inserting the words, ‘first degree’ immediately before the word, ‘lineal’.”

Justification: The matter is addressed in the table of consanguinity adopted under clause 2 of the Succession (Amendment) Bill, 2018. In the alternative, we propose to amend it to read as follows: “Paragraph (q) of the Succession (Amendment) Bill, 2018 is amended by deleting the words, ‘a male child’ or ‘first degree lineal descendant’.

The new provision should read as follows: “A son includes a son adopted in a manner recognised under the laws of Uganda.” I beg to submit.

**MR MAKMOT:** Madam Chairperson, we are conceding to the proposal by the learned Attorney-General. Thank you.

**THE CHAIRPERSON:** Okay. Honourable members, is that all? Are you through? You know, I still have a problem with your issue of the child.

**MR NANDALA-MAFABI:** Madam Chairperson, a child is a child because if a mother is available and you are 70 years of age, you will be a child to her. *(Interjection)-* Yes, your mother will call you “my child”. She will never call you, “my big woman”. My mother calls me “kid”.

However, we must define a minor. In the Succession Act, a minor is there and we can only change the age as per the Constitution but we cannot withdraw it. My proposal is that we amend the definition of “minor” by replacing 21 years with 18 years and we settle that.

In the amendments we have made, we have referred to a minor as a person who has not attained the age of 18 years. Therefore, we should define “minor”. It is already in our –*(Interjection)-* hon. Kakooza, you come and supplement; I am not doing well.

**MR JAMES KAKOOZA:** The reason they have put television sets in the offices is for people to properly follow what is happening in the House.

Madam Chairperson, I would like to supplement by saying that this will be a bit different. For all the laws, which we have passed in this House, someone who attains the age of 18 is an adult. Whoever is below 18 years old is the one we call a minor. Remember that in the age-limit Bill, we said that those who attain 18 years can contest because they are adults and can start making their own decisions.

By practice, minors are considered as people who are not able to make their own decisions and are below 18 years. Therefore, for consistency, you cannot make a law different from others. I thought that in legislation, we should be consistent with other laws.

**The Chairperson:** Honourable members, on the issue of minor and major, the age of majority is 18 under the law. Therefore, if you are below 18 years old, you are a minor. That is the position of the law; we cannot change it.

For succession, you must differentiate between the young people and those who are able to make their own decisions. A child of 17 years would not be able to administer an estate; he or she will require a guardian to be appointed by the court or by the will. So, we should not change.

**Mr kafuuzi:** To clarify further on hon. Nandala-Mafabi’s query, the Succession Act defines “minor” as being 21. However, we have amended to bring it to 18. I think that is harmonious enough.

**The Chairperson:** If you have brought it down to 18, then that is fine. Are there any other changes under the interpretation section?

Honourable members, I put the question that the interpretation section be amended as proposed.

*(Question put and agreed to.)*

*Clause 1, as amended, agreed to.*

*The title, agreed to.*

Motion for the House to resume

6.36

**Ms rosette kajungu (NRM, Woman Representative, Mbarara):** Madam Chairperson, I beg to move that the House do resume and the Committee of the whole House reports thereto. I beg to move.

**The Chairperson:** Honourable members, the question is that the House do resume and the Committee of the whole House do report thereto.

*(Question put and agreed to.)*

*(The House resumed, the Speaker presiding.)*

Report from the committee of the whole house

6.37

**Ms rosette kajungu (NRM, Woman Representative, Mbarara):** Madam Speaker, I beg to report that the Committee of the whole House has considered the Bill entitled, “The Succession (Amendment) Bill, 2018” and passed it with amendments to clauses 1, 27, 29, 30, 33, 35, 36, 38, 39, 50, 52, 53 and 55; clauses 28, 31, 37, 51, 54 and 56 were passed without amendment while clauses 32 and 34 were deleted.

Madam Speaker, there were also new insertions. Parliament made insertions after clauses 29, 35, 36, 39, 42, 53 and 55. They have been passed as part of the Bill. I beg to report.

Motion for adoption of the report from the Committee of the Whole House reports

6.40

**Ms rosette kajungu (NRM, Woman Representative, Mbarara):** Madam Speaker, I beg to move that the report from the Committee of the whole House be adopted.

**The Speaker:** Honourable members, the question is that the report of the Committee of the whole House be adopted.

*(Question put and agreed to.)*

*Report adopted.*

BILLS

THIRD READING

THE SUCCESSION (AMENDMENT) BILL, 2018

6.40

**Ms rosette kajungu (NRM, Woman Representative, Mbarara):** Madam Speaker, I beg to move that the Bill entitled, “The Succession (Amendment) Bill, 2018” be read for the third time and do pass.

**The Speaker:** Honourable members, the question is that the Bill entitled, “The Succession (Amendment) Bill, 2018” be read for the third time and do pass.

*(Question put and agreed to.)*

A Bill for an Act entitled, “The Succession (Amendment) Act, 2018”

**The Speaker:** Honourable members, title settled and Bill passes. *(Applause)* As the French say, “*finalement*”; it means, “finally”.

**Ms kajungu:** Madam Speaker, I wish to thank everyone. I specifically wish to thank you, Madam Speaker, for your guidance and efficiency. It has been almost four years of following up this, but with your guidance and efficiency, we have been able to pass this very sensitive and important piece of legislation.

Honourable members, allow me to thank the people with whom I have worked all these years. I thank the Uganda Women Parliamentary Association (UWOPA), specifically our “sister-brothers” with whom we have moved together. Thank you for your support and for being sober when we were handling a very sensitive piece of legislation.

I wish to also thank the Government, the Attorney-General and the Administrator-General and the team. Towards the end, we had to sit together to harmonise. It was not easy. We all had different opinions, we had made consultations here and there, but we reminded ourselves that we were legislating for Uganda and not ourselves. Thank you for your technical guidance.

I wish to thank the technical team in Parliament, whom I have worked with, for their tireless effort. Some of them are here. Madam Speaker, I wish to thank you for putting together a team that is efficient. Even when I called them very many times off schedule, they would always be there for me; John Tamale, Susan and the rest, I would like to thank you for the support that you have given us.

I would also like to thank the members of the civil society that I worked with - LANDnet, Uganda Women’s Network (UWONET). Thank you so much for the support, otherwise the consultations across the country would not have been as wide as we had them. We do not take the support you have given UWOPA and I for granted.

I would like to also thank the seconders of this Bill - hon. Isaac Mulindwa, who is here; hon. Norah Nyendwoha, thank you very much for standing with me and for all your guidance. Thank you everybody; our senior legislators, *Mama* Cecilia Ogwal, hon. Nandala-Mafabi and the rest, thank you for all your guidance and being here all the time to support legislation in this country. We thank you and appreciate your guidance.

Madam Speaker, finally, I continue to thank you once again. You do us proud as women in this country with your efficiency.

**THE SPEAKER:** Thank you. Does the Attorney-General want to say something?

**MS OGWAL:** Madam Speaker, I would like to appreciate the efforts our colleague has put into this Bill. However, I would like to emphasise that this is not an UWOPA Bill and it is not a women’s Bill; you have seen that what has come out of this Bill benefits all.

In fact, if anything, I feel that we suffer more when men are gone; they leave a lot of problems. They are already a problem but when they go, they leave more problems. I think what has happened is going to manage your affairs better than they would have been.

However, Madam Speaker, I would like to request that the Sexual Offences Bill be brought before we close. I have been reliably informed that even the report is ready. If we could tie the Sexual Offences Bill with all these pieces of legislation that we have been pushing so much as the women in this House, I think that will make us proud as we exit the Tenth Parliament. I, therefore, would like to urge those dealing with the Sexual Offences Bill to ensure that it is dealt with before we close the Tenth Parliament. I thank you, Madam Speaker.

**THE SPEAKER:** If you bring the matters, they will be put on the Order Paper.

**MR MAKMOT:** Madam Speaker, on behalf of the Committee on Legal and Parliamentary Affairs, allow me to extend our gratitude to you for the guidance in processing this Bill.

This Bill was very contentious in the committee and it attracted – normally, we did not lack quorum when it came to this particular Bill. I think it is because the members were very interested. It is a Bill that also united the members across – independents, Opposition, among others. I think it has united and energised this House.

At this point in time, I see the ministers are in the House; my senior brother, hon. Nandala-Mafabi, is not leaving his chair, *Mama* Cecilia Ogwal – Madam Speaker, it is a monumental Bill that I think will impact our people. We would like to thank you. We thank the learned Attorney-General for his insight. He made a lot of contributions. You remember at some point, we had to go to harmonise our position. This has been a lot of work.

I cannot forget the private Member, the mover of the Bill. It was her initiative. I know the office of the First Legislative Counsel, the Attorney-General’s office, also came with another Bill, but we were all able to move together at the end of the day. I think a precedent has been set. This is great for the people that we serve.

I would like to thank all the Members that are here. They have been sitting in whenever this Bill is on the Order Paper. Members have stayed late and it is normally the same faces.

I cannot forget to thank particular members of our committee that have taken interest. Hon. Basalirwa Asuman who is my brother and classmate, together with the learned Attorney-General. Actually, we are the biggest class in the Legal and Parliamentary Affairs committee – the learned Attorney-General, hon. Basalirwa and myself.

Madam Speaker, I cannot forget to thank the technical team. They have been instrumental and I think a lot has been said about that. We cannot thank them enough because they have done us good. They have been very helpful.

I thank hon. Kamateeka, who is here; our senior grandmother and member of the Legal and Parliamentary Affairs committee, hon. Veronica Eragu; and our substantive chairperson of the committee, hon. Oboth who is in the trenches right now canvassing for votes. In absentia, we want to thank him.

I cannot say thank you enough, but I thank everyone who is here. I may not go on and mention all the names of the Members that are here. However, most importantly, you have been the pivot and the driver, Madam Speaker. Your guidance, wisdom and contribution of sitting in late to make sure these Bills are passed in this Parliament cannot go unmentioned. We thank you for your dedication, commitment and sacrifice. We wish you the best in your endeavours. Thank you.

**MR NANDALA-MAFABI:** Thank you very much, Madam Speaker. I would also like to thank the Attorney-General and the chairperson of the committee.

In my opinion, hon. Kajungu Mutambi has really demonstrated something, and I would like to thank her. In fact, if I were a voter in Mbarara, I would have fought for you. It is unfortunate that I was not a voter there.

However, I think this law was overdue, and I am very grateful that this law has gone through. I would like to ask the Attorney-General to make sure that this Bill is signed into law as quickly as possible.

I would like to tell hon. Cecilia Ogwal that it is not only women who suffer. We, men, suffer more. When a man loses his wife, her sisters come and want to grab everything in the house, yet the law should protect the man with his wife’s property. Even men suffer, so do not say that it is only women who suffer.

*Mama* Cecilia Ogwal has talked about the Sexual Offences Bill, but we also need to talk about the Marriage and Divorce Bill. It is also a serious Bill and we need it urgently. We need to protect everybody. I do not know why men are so scared. I feel surprised as to why a man should be scared. Why shouldn’t you allow your wife to sign a cheque with you?

By the way, if you want peace in a home, let the door be opened. Let everything be known and you will have peace. However, when you hide things, you will have insecurity in the house. If a woman takes money to build a house somewhere, she is not building for herself but for her children. This is because when she dies or before she dies, she will hand it over to your kids.

I, therefore, ask the Attorney-General to allow us process this Marriage and Divorce Bill quickly. Let us bring it and pass it into law, because it will safeguard everybody. I am tired of seeing families fight day in, day out.

I am the chairman of a clan and I have already passed a decree that the moment a man has three children with a woman, that means that woman has nowhere else to go and it is you the man to go - *(Interjections)-* Yes, the first one could be a mistake and the second one another mistake but the third one, no. The moment you have three children, that means you must die with that woman or die with that man.

I would like to plead with you, Madam Speaker; if the Attorney-General does not want to bring the whole – I like him. Before NRM took him, that was our Attorney-General. He is a very intelligent young man. We were the training ground and then, the NRM took him. *(Laughter)* I would plead that you work with him and maybe call the President – but the President is not the problem because it has not reached his desk. I would like to believe that it is us, Parliament, to ensure that this passes into law.

I would like to thank hon. Kajungu. When you were moving this Bill, I was very impressed to see a young lady moving a Bill to save the whole world. I am very happy. If the Speaker had not stopped me, I had wanted to amend section 222. It is a very dangerous section. However, since they said we did not go to the committee, next time we shall do better. Thank you very much.

**THE DEPUTY ATTORNEY-GENERAL (Mr Jackson Kafuuzi):** I would like to thank you, Madam Speaker, for your stewardship, your unending commitment and your guidance that has brought us this far. You saved us a lot when you asked us to harmonise.

With the ping-pong, the back and forth, the arguments, the interjections and all the others, I do not think we would have finished this Bill during this term. It was a big Bill with a lot of interests but the fact that you asked us to harmonise, we were able to put our heads together. I think it is something we should do regularly.

I wish to thank hon. Rosette Kajungu Christine, the Woman MP for Mbarara District. I am very proud of you as my big sister. If we were in another country, this Bill would be called the Mutambi Bill because in other countries, private Member’s Bills are named after them. You have left an indelible mark on the nation because this Bill will live long after you and many of us.

Senior colleagues, Members of Cabinet, Members of Parliament, members of the Committee on Legal and Parliamentary Affairs - *Mama* Veronica Eragu, my big sister from Mitooma - *Mama* Cecilia Ogwal, I do not know how we would have proceeded without you; your presence gives us a stamp of approval because you are an elder - my big brother, hon. Nandala, my brother Asuman Basalirwa, all colleagues in Parliament, thank you very much.

**THE SPEAKER:** Honourable members, I would like to add my voice to commend the House for fulfilling your obligations under Article 79 of the Constitution where we are required to make laws on any matter for the peace, order, development and good governance of Uganda.

In working together, comparing notes, harmonising, we have been able to deliver a good law for the people of Uganda. I look forward to its implementation. I thank Members for the collaboration, the Clerk and her team; this has been a very long journey but we are happy to be here.

Finally, concerning the Marriage and Divorce Bill, it is like an albatross in this Parliament. We need to redeem ourselves. It is our responsibility to make these laws for the people and it is only us that can do it. I hope that sooner rather than later, the Attorney-General, who is the owner of the Bill, will come to see that it can be completed.

Concerning the Sexual Offences Bill, I am waiting for the report.

Honourable members, the Clerk and your team, thank you very much. House adjourned to tomorrow at 2.00 p.m.

*(The House rose at 6.59 p.m. and adjourned until Wednesday, 31 March 2021 at 2.00 p.m.)*