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**Tuesday, 14 May, 2019**

*Parliament met at 2.11 p.m. in Parliament House, Kampala.*

PRAYERS

*(The Deputy Speaker, Mr Jacob Oulanyah, in the Chair.)*

*The House was called to order*

COMMUNICATION FROM THE CHAIR

**THE DEPUTY SPEAKER:** Honourablemembers, I welcome you to this sitting. You may already be aware that last week, hon. Arthur Bagunywa, the former Member of Parliament for Mityana South, passed on. He was laid to rest in his ancestral home in Kiboga District yesterday.

Hon. Bagunywa had an illustrious career as a professional teacher, administrator and international diplomat where he served the United Nations Educational, Scientific and Cultural Organisation (UNESCO). He also served as a Member of Parliament and as a minister in the Buganda government. He loved and promoted the Baganda culture and authored books in his native language.

This is also to inform you that death has occurred to Peter Nsamba, a long serving driver with the Parliamentary Service. For many years, he chauffeured H.E the Vice-President.

Honourable members, I have also been informed that the immediate former Clerk of the National Assembly of Kenya, who also served as the second Clerk of the revived East African Legislative Assembly, Mr Justine Bundi, passed on in Nairobi last Saturday. He was a very humble, calm and diligent civil servant who left a mark wherever he worked. The Parliamentary Clerks fraternity in East Africa will greatly miss his counsel and wisdom.

On a very sad note, we have learnt of the passing of the twin sons to hon. Ronald Kibuule, the Minister of State for Water and Environment (Water). It is a tragedy and a very trying period for the Kibuule family. I urge you to put him in your prayers.

On behalf of Parliament and on my own behalf, I convey my heartfelt condolences to the bereaved families and pray that they rest in eternal peace and rise in glory. Let us rise for a moment of silence.

*(Members rose and observed a moment of silence.)*

**THE DEPUTY SPEAKER**: Honourable members, in the course of last week, hon. Judith Alyek, the Woman Member of Parliament for Kole District, was involved in an accident along Apac-Akokoro Road and sustained injuries. She was hospitalised and her life is out of danger. We thank the almighty God for saving her and we wish her a quick recovery.

Honourable members, you recall that we held a Parliamentary Health Week in March 2019 under the theme "Wellness is my Choice”, underscoring the fact that it is up to the individual to care for his or her health.

# I am happy to inform you that Prof. Wojciech Chodzko-Zajko from the University of Illinois will on Friday, 17 May 2019 present a lecture to Members of Parliament under the theme “Healthy Lifestyle” in the Conference Hall, starting at 9.00 a.m. We are urged to attend the lecture to get new insights on how to keep well and healthy.

Honourable members, I wish to inform you that Parliament of Uganda together with the Ministry of Industry and Cooperatives, USAID and AGOA office have organised a two-day AGOA exhibition taking place today and tomorrow at the Parliament South Wing Parking Yard. Please, take time and have a look at what these people of Uganda are doing. You will be surprised. The exhibition started this morning. You are invited to come and see for yourselves. It will be ending tomorrow evening.

For today, you might be late because you are already in the House and by the time we adjourn, they might have closed. Tomorrow morning, please, endeavour to see what the people of this country are doing. Thank you very much.

There are Members who had requested to raise some urgent matters and I will start with the Member for Kibuku County.

2.18

**MR HERBERT KINOBERE (Independent, Kibuku County, Kibuku):** Thank you, Mr Speaker. I stand on a matter of national importance. On the Seventh of this month, a team from the Ministry of Water and Environment as well as the Land Protection Unit went to Kibuku and slashed crops in our people’s gardens, claiming they were in wetlands.

Mr Speaker, if someone is not careful, they may look at Bukedi sub-region and take all of us, including my home, to be in a wetland. There is water everywhere. Wherever you plant, they claim it is a wetland. Wherever they see black soil, they say it is a wetland. They left people helpless.

They slashed 100 acres of sorghum, maize, which was almost ready for harvesting as well as rice. Where they found ready rice, they burnt it.

Mr Speaker, I was not told. When I was informed on the first day, I travelled that night and I was there the following day and they did all that in my presence.

It is my prayer that the concerned ministries work with us, the leaders of the area and we resolve this issue so that the local community can distinguish between a wetland land and other areas because that has not been done and they are claiming, especially, that Kibuku District is a wetland.

If they want to relocate Kibuku District, it is up to them. It is as if the whole place is a wetland. I request that they come up with a demarcation *–(Interjections)–* information?

**THE DEPUTY SPEAKER:** Honourable members, when there is an urgent matter, the Member raising it has all the information. *(Laughter)*

**MR KINOBERE:** Thank you, Mr Speaker, for your guidance. Secondly, I request the ministries of water and lands to come up with a statement to this effect because it is an issue which has touched everyone, including those who are outside Kibuku.

Finally, I ask the Office of the Prime Minister to avail us with relief items because people are on empty stomachs. They had hopes in crops in their gardens but they have all been cut down. In Bukedi, since August last year, we have had rains four times and the fourth time was two days ago.

Look at that situation, where somebody comes and slashed down whatever was planted. These were the very seeds they gave us to take to our people. They gave us the seeds to take to our people to plant and they again sent a team to come and slash them down. It loses meaning.

Those were my prayers, Mr Speaker, Thank you.

**THE DEPUTY SPEAKER:** Thank you. In addition to planting those seeds that they give you, also plant trees because they might help with the water catchment and other matters. Can the minister respond to the issue?

2.21

**THE MINISTER, OFFICE OF THE PRIME MINISTER (GENERAL DUTIES) (Ms Karooro Okurut):** Thank you, Mr Speaker. On the issue of the wetland, the Ministry of Water and Environment will take up the matter. Thank you.

2.22

**MR MWIINE MPAKA (NRM, Youth Representative, Western):** Thank you, Mr Speaker. I rise on a matter of national importance concerning the distribution, sale and consumption of sachet *waragi*.

On 27 April 2019, a one Migadde Patrick, a resident of Kiwatule, went partially blind because of consuming sachet waragi. In September 2017, the minister extended the ban on sachet *waragi* to 30 March 2019. She further informed us that by 31st of May, there would be no more sale, distribution and consumption of sachet *waragi*.

Currently, sachet waragi is still being distributed, sold and consumed. Therefore, can the Minister of Trade, Industry and Cooperatives come up with a statement on Government’s readiness to implement this ban to the effect that by 1 June 2019, there will be no more distribution, sale and consumption of sachet *waragi*? Thank you.

2.23

**THE MINISTER, OFFICE OF THE PRIME MINISTER (GENERAL DUTIES) (Ms Karooro Okurut):** Mr Speaker, indeed, we shall pass on that information so that the minister comes with a statement. However, apart from banning the sachet *waragi*, there is local content gin; it is so toxic that it is finishing our people. In some of our areas, there is a toxic gin called “*Mujakure*”, which means “grab him or her”. When you drink it, it grabs you and it takes you to the coffin.

There is also another toxic gin, which is complete; it is not in a sachet. It is called “rest in peace”. It is not bottled and it is not in sachet but it is doing rounds - rest in peace. You drink it and indeed, you will rest in peace with the coffin next to you.

We are equally fighting this sachet *waragi*. Let us know that within our communities, we have these toxic drinks, which people should not be consuming. It is, therefore, incumbent upon all of us to inform the law enforcement officers. I thank you.

2.25

**MR FRANCIS MWIJUKYE (FDC, Buhweju County, Buhweju)**: Thank you, Mr Speaker. Yesterday evening, as I went home, I found about 100 Local Defence Unit personnel (LDUs) moving around the village near Kasangati at around 8.00 p.m. and they were telling people to go and sleep. I asked myself whether there is an emergency or a problem in and around Kampala.

There is heavy deployment of LDUs, some of them harassing innocent civilians. They are carrying out illegal arrests. Therefore, can we know under whose command these LDUs are moving around?

Secondly, what is the command structure of these heavily deployed LDUs? If people have complaints, where do they go?

We should also be made to know that there is an emergency such that we start sleeping at 5.00 p.m. so that we know there is a problem and we are not supposed to move around in the evening. Otherwise, for now, people are worried. They see people moving in army uniform and they are in lines. They may start using their guns and uniforms to get a living because we do not even know how they are being facilitated in terms of food and welfare. I thank you, Mr Speaker.

2.27

**THE MINISTER, OFFICE OF THE PRIME MINISTER (GENERAL DUTIES) (Ms Karooro Okurut):** Thank you, Mr Speaker. Sometimes, our people say that when you see a toad moving in broad daylight, it means there is a problem somewhere. However, I do not want to presume and therefore, I will inform the Minister of Internal Affairs to come here and brief the House. Otherwise, there must be a reason they are moving, which should be investigated and information brought here so that we are all in the know. Thank you.

2.27

**MR JAMES KABERUKA (NRM, Kinkizi County West, Kanungu):** Thank you, Mr Speaker. My constituency borders the Democratic Republic of Congo (DRC) and the sub-counties of Kayonza, Butogota, Kanyantorogo and Nyanga are close to Congo.

Congo is known to be harbouring Ebola. Last month, there were cases at Bwindi, where the rescue team had to come from Kasese to Bwindi, which is about 200 kilometres.

Along the border, the security and the other team have identified about 47 points where the people pass. However, out of the 47 points, including the two gazetted borders, Kyeshero and Ishasha, the only areas where we have surveillance teams are eight. That puts Ugandans at risk because people from Congo pass anyhow from the porous areas. What is also alarming is that out of these eight points, only three have facilities.

On Saturday, when I was traversing the area, I found some teams were under a tree and when it rains, they just go home. The police are also less visible. Sometimes people are told to wash and they just move out because there is a nurse and some village health team.

My prayer is that we should have the police increased to beef up the security. Otherwise, some health workers were saying because of the kidnaps that are taking place along the border, they fear.

I also pray that the surveillance team should be put in all the 47 points such that we mitigate anybody who comes from Congo unknowingly.

Thirdly, I pray that the isolation facility in Kihihi be established. When all these are lacking – While we have a refugee camp at Matanda, it puts Ugandans at risk if we do not come quickly to rescue the situation. I salute you, Mr Speaker.

2.31

**THE MINISTER, OFFICE OF THE PRIME MINISTER (GENERAL DUTIES) (Ms Karooro Okurut):** Thank you, Mr Speaker. I also thank the Member for raising those very pertinent points. First of all, it may be undiplomatic of us to give a blanket statement to say that DRC harbours Ebola. That might be a diplomatic hitch.

Having said that, those are pertinent points and indeed, we shall inform the Minister of Internal Affairs to take note and take action. Thank you.

**THE DEPUTY SPEAKER:** Thank you very much. Honourable members, hon. Herbert Edmund Ariko, the chairperson of the Central Organising Committee for the consecration and installation of Rev. Dr Joseph Oliach Eciru as the third Bishop of Soroti Catholic Diocese, together with the Parliamentary Catholic Chaplaincy, invite all Members of Parliament and staff to a High Mass tomorrow Wednesday 15 at 5.30 p.m. in the Members’ Lounge.

I amend it to six o’clock. We will still be sitting at 5.30 p.m. and so, it will be 6 o’clock in the Members’ Lounge tomorrow. The main celebrant will be the Most Rev. Emmanuel Obbo, Archbishop of Tororo Diocese. Hon. Ariko and the organising committee appeal to honourable members and staff to support the episcopal consecration of the Bishop through generous contributions. God bless you all.

Can we go to the Order Paper now?

**MR LUTTAMAGUZI:** Thank you, Mr Speaker. I rise on a point of procedure about the urgent matter of national importance I raised last week, regarding the conditions of Nakaseke Referral Hospital.

I reported that in Nakaseke Referral Hospital, there are no oxygen cylinders. As a result, 15 people are reported to have died.

**THE DEPUTY SPEAKER:** You already raised it; so, what is it?

**MR LUTTAMAGUZI:** MR Speaker, the Government committed itself to fulfilling the absence of the x-ray machines and oxygen cylinders but right now, nothing has been done. Therefore, is it procedurally right for a Government to commit itself on matters it cannot fulfil, yet it involves loss of lives? Thank you, Mr Speaker.

**THE DEPUTY SPEAKER:** Honourable members, I keep telling you that procedure relates to our obligation to follow the Rules of Procedure. I think we are doing well so far with our Rules of Procedure but the Member seeks further information from the Government on what he raised last week about the condition of the hospital in Nakaseke.

2.34

**THE MINISTER, OFFICE OF THE PRIME MINISTER (GENERAL DUTIES)(Ms Mary Karooro):** Thank you, Mr Speaker and hon. Luttamaguzi for raising the issue. It is indeed a tragedy and very regrettable when you state that people have died because of lack of oxygen. Anything to do with people’s health is regrettable.

Since you had already raised the matter, I am very sure the minister must be working on it. However, we are still going to send an urgent reminder because people cannot die as we simply look on. Thank you.

**MR NIWAGABA:** Thank you, Mr Speaker. Our attendance in this particular House is now by way of signing in. However, from the look at the screens, it is like none of us, including yourself, is around. Therefore, are we procedurally conducting the business in accordance with our rules, particularly in respect to attendance when the records do no show that we are here? *(Laughter)*

**THE DEPUTY SPEAKER:** Clerk, why are your systems not recognising us? *(Laughter)* Can we proceed? Please, correct that problem. That is the issue with technology. Sometimes, it is not as smart as human beings. Thank you.

MINISTERIAL STATEMENT ON THE STATUS OF PREPAREDNESS BY GOVERNMENT TO TABLE ELECTORAL REFORMS BEFORE PARLIAMENT

2.37

**THE ATTORNEY-GENERAL (Mr William Byaruhanga):** Mr Speaker, as you will recall, I made a statement to this August House on 29 January 2019, at which point I gave an update on the ongoing electoral law reform process, which is being undertaken by the Government. I also made a statement to the sectoral Committee on Legal and Parliamentary Affairs during the presentation of our ministerial policy statement on 9 April 2019.

Following your directive during the sitting of Parliament of 9 May 2019, the directive was that I present to Parliament the status of the electoral reforms by 14 May 2019, which I now report as follows.

Following the general elections of 2016, the Supreme Court, in the case of Amama Mbabazi vs Yoweri Kaguta Museveni and others, which was Election Petition No. 1/2016, recommended that there was need to amend, among other provisions, Articles 104 (2), (3) and (7) of the Constitution, in relation to presidential election petitions.

The recommendations of the Supreme Court in Election Petition No. 1/2016 were partially addressed in 2018, when Parliament enacted the Constitutional (Amendment) Act, 2018. The Constitutional (Amendment) Act, 2018 amended the Constitution to provide for the time within which to hold presidential, parliamentary and local government council elections. It also provided for eligibility requirements for a person to be elected as President or District Chairperson.

It also increased the number of days within which to file and determine a presidential election petition and increased the number of days within which the Electoral Commission is required to hold a fresh election when a presidential election is annulled.

As a result of the amendment of the Constitution by the Constitutional (Amendment) Act, 2018, there were consequential amendments that were required to the following Acts in order to ensure conformity with the amended provisions, as effected by the Constitutional (Amendment) Act, 2018. These included:

1. The Electoral Commissions Act, Cap.l40;
2. The Presidential Elections Act, 2005;
3. The Parliamentary Elections Act, 2005; and
4. The Local Governments Act, Cap 243.

Subsequent to the amendment of the Constitution, Bills amending the Electoral Commission Act, Cap 140, the Presidential Elections Act, 2005, the Parliamentary Elections Act, 2005 and the Local Governments Act, Cap 240 have now have been prepared for submission to Cabinet for approval, prior to being introduced in Parliament. We anticipate this to be by the end of May this year for debate and enactment.

Mr Speaker, there was a petition and appeal that challenged the Constitution Amendment Act, 2018. The decision in the recently concluded Consolidated Constitutional Court Appeals No. 2 of 2018, which was Male H. Mabirizi K. Kiwanuka and four others vs the Attorney-General in the Supreme Court, which arose from the Consolidated Constitutional Petitions: No.49/2017, No.3/2018, No.5/2018, No.10/2018 and No.13/2018 that challenged the constitutionality of the Constitutional (Amendment) Act, 2018. This decision was critical in informing the final content and scope of the electoral laws reform Bills.

Mr Speaker, following the Supreme Court’s ruling, which was on the 18 April 2019 in the above appeal, which decision upheld the Constitutional (Amendment) Act, 2018, the Bills on electoral laws can now proceed without further delay.

Status of the Electoral Law Reform Bill

The following amendments have now been drafted;

1. The Electoral Commission (Amendment) Bill, 2019;
2. The Presidential Elections (Amendment) Bill, 2019;
3. The Parliamentary Elections (Amendment) Bill, 2019; and
4. The Local Governments (Amendment) Bill, 2019.

These draft Bills constitute amendments arising out of the Supreme Court’s recommendations in the Constitutional Petition No. 1 of 2016, the European Union Elections Observation Mission Report of Uganda Presidential, Parliamentary and Local Council elections of 18 February 2016 and consequential amendment from the Constitutional (Amendment) Act, 2018, which was passed here and the proposed amendments submitted to the Ministry of Justice and Constitutional Affairs, which have been presented to us by the Electoral Commission.

As I stated, in the Ministry of Justice and Constitutional Affairs Ministerial Policy Statement submitted to the sectoral committee on Legal and Parliamentary Affairs on the 9 April 2019, the draft Bills were prepared and are now pending submission to Cabinet for approval, prior to being introduced to this Parliament by the end of May 2019 for debate and enactment.

The Presidential Elections (Election Petitions) (Amendment) Rules, 2019

Mr Speaker, in addition to the electoral law reform Bills, the Chief Justice, in consultation with the Attorney-General issued the Presidential Elections (Election Petitions) (Amendment) Rules, 2019 on 25 April 2019.

These rules provide for, among others, the nature of evidence in Presidential election petitions to permit oral evidence henceforth, in addition to affidavit evidence and also to provide for the addition of the Attorney-General as a respondent in a presidential election petition. This amendment also arises from the Presidential Election Petition No. 1 of 2016.

Also among the amendments, there was one on the unequal use of State-owned media by the Opposition. Section 24 (1) of the Presidential Elections Act provides thus: *“All presidential candidates shall be given equal time and space on State-own media to present programmes to the people.”* This is supposed to be binding on the State-owned media. In that regard, the Attorney-General, by a letter dated 12 July 2017, communicated a directive to the Minister of ICT and National Guidance to instruct the Uganda Broadcasting Council to comply with the law.

Mr Speaker, I further undertake that following compliance with the necessary procedures, these Bills will soon be submitted to this Parliament for debate and enactment. Thank you.

**THE DEPUTY SPEAKER:** Thank you, the learned Attorney-General. This matter has been taken out of your chest because you delayed with the Bills and Members kept raising them. The Member for Jinja Municipality East wanted to bring a motion to be given leave to bring an amendment.

Also, the Member for Ndorwa County East submitted a notice in January 2019 also to bring constitutional amendment Bills. They wanted Parliament to clear them to do that. That is why you are here today and you should have, on your motion, briefed Parliament on what you are doing. However, it is never too late. We are here. Are we okay with end of May?

2.46

**MR WILFRED NIWAGABA (Independent, Ndorwa County East, Kabale):** Thank you, Mr Speaker. I would have ordinarily raised a matter of procedure but because I have respect for my learned friend, I did not. We never got his report, yet, it came as a ministerial statement.

Having listened to him, it would appear that the Government’s proposed amendments are only in respect of the decision in the Presidential Election Petition No. 1 of 2016. However, since 2015, we have all along talked about real constitutional amendments that touch the entire electoral process.

In his submission, as you heard, he has restricted himself to bringing amendments in respect to the Presidential Elections Act, the Parliamentary Elections Act and the Electoral Commission Act. Our proposed amendments go beyond those particular laws alone -because our proposed amendments begin with the proposal to amend the Constitution and subsequently, align those laws with whatever amendments we shall have brought in our proposed Bill.

It is for that reason, Mr Speaker, that it is my opinion that the address by the learned Attorney-General does not adequately answer the issues raised in my motion. The issues raised in my motion capture the spirit of the amendments as proposed by all political parties under Inter Party Organisation for Dialogue (IPOD), amendments as proposed by the citizens of Uganda, under what famously became to be known as the Citizens Compact.

I, therefore, request you, Mr Speaker, that you allow me move my motion seeking leave of Parliament to bring the proposed constitutional amendments and subsequently, we will move systematically to the other amendments. This request is also grounded on the fact that the Constitution allows me, whether the Attorney-General is bringing those or not, as a Private Member, to bring Private Members’ Bill and I should not be inhibited in anyway whatsoever.

Suffice to add, that the Learned Attorney-General has a copy of our motion and in his specific speech, he has not touched anything to do with the merits or demerits in our motion. So, it is for those reasons that you permit me today or tomorrow to bring my motion so that we move in tandem. If along the way, he comes up with his Bills and we have moved and obtained –

**THE DEPUTY SPEAKER:** Honourable member, could you in summary highlight the areas you wanted to cover?

**MR NIWAGABA:** Most obliged, Mr Speaker. The summarised points we intent to look at are: the constitution of Electoral Commission, particularly as to membership, tenure and other matters incidental thereto; the constitution of Parliament itself; we are proposing that under multi-party system, the Uganda People’s Defence Forces (UPDF) ought to be out of partisan politics; the Office of the Deputy President instead of the Vice President and how he is elected and the like. We are also looking at matters to do with restitution of term limits, specifically for the Office of the President in the Constitution and other matters connected to the electoral process.

All those are contained in my proposed Bill, which is attached to the motion. This motion has been with Parliament specifically, the Clerk and the Speaker, since 19 January 2019. So, I beg that I be allowed to present my motion and Members will have time to debate its merits and demerits, if any. I beg to move, Mr Speaker.

**THE DEPUTY SPEAKER:** Learned Attorney-General, do you want to respond to some of those issues before I give guidance?

**MR BYARUHANGA:** Thank you, Mr Speaker and my honourable colleague who said that he decided not to bring in a procedural matter based on his respect for this office.

It is true that I did not specifically address the items he referred to as being brought both by the citizens and the political parties because the substantive Minister of Justice and Constitutional Affairs, in his address to this Parliament, spoke about the Government’s constitution of the Constitutional Review Commission.

The purpose of this of this Commission is to do precisely what the member is talking about. Because of the importance of all the amendments he is alluding to; the one about the Electoral Commission composition is all already in my current submission and the one of restitution of terms limits etcetera.

Due to their importance, it was the view of the Government that we constitute a Constitutional Review Commission so that all these items are debated holistically by the whole population and the working of the Constitutional Review Commission are well known to him.

The Minister of Justice and Constitutional Affairs already made a statement to that effect and all those proposed constitutional reforms or amendments are going to be addressed wholesomely by this Constitutional Review Commission. The only pending issue with this Commission as I recall, was the composition of the Constitutional Review Commission and it has already been agreed upon. Its funding has been requested from the Ministry of Finance Planning and Economic Development. As soon as we are in receipt of those funds, the Constitutional Review Commission is going to be kick-started and it was to achieve what the honourable colleague from the opposition is asking for.

**MR ANTHONY AKOL:** Mr Speaker, I would like a clarification to come from the Attorney-General. We are left with about 18 months to go for elections. What he is taking about to be handled through the Constitutional Review Commission is not possible because how long will they do the work for the country as he wants.

The representatives of the people are here; if he has a private Members’ Bill that can help us, it will be better than the time of waiting for the Constitutional Review Commission. This will take more than three years to do the work.

**THE DEPUTY SPEAKER:** Thank you.

2.54

**MR MUHAMMAD NSEREKO (Independent, Kampala Central Division, Kampala):** Thank you very much, Mr Speaker. With due respect to the learned Attorney-General and senior counsel, this Parliament had given a date of 30th April and the substantive Minister of Justice and Constitutional Affairs stated the same as regards the Constitutional Review Commission.

We are undergoing a process of appropriation and budgeting and nothing of the type is reflected. If we go through this financial year without indicative figures, leave alone a proposal to constitute and fund the Constitutional Review Commission, what would be the basis of your promise that, indeed, it will be actualised before we enter into the election process and streamlining the matter of our Constitution*-(Interruption)-*

**MR NIWAGABA:** Mr Speaker, I would not want my respected learned friend to take us in circles particularly on the issue of the Constitutional Review Commission. This has become a song by Government to make us lose track on our desired goals of bringing up constitutional amendments.

The Government promised as far back as 2015 to establish a Constitutional Review Commission; this is 2019. If you are to put up a Constitutional Review Commission, the minimum time it would need to traverse the country and bring up a report is two years. We are now talking about bringing amendments to the Constitution and electoral laws that would in anyway, not wholly but substantially level the playing field come 2021.

Therefore, Mr Speaker, I would not want the Members of this august House to believe the version of the learned Attorney-General that the Constitutional Review Commission is coming. I can bet it will not be put there.

Allow me, Mr Speaker, to bring my motion as the only way to advance the cause of democracy and good governance in this country.

**MR NSEREKO:** As I wind up, Mr Speaker, the Secretary-General of the National Resistance Movement recently made an announcement - and the chairperson of the *IPOD* comes from the Democratic Party - that they will constitute a meeting in the coming weeks. Amongst other proposals in good faith, they were proposing how they will handle the status of independents. Will that wait for the Constitutional Review Commission or the proposals of the learned Attorney-General before this House?

Therefore, in good faith*, -(Interruption)*

**MR BAHATI:** Mr Speaker, the information I would like to bring to hon. Nsereko is that the funding for the Constitutional Review Commission is part of the issues that were raised by the Committee on Legal and Parliamentary Affairs and is part of the issues that are going to be considered as we finalise the harmonisation of the Budget, which is in a few days.

However, colleagues, I would like to implore my colleague hon. Niwagaba that this House has been waiting for the work, which is being done by the Attorney-General and the Minister for Justice and Constitutional Affairs for one year now. The Attorney-General has come here and requested to up to the end of May. Today is the 14th and we are virtually talking about 10 days; therefore, I would implore that hon. Niwagaba can wait for 10 days and we handle these matters properly.

It is in your interest and the interest of the House that this matter is handled by the Attorney-General so that we handle it systematically. I would like to appeal to my brother hon. Niwagaba to wait for 10 days- You have waited for 365 days- you can wait for 10 days and allow the Attorney-General to handle this matter. Thank you.

**THE DEPUTY SPEAKER:** Honourable members, hon. Niwagaba raised a procedural matter if I could allow him to bring his motion. However, I allowed a debate so that you understand where we are coming from.

Honourable members, this is my guidance. Instead of having another proposal come to the House; my guidance is that we wait and see what the Attorney-General brings by the end of this month. If there are gaps, then you bring the motion because there will be justification that from what has been brought, so many of these have been left out.

We will be moving away from the principle that his constitutional amendment would be the vehicle under which we bring all others. *(Interjection)-*That is in my previous ruling.] Is he not bringing constitutional amendments?

**MR NIWAGABA:** Mr Speaker, in his address, he is not bringing anything to do with constitutional amendments; he is just bringing the amendments to the Presidential Elections Act, Parliamentary Elections Act in pursuance of the decision of the court. I said for us, ours is wider and his is restricted. His Bills will have no connection with my motion.

**MR BYARUHANGA:** Thank you very much, Mr Speaker. What is correct is that the date that was given to me was to report on report on the progress of the Bills. The issue here was that there were certain constitutional amendments that became the subject of the constitutional petition and we were duty-bound to handle those because the Constitutional Court had in effect put a stop on the amendments.

After the Constitutional Court pronounced itself, there was an appeal. We were duty bound to wait for results of the appeal because the appeal could have had the effect of nullifying the amendments. After the appeal which upheld the Constitutional Court’s finding, all the matters that were the subject of the Constitutional Court and of the constitutional appeal are the ones that I am saying we shall have resolved by the end of May.

Concurrently, the Minister of Finance, Planning and Economic Development has just confirmed because hon. Nsereko, who was under the impression that monies had not been appropriated - if I heard you correctly. He has told you that this is within his ambit and that money shall be got and it is true that money is for the Constitutional Review Commission.

**THE DEPUTY SPEAKER:** Learned Attorney-General, they are asking; is there sufficient time for a Constitutional Review Commission to sit and finalise its work before the next elections or are those activities meant for post-electoral activities?

**MR BYARUHANGA:** Thank you, Mr Speaker, that was what I was getting to. The expectation of the Government is that the Constitutional Review Commission shall be kick started in June or July and the only thing that will delay would be the lack of funds.

With the assurance from the Minister of Finance, Planning and Economic Development, the Constitutional Review Commission shall be kick-started and the expectation is that all the amendments shall be resolved by next year and we shall hold a harmonious election in 2021. (*Interruption)*

**MR NZOGHU:** Thank you, Mr Speaker, I was expecting the Attorney-General to also hint on the facts and issues, which were raised during the constitutional amendment because when we were amending the Constitution, it is within our rules that Members can make subsequent amendments to the amendment.

I recall very well that hon. Nandala-Mafabi moved an amendment to include the reinstatement of the term limits and this House adopted it. However, at the time when they were making the final draft the President assented to, that aspect was not reflected there.

I was expecting the Attorney-General to tell this House how such things can be handled in the future, that this House pronounces itself on a particular matter and when they are making a final draft which the President is going to assent to, they intentionally leave out that particular area.

It was only observed in court when the law, which the President assented to was presented in court; that is when we knew that the term limits were not included.

Therefore, it would be procedurally right for the Attorney-General to also help this House to understand how we can move on such matters.

**THE DEPUTY SPEAKER:** Thank you, you have already ruled on that matter. *(Laughter)*

3.06

**MR JONATHAN ODUR (UPC, Erute County South, Lira):** Thank you, very much, Mr Speaker. I would like the learned Attorney-General to clarify; on the 16th of April at Imperial Botanical in Entebbe, the Deputy Attorney-General issued a joint communiqué that was signed by His Excellency the President - constituting the Uganda National Dialogue and Government was represented by a team headed by the Deputy Attorney-General, the Government Chief Whip, hon. Evelyn Anite and others.

We asked at that stage whether the Uganda National Dialogue could be pursued along the Constitutional Review Commission and he said that in the view of Government, the Uganda National Dialogue now takes precedence; so Government had abandoned the Constitutional Review Commission.

Now I want clarification from you in light of that communication; why are you again coming here telling us that you want to pursue the Constitutional Review Commission and yet there is that joint communiqué issued by His Excellency the President.

**MR BYARUHANGA:** Thank you, very much, Mr Speaker, I most vehemently disagree with the previous speaker to the effect that the Deputy Attorney-General said that Government had abandoned the Constitutional Review Commission.

There is absolutely no possibility that he said that; what you misunderstood was for him to say that the national dialogue would move hand in hand with the Constitutional Review Commission.

**THE DEPUTY SPEAKER:** Thank you, honourable members, I think it would still be proper for us to receive - I think due notice has been received by the learned Attorney-General about what our intention as Parliament is and 10 days are not too long.

We would like to see the content and nature of what they are going to bring to Parliament and if there are gaps, we will ask the honourable Member to supply that gap through his motion for leave.

**MR BYARUHANGA:** Mr Speaker, also to bring to this House the status of that Constitutional Review Commission, because as I said, the best option in terms of constitutional amendment must be the view from all the people, in my view -

**THE DEPUTY SPEAKER:** Learned Attorney-General we are operating from a backdrop that hon. Raphael Magyezi brought one to this House and we handled it. Let us not go into that. Just bring it for us; that is what we need at the end of this month and then we see how to cure the difference as Parliament?

**MR BYARUHANGA:** Most obliged.

**MR NIWAGABA:** Mr Speaker, with all due respect to my learned friend the Attorney-General, he is very clear, and you asked him a direct question but he never answered it. He is not bringing anything to do with the constitutional amendment while my motion is to bring constitutional amendments and subsequently, the consequential amendments in the other Acts.

Two, last week you told us that this House will be prorogued on the 25th -

**THE DEPUTY SPEAKER:** Will be prorogued when we finish the Appropriation Bill.

**MR NIWAGABA:** In my view, tying my motion to what the learned Attorney-General is going to bring, which has nothing to do with the constitutional amendments - if it was only in respect of the other Acts, I would have waited but mine is far beyond his proposed amendments in the Acts.

So, tying mine to his Bills on the Acts and not the Constitution will unnecessarily be inhibiting me as a private member.

Mr Speaker, I need to implore you to rescind your decision and allow me present my motion. Let it be heard on its merits and it will have no effect in any way on the Bills the Attorney-General will bring.

I beg my learned friend, the Attorney-General, as a brother, to allow my motion in good faith. We will move in tandem. Just concede that you are not bringing constitutional amendments, allow me to bring a motion to bring the amendments and we move in tandem.

**MR BYARUHANGA:** Mr Speaker, the Attorney-General succumbs to your earlier ruling that in 10 days, I request my learned colleague on the opposite side in respect to being a colleague, that we await whether I will bring an amendment or not. I am telling you that what I will bring will be substantive. If the Speaker so rules at that point in time, we shall discuss your amendments when they come.

**THE DEPUTY SPEAKER:** I am saying that sometimes it is good to give people a chance to exhaust themselves. That is in the spirit of dialogue. At the end of this month, when whatever we will receive is received, if the assessment only has to do with Bills relating to amendments of only Acts of Parliament, this House will grant you leave to present a Bill for constitutional amendment. That entire lot will be stayed because we cannot proceed with amendment to Acts of Parliament when there is a pending constitutional amendment, which will have an impact on those Bills. That would be wasting time. We would have to stay all Bills relating to amendment of principal legislation until we finish the constitutional amendment. That is why I am saying, let us wait and see.

However, as the Attorney-General has also heard and from the background that a private Member previously brought a Constitutional Amendment Bill and this House handled it, you might be having difficulties relying on the Constitutional Review Commission and other complicated frameworks to make this Parliament not handle issues that are urgent and that should be handled.

You might want to think in the 10 days and come back in a comprehensive way that can persuade this House to move with you.

MINISTERIAL STATEMENT ON GOVERNMENT’S INTERVENTIONS IN ADDRESSING EMERGING DISASTERS IN THE COUNTRY

3.14

**THE MINISTER OF STATE FOR DISASTER PREPAREDNESS AND REFUGEES (Mr Musa Ecweru):** Mr Speaker, this statement is on the Government response to impact of disaster damage to communities and on public infrastructure and the disruption of the service delivery in the country over the past six months since the destructive rain started.

Mr Speaker, I beg to state as follows;

Members are aware that the current erratic rainfall characterised by storm-winds and hailstones have come after a long dry spell where the seeds planted during the traditional planting season of March to April did not germinate.

Colleagues also need to note that the first rains, which appeared in early March, were deceptive and when people attempted to plant, plants did not germinate and people lost their seeds.

Therefore, the food shortage situation across the country got to crisis level thus the emergency levels in the sub-regions of Karamoja, Teso and Bukedi; Busoga, Acholi and West Nile and to a large section of the Cattle Corridor. This has put close to over 3,500,000 people in urgent need of relief food.

Having weighed the gravity of the matter, Government in its wisdom elevated the management of this challenge and response to be chaired by the First Deputy Prime Minister and Deputy Leader of Government Business in Parliament, the Rt Hon. Gen. (Rtd) Moses Ali. This was meant to bring together different sectors of Government in order to provide a holistic response to this emergency.

After presenting the food and hunger situation report to Cabinet on 06 May 2019, Cabinet immediately directed that money from the Contingency Fund be released to the tune of Shs 40 billion for procurement of emergency relief food to be delivered to communities at risk. I am happy to report that these deliveries will begin this week.

Honourable members, it is also important to note that the storms that have been witnessed in about 90 districts across the country had destroyed 356 primary, secondary and tertiary institutions by yesterday - when this statement was prepared - by de-roofing most of the buildings.

Cabinet at its sitting on Monday, 13 May 2019 approved, from the Emergency Fund, Shs 26 billion to be extended to the Ministry of Education and Sports for emergency repairs and reconstruction of the damaged schools. The Ministry of Education and Sports, working with the district local governments, will soon reach your schools.

Mr Speaker, what is not captured in the written statement is that when we were getting these reports from the schools, children in many schools that have been de-roofed now sit under trees as the teachers monitor the clouds. When they see rain approaching, they disperse pupils.

While we are doing this with the Ministry of Education and Sports, I have also chaired a meeting with partners, particularly in UNICEF and other organisations that are responsible for education and the welfare of children. They are considering extending some tents, which will act as temporary classrooms for these children.

Thirty three districts in central and western parts of the country, in the area of agriculture, have lost hundreds of hectares of plantations and crops especially bananas and beans due to strong winds and hailstones. This is in addition to the failed germination in the sub-regions of Karamoja, Teso, Elgon, Bukedi, Busoga, Lango, Acholi and West Nile as indicated in my opening statement.

Cabinet at its sitting on Monday, 13 May 2019 approved Shs 39 billion from the Contingency Fund to be extended to the Ministry of Agriculture, Animal Industry and Fisheries for emergency procurement of fast-maturing seeds such as maize, beans, sorghum, millet and peas for quick distribution to our people who have lost their planting seeds and lost the crops.

We concluded this on the understanding that relief food distribution is not sustainable. Therefore, there must be an invitation and support given to the Ministry of Agriculture, Animal Industry and Fisheries to support the communities to get back on their feet.

On Health, 31 district health service systems have been affected by epidemic diseases and destructive storms including loss of the roof of Anaka Hospital in the northern part of the country.

Cabinet also approved Shs 1.605 billion for repair of the affected health facilities and for preparedness for epidemics such as cholera that sometime become rampant particularly in areas that might suffer flooding. As, we were told by meteorologists that we must expect these rains to be short but very destructive therefore, likely to cause floods in a number of areas in the country.

Recently, unfortunately we lost 15 lives in Buyende District and five lives in neighbouring Kamuli District. Government supported the bereaved families with burial expenses and is committed to support about 100 households in that district and about 20 in the neighbouring districts of Kamuli with some iron sheets and cement to enable them start rebuilding their shelters. However, in the meantime, we will support them with temporary plastic materials so that at least they have some roofs over their heads.

Over the last six months, the country has experienced draughts, strong winds, hailstorm and all those things that you can imagine and have caused huge destruction.

In the coming weeks, if we are to go with what meteorology says, though many Ugandans doubt our meteorology authority - I would like to request you to have some confidence because since this Parliament supported them financially, their capacity to predict with some element of precision has improved. In addition, many times, they share their information with Nairobi, South Africa. For example, when they tell us that the rains are likely to be short and destructive, we want to ask the country to have confidence in our own authority.

The statement of the current disaster problem is a little bit detailed. Colleagues may wish to note that there are a number of causes to the increasing frequency and severity of disaster damage and losses in our country. Key amongst which are the following:

Climate Change resulting in unpredictable rainfall; Mr Speaker, climate change is no longer a story, not a business for the lecture theatres, it is real and it is with us. We must just prepare for what intellectuals call climate change adaptation.

Secondly, there is increased flooding resulting from drainage and encroachment on wetlands across the country - that is why I was sympathetically listening to my brother from Kibuuku and my colleague the minister. They are certainly challenged.

Poor waste disposal methods leading to blockage of drainage channels and the resultant effect on the roads

Increased wind speed and strength resulting from cutting down of wind-breaker-trees. Honourable colleagues, the Office of the Prime Minister sent me to Buyende when this emergency happened and when I reached, I toured the areas that had been afflicted. What I saw was that some of the houses that were surviving, you would find that they were surrounded by trees which put up such resistance such that by the time they succumb, the house had almost been de-roofed.

However, those houses that were open, the roofs would be lifted and thrown in space for some 300-400 meters. In fact, one case, a roof was lifted and fell on a grass-thatched hut killing the occupants of that house 300 meters away.

Poorly constructed and old institutional buildings and individual houses, inadequate inspection and maintenance of institutional buildings and houses. Consequently, delivery of vital services to the public has greatly been constrained and we must do something.

Food Security

The current food shortage is as a result of the long drought and households who had planted crops according to the usual first season calendar of March that never germinated

Much later in April, rains arrived but was short-lived and came with destructive storm-winds and hailstones that mashed down hundreds of hectares of plantations in Central and Western parts of the Country; as case in point is in Sheema, Bugangaizi and some parts of Nakaseke and Luwero.

Mr Speaker, 85 per cent of the Population of the sub-region of Karamoja with a population of 1,200,000 people is at the emergency level of food insecurity (level four). It might not have degenerated from humanitarian language to famine but it is almost emergency level of food insecurity meaning most people hardly access one meal in a day.

The Karamoja sub region has witnessed only one rainfall since the year began. Efforts of our people to plant has been frustrated by rain failure. The population is surviving on wild roots and a number challenges.

The entry of the Turkana who had witnessed famine which had led to loss of lives thought that Karamoja would cushion them. They thought the Karimojong have food. This is like coming from a rock to a hard surface. This has made the situation worse in the sub-counties of Morungole, Timu and Lonyoro of Kaabong District and Rupa sub county of Moroto District. The Ik Community who do not keep cattle are heavily affected.

Mr Speaker, the Turkana displaced the Karimojong into Acholi and Lango sub regions. This has resulted into loss of the remaining cassava in parts of Acholi and Lango and parts of Teso.

What is not also captured in the report that we want to indicate to this House is that this displacement by the Turkana from Karamoja has led grossly to the abuse of women and the girl children who have moved to the different districts offering labour. The people who are hosting them exploit them particularly girls are reported to be sexually abused.

Fifty-five per cent of the population of the subregions of Teso, Bukedi and Busoga are at crisis level of food insecurity. Meaning, many people can only access one meal in a day due to water shortage.

Unfortunately, in the neighbourhood of Teso on the side of Karamoja, there are two game reserves - Pia, Upe and Bokora. For so many years even as I was growing up in that region, we never used to see buffalos cross into Teso in big numbers. However, this time, because all the dams in that area dried, big herds of buffalos crossed into Katakwi, Kapelebyong in search of water and because they were not able to get water, they destroyed the remaining food and also harmed people.

50 per cent of the Population of West Nile and a number of districts along the Cattle Corridor in Central and Western Uganda are at stress level of food insecurity meaning many families have reduced their daily food intake rations.

Causes of Food Insecurity

The draughts that we witnessed, prevalence of crop diseases, the pesticides and insecticides that are sometimes fake - We have asked the departments of Government that are responsible to make sure that in future, as they work, they be very critical on the pesticides and some agricultural inputs and seeds are not good.

On the unpredictable weather, a large of number youth – Mr Speaker, we have also noted in our assessment - and this is a matter that we want to place before this House so that collectively, you can advise the executive on how we can proceed – that as we move across the country, with the rains that have returned, women are the most seen people in the gardens and to some extent, old men, like people of my age but the young people are not interested in the gardens. They are always in gambling games in centres. I do not know how we can change this mind-set because it is also a challenge to us; the young people being in centres leaving women and elders in the gardens.

There is also the excessive sale of food and the lack of post-harvest facilities. On the lack of post-harvest facilities, apart from the granaries that have been traditionally used to protect our harvests, Cabinet, last year, requested and placed the responsibility of putting silos in the Ministry of Trade, Industry and Cooperatives. I hope my colleague from that ministry will soon come to update this House on the progress in that direction.

We think that when we had surplus maize in some parts of the country last year, if that surplus food had been procured and safely kept in the silos, we could not really be operating in this crisis mode all the time.

Mr Speaker, also in many parts of the country, land fragmentation and soil exhaustion is a problem; this must be addressed.

I have talked about the problem of education and what it has occasioned to the children and the learners. When we looked at education, we found this Parliament - under the capital development budget, the Ministry of Education and Sports had a provision of a paltry Shs 2.9 billion, which was supposed to be spent on this kind of interventions. That is why in our wisdom, we recommended that Shs 26 billion quickly be extended to them, given the gravity.

Allow me briefly say something on the health sector. The ministry has been grappling with a number of challenges. I have talked about Cholera, which is sometimes related to floods and compromise of hygiene and sanitation and many areas. We have also allocated some money to tackle the challenge of Cholera and all the other related challenges.

When one of my colleagues talked, he raised issues on the threat of Ebola from the Democratic Republic of Congo. I will probably share the contradictions in that area with my colleague Minister of Health and bring it here on another day.

Anyhow and in a nutshell, what is happening in that part of the country is that there is Ebola in Benin. Unfortunately, that area is also a place where armed warlords are roaming. Sometimes, they even disrupt the processes of addressing the Ebola question and cause people to move here.

Government is doing whatever it takes to deploy adequately along that border so that we can see that while we keep the refugees in, we screen and make sure that they do not import problems to Uganda.

On agriculture, I have shared with you the challenges and I have also indicated to you what Cabinet has resolved. We know that this will be done as quickly as possible. The Ministry of Agriculture, Animal Industry and Fisheries will work with the respective members of Parliament and the local governments to ensure that this is effected.

While we prepared this report, we realised that the Ministry of Works and Transport is still gathering information on the number of bridges, in the short time that we witnessed rains and the roads washed away; they have not yet quantity it.

The chairperson of Cabinet has since requested the Ministry of Works and Transport to conclude its data collection and come to tell Cabinet what intervention they would want and also proceed to this Parliament to inform it accordingly.

The purpose of this statement, therefore, is to inform Parliament about the impact of disasters experienced over the six months in the country and what Government and individuals can do to mitigate future such occurrences.

Secondly, it is to inform Parliament that under emergency contingency funding, Government has provided a total of Shs 106 billion to address the disaster losses and damages to food, education, health and other very critical sectors.

When we discussed this, it became clear that the matter might be more than these resources. Also, looking at the envelope that we operate, we thought that we should get started. In the event that the problem overwhelms these resources, we will see how we can again get back to Cabinet. After all as a Government, we are not about to go away.

Mr Speaker, this was also to inform Parliament of the responsibilities of the department of disaster preparedness and management and the Office of the Prime Minister, the individual citizens, the sector ministries and the disaster preparedness and management department.

The responsibility of the Department of Disaster Preparedness and Management under the Office of Prime Minister includes one but not limited to the mapping out of risks and vulnerabilities. We shall be bringing to this House the hazard map of Uganda very soon to indicate the areas that are on potential risks and the categorisation of those risks. I am happy to report to you and this House that that hazard map has been developed now.

The other is about assisting sectors to build capacities to mitigate, respond and recover from disaster that fall under our docket. There is ensuring sectors, including the international communities; to support areas and sectors overwhelmed by the disaster; to coordinate all sectors in assisting communities and institutions to build resilience against disasters; and providing relief where there is no specific sector responsible.

Responsibilities of Individual Citizens

I have also indicated and captured some of them. We, as Parliament, and the entire Government need to mobilise our communities, particularly the young people, to appreciate that there is pride and dignity in being able to feed themselves and that that can only happen when we produce food by ourselves.

I have also captured areas on what a lot of households and institutions can do to reduce vulnerability.

Why the Increasing Impact Of Disasters

The biggest challenge the country is now facing is the rampant cutting of trees and the degradation of wetlands. This is making windstorms become tornados. I request colleagues to step up advocacy for tree planting in spite of the fact that the slow pace of which trees grow cannot match the rate of cutting mature trees down due to the rising demand for firewood, charcoal and timber.

We are proposing that Government, through the Ministry of Energy and Mineral development, must step up some industries to start making briquettes. This is because a number of countries in the continent have now almost stopped the burning of charcoal. They are now making briquettes to supplement as a source of energy.

Currently, after harvesting hundreds of tonnes of dry stems, for example, maize, sorghum, rice and millet are burnt in gardens to clear space for the next planting. Briquettes from this after harvest will be very useful and they would help us in mitigating disasters.

Mr Speaker, as I conclude, *-(Interruption)-*

**MR NZOGHU:** Thank you, Mr Speaker. The Minister of State, Office of the Prime Minister (Relief, Disaster Preparedness and Refugees) was proceeding very well. It was until he reached a point where he said that they are not about to go away. *(Laughter)*

**THE DEPUTY SPEAKER:** Are you about to go away?

**MR NZOGHU:** Mr Speaker, he referred to them not us. When you read our Constitution particularly Article 1, power belongs to the people and Article 3 is very clear that you must do all it takes to defend the sovereignty of our Constitution, especially if there is any effort by any individual or group that is intending to impose itself on the people.

Is it in order for the honourable minister to mix the report and allege from his submission that they are not about to go away, yet this House expects him to tell us what he intends to do? The tenure of office for any Government is five years. Is it in order for the honourable minister to mix issues and imagine that they are not about to go away?

**THE DEPUTY SPEAKER:** I think the time when the Government will go for elections is known. His statement could only have meant that, to the extent that the Constitution allows, they are not about to go away. *(Laughter)* He cannot say beyond that.

We know that for the next two years, they are not going away. *(Laughter)*

**MR ECWERU:** That is exactly what I meant, Mr Speaker. *(Laughter)* we are going to be around until we finish our constitutional mandate. I also wanted colleagues to know that the Government justified its existence by rendering services to the citizens. What we are doing precisely is to do that so that we continue to be around. If we are seen to serve the citizens very well, there will be no way – colleagues, I can assure you on this. The moment we serve our citizens very well, they will renew our mandate and that is not a matter for debate.

This is want is happening and I would like to beg my colleagues; two things should happen. I am not going to offend my friends from the Ministry of Water and Environment but I would like to say that the speed at which National Environment Management Authority and forestry are moving in as far as restoration on the environment and as far as we in the disaster management are concerned, is wanting. I would like to strongly propose that we in Parliament can decide that one day, the Deputy Speaker, Mr Jacob Oulanyah, launches tree planting in Gulu and Kanungu districts and then the whole Parliament joins and demonstrates to people that it is possible. Tree planting is extremely important. I thank you very much for listening to me.

**THE DEPUTY SPEAKER:** Honourable members, I would like to educate the honourable Minister of State, Office of the Prime Minister (Relief, Disaster Preparedness and Refugees) that the Deputy Speaker does not talk, he works. He just launched the planting of one billion trees by July this year. As I speak now, we are reaching 700,000 trees in the ground. If you look at me in the Commonwealth website, you will find the Deputy Speaker speaking there while the children are planting and watering them. *(Applause)*

Honourable members, do the same in your areas. We need the ministries to help us with watershed areas first so that the watershed areas can be forested to preserve the waters and then we can deal with planting of trees elsewhere. However, the watersheds must be taken care of first, so that the streams do not dry but remain as source of water. The streams are now dry because we have tampered with the trees that used to protect the watersheds.

All of us should do this. It should not just be a talking thing but a working thing. Honourable minister, I am not very sure because you have said there are about 300 day schools that have been affected. I do not know whether your statistics cover the whole country because in my area, the entire Odek Secondary School roof is off. I do not know whether it is comprehensive and whether the response systems and timelines are sufficient to handle these as a matter of disaster.

Honourable members, in the public gallery this afternoon, we have a delegation of 10 students from KSK Associates, an audit firm in Kampala. They are represented by hon. Muhammad Nsereko and hon. Nabilah Sempala. They are here to observe the proceedings. Please, join me in welcoming them. *(Applause)*

Honourable members, this is a disaster itself *–(Laughter)–* Can we limit it? We have the roads Bill to finish today. Can I push the debate to tomorrow and we first handle the Roads Bill? Okay, let us push the debate to tomorrow and we first handle the roads Bill, we finish it and then we debate this comprehensively tomorrow. Thank you for your understanding.

LAYING OF PAPERS IN ACCORDANCE WITH RULE 31 OF THE RULES OF PROCEDURE

 ADDENDUM NO.5 TO SUPPLEMENTARY SCHEDULE 2 FINANCIAL YEAR 2018/2019

3.48

**THE MINISTER OF STATE, OFFICE OF THE PRIME MINISTER (RELIEF, DISASTER PREPAREDNESS AND REFUGEES) (Mr Musa Ecweru):** Mr Speaker, by virtue of the powers entrusted to me as the acting Minister of Finance, Planning and Economic Development, I beg to lay this paper.

**THE DEPUTY SPEAKER:** What paper? *(Laughter)*

**MR ECWERU:** This is addendum No.5 to the Supplementary Schedule 2 Financial Year 2018/2019. I beg to lay.

**THE DEPUTY SPEAKER:** Let the records capture that. Thank you.

**MR AKOL:** Mr Speaker, we are in May and the financial year is ending in June. I wonder what is happening and why we are bringing supplementary today when we are looking at the annual budget and we are about to pass it. Is this really right and is the country proceeding well?

Recently, I was with the Committee on Finance, Planning and Economic Development in United Kingdom. When we were talking about supplementary budget during our benchmarking, the Office of the National Audit was surprised. It is not even there. Are we really planning for this country, if at this point when we are about to start the new financial year, we are still talking about supplementary budget being laid now? Are we proceeding right?

**THE DEPUTY SPEAKER**: Honourable member, you have said that you do not know what is happening. I also do not know what is happening. *(Laughter)* I will only know when the responsible committee comes back to advise me on what to do with it and then I will know what to do. So, let us wait and hear from the committee. This particular addendum file stands referred to our committee on Budget to look at and advise us.

RESPONSE TO A QUESTION RAISED BY HON. AKELLO JUDITH FRANCA ON THE SURVEY OF LAND AND PLANTING OF MARK STONES BY STAFF FROM AMITA PRISON IN ABIM DISTRICT EXTENDING UP TO 2KM INTO AGAGO DISTRICT

**THE DEPUTY SPEAKER:** Both the minister and the Member who raised this matter are not here. Next item please.

BILLS

COMMITTEE STAGE

THE ROADS BILL, 2018

**THE DEPUTY CHAIRPERSON:** Honourable members, as we start, let me inform you that the sets of amendments I have are from the committee and I have another set from hon. Nzoghu. I hope you have all received copies so that we move together. I have not received any other proposed amendments. Hon. Nandala-Mafabi, do you have amendments? Please give me a copy. We have amendments from hon. Jonathan Odur.

Clause 1

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, the committee proposes to delete clause 1 (2).

The justification is to ensure that the Bill comes into force on the date of its publication as notified in the gazette and not by issue of a statutory instrument.

**THE DEPUTY CHAIRPERSON:** Did the minister clarify why they had proposed it that way because it is not illegal to do that. Honourable minister, why did you say it should come by instrument and are you satisfied with the proposal to delete?

**GEN. KATUMBA WAMALA:** Mr Chairman, we concede to the proposal to delete.

**THE DEPUTY CHAIRPERSON:** The proposal is to delete sub clause 2 and the minister agrees to the deletion. I put the question that clause 1(2) be deleted.

*(Question put and agreed to.)*

**MR JONATHAN ODUR:** On the road reserve, I propose that you substitute for the definition of a road reserve with the following; “that road reserve means an area of land acquired by a road authority and set aside for future road construction”

**THE DEPUTY CHAIRPERSON:** We are on clause 1.

**MR NIWAGABA:** I agree with the proposed deletion. Are we substituting anything on this clause or we are leaving it to the Acts of Parliament in terms of commencement?

**THE DEPUTY CHAIRPERSON:** They should have because usually, the commencement paragraph is always on top. So, by taking it away from there, you should have proposed what you are saying in the law.

**MR KAFEERO:** Mr Chairman, we are proposing that the date of commencement is the date of its publication and gazette.

**THE DEPUTY CHAIRPERSON:** So, where do we put that?

**MR KAFEERO SSEKITOLEKO:** At the top.

**THE DEPUTY CHAIRPERSON:** That is okay. The drafters will do that. It is deleted and substituted with, “the date of commencement will be the date of publication”. Now we are set.

**MR NANDALA-MAFABI:** Mr Chairman, usually clause 1, which becomes section 1, talks about commencement. However, what I see here is that it talks about commencement and the purpose, the definition.

**THE DEPUTY CHAIRPERSON:** We have just deleted commencement. So they will redraft this and put the commencement clause at the beginning.

**MR NANDALA-MAFABI:** If we do that, then the rest should either be moved to the interpretation section or be deleted.

According to the chairperson of the committee, he only deleted sub clause 2. Clause 1 is about commencement. I propose that we delete the entire 1 and 2 and substitute it with what the Chairperson has proposed. Here, it is making other definitions within clause 1 –

**THE DEPUTY CHAIRPERSON:** Clause 1(1) is not interpretation, it is purpose. When you are making a law that changes a lot, sometimes they do that by preamble or by purpose because you are setting in a new regime of a law that is for a sector. Sometimes you have to state the purpose of the law and you can do that by stating the purpose or less sophisticated people would use a preamble to state that we are doing this because of the following - that is what is called purpose.

Can we finish with clause 1?

**MR NIWAGABA:** Mr Chairman, having listened to you and to hon. Nandala-Mafabi, the long title of the Act speaks about the purpose. Would it not be duplicity to have the long title, as presented, with the remaining clause 1?

**THE DEPUTY CHAIRPERSON:** No. The purpose of a law is not illegal and is not bad drafting. It is just in a situation where the proposer of the law thinks they are causing a near revolution to a sector. They have to state the purpose. They are, in other words, saying that it is not a small law. They have to clarify and state the purpose for this law.

That is what happened with the Local Government Act, I think, when there was a complete revolution of that area; they had to state the purpose. It is not a bad thing to do; it is actually a good thing to do.

Can I now put the question to clause 1 as amended?

**MR NZOGHU:** Mr Chairman, I would like the chairperson to clarify where the interests of the property owners is also vested although it is not mentioned. Mr Chairman, I thought that we would also see the protection of the interests of the land owners so that the Bill is not looked at as a way of eroding the rights of the property owners, in this case.

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, clause 14 of the Bill provides for what the honourable member is pursuing. I wish he could wait and we address it when we get there.

**MR NZOGHU:** Mr Chairman, why did he put a toll when the toll is also mentioned in the Bill? When you look at the “purpose” of this Bill, other areas that have been mentioned in the “purpose” are also mentioned and listed in the Bill. Why did he intentionally leave out the –?

**THE DEPUTY CHAIRPERSON:** Honourable members, compensation or handling of people’s property is not a purpose of the Act. It is a consequence of the implementation of the Act. Therefore, it cannot be called a “purpose”. As you implement the law, there are consequences that will arise, which will require compensation.

Can I now put the question to this clause 1, as amended?

*(Question put and agreed to.)*

*Clause 1, as amended, agreed to.*

Clause 2

**THE DEPUTY CHAIRPERSON:** Clause 2 is “interpretation”, so, we will stand over it.

Clause 3

**MR JONATHAN ODUR:** Mr Chairman, under clause 3(3)(d), I propose to substitute “city authorities” for “city roads”. The justification is that Parliament passed a motion for introduction of more cities such as Lira, Gulu, Arua and the rest and these should be catered for in the new law because we do not only have Kampala Capital City Authority.

**THE DEPUTY CHAIRPERSON:** When was that motion passed?

**MR JONATHAN ODUR:** It was in the report of the committee –

**THE DEPUTY CHAIRPERSON:** No, we have not done that.

**MR JONATHAN ODUR:** I am just looking ahead –

**THE DEPUTY CHAIRPERSON:** That is anticipation. *(Laughter)*

**MR JONATHAN ODUR:** For future planning, Mr Chairman, we know for sure the cities are going to come.

**THE DEPUTY CHAIRPERSON:** Would that be dangerous in case there are cities?

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, whereas our Rules of Procedure bar us from debating in anticipation, I suggest that the honourable member waits. We can always do it when we get there.

**THE DEPUTY CHAIRPERSON:** No, the law has to take care of all situations. If there are cities, do you come to amend the law?

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, the minister has the powers to appoint new roads authorities as and when they come.

**THE DEPUTY CHAIRPERSON:** Honourable members, the proposed amendment is okay; it makes a comprehensive proposal of the structure as it will be tomorrow, the next day, 10 years later or 100 years later. Can I put the question to that amendment?

*(Question put and agreed to.)*

*Clause 3, as amended, agreed to.*

Clause 4

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, the committee proposes that in clause 4(2)(a), we substitute for the words “development plans” the words “physical development plans”. The justification is to ensure that the development of roads is aligned to the National Physical Development Plan in accordance with the Physical Planning Act, 2010.

**THE DEPUTY CHAIRPERSON:** Is that clear, honourable members? Consistency with the law -

**GEN. KATUMBA WAMALA:** Mr Chairman, we agree with the amendment but only wish to modify it to read “develop public roads in accordance with its respective investment and development plans and where practicable, physical development plans.”

The justification is that at times it may not be feasible for the road alignments to follow the proposed corridors in the physical development plans *–(Interjection)–* We are just adding.

We agree with “development plans” but we are saying, “develop public roads in accordance with its respective investment and development plans and where practicable, physical development plans”. If they can be aligned with the physical development plans, so be it. In the event that the road alignment does not coincide with the physical development plans, the road should be constructed.

**MR NIWAGABA:** Honourable minister, this Parliament passed the Physical Planning Act, 2010 that actually makes the entire country a planning area. Are you trying to tell us that in your construction of the roads, you may do away with the Physical Planning Act and do a road that does not comply with the planning requirements of the area?

**MR BYANDALA:** I would like to give information that road alignment follows a physical plan. Therefore, you cannot say it will not follow a physical plan; the roads are developed following physical plans.

**GEN. KATUMBA WAMALA:** It will follow the physical plan and on that matter, I concede, Mr Chairman.

**THE DEPUTY CHAIRPERSON:** So, do we take away “development plans” and in its place put “physical development”?

**MR KAFEERO SSEKITOLEKO:** Let us remove “development plans” and put “physical development plans”.

**THE DEPUTY CHAIRPERSON:** Is that clear now, honourable members? Should I put a question to that amendment?

*(Question put and agreed to.)*

*Clause 4, as amended, agreed to.*

Clause 5

**MR SSEKITOLEKO:** In clause 5, Mr Chairman, we propose to substitute for the words “private person” appearing in line 4 the words, “private institution”. The justification is to ensure that the minister does not delegate any of his functions of the authority to an individual person.

**THE DEPUTY CHAIRPERSON:** Honourable minister, did you intend to delegate it to hon. Oulanyah, as a person?

**GEN. KATUMBA WAMALA:** Mr Chairman, we accept the proposal but let us substitute the word “institution” with “entity” because the word “entity” is more encompassing than the word “institution”.

**THE DEPUTY CHAIRPERSON:** Is that okay? Instead of “private person”, it will now read "private entity”. Can I put the question to that?

*(Question put and agreed to.)*

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, we propose the deletion of clause 5(4). The justification is that clause 5(4) contradicts clause 5(3).

**THE DEPUTY CHAIRPERSON:** Is it clear? Can I put the question to the deletion?

*(Question put and agreed to.)*

*Sub-clause (4), deleted.*

**MR KAFEERO SSEKITOLEKO:** Under clause 5(5), we propose to delete the words “appointed by the Public Service Commission” appearing in lines 1 and 2. The justification is to cater for situations where the appointing authority of the Engineer-in-Chief may change.

**THE DEPUTY CHAIRPERSON:** Do you propose to delete and leave it blank?

**MR WALUSWAKA:** Mr Chairman, usually, the Permanent Secretary is the chief technical advisor to the minister. When we say Engineer in Chief, it will change. If we go to agriculture, maybe they will say NAADS coordinator. I, therefore, propose that instead of Engineer in Chief, the Permanent Secretary of the ministry responsible for transport shall provide technical advice to the minister.

**THE DEPUTY CHAIRPERSON:** I think this is a technical thing. Let us not over *situationalise* things. This is purely technical. Let us deal with the proposal of deletion of “Public Service Commission” that has been raised by the committee.

**MR NANDALA-MAFABI:** Mr Chairman, the Engineer in Chief is appointed by the Ministry of Public Service and there is no other person. If the Public Service Commission changes, then the institution, which would have replaced the Ministry of Public Service, would be the one to appoint the Engineer in Chief. Otherwise, if we do not do that, anyone will appoint anybody as the engineer in chief and this will cause a lot of problems. The only person responsible for roads in this country is the Engineer in Chief.

**MR KAFEERO SSEKITOLEKO**: Mr Chairman, in light of continuity, we can concede to this and abandon the deletion.

**THE DEPUTY CHAIRPERSON:** In clause 5(5), that proposed amendment is withdrawn. I now put the question that clause 5, as amended, stand part of this Bill.

*(Question put and agreed to.)*

*Clause 5, as amended, agreed to.*

*Clause 6, agreed to.*

*Clause 7, agreed to.*

Clause 8

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, the committee proposes in clause 8(2)(c) to delete the entire paragraph. The justification is that –

1. It will be difficult to ascertain whether a vehicle of a security agency is on emergency duty or not. As a result, the provision might be abused.
2. Since clause 6 (3) proposes the operation and management of toll roads to be supported by the use of appropriate technologies, once implemented, it will enable toll operators to keep timely track of such vehicles without causal undue delays. Thereafter, toll operators can compile the road toll and make monthly submissions for payment to a responsible security agency. This will also widen road toll collections.

**GEN. KATUMBA WAMALA:** Mr Chairman, we accept the proposal.

**THE DEPUTY CHAIRPERSON:** It is accepted. Can I put the question to that deletion?

**GEN. KATUMBA WAMALA:** We are talking about military and all other vehicles. The ambulances are different. We are talking about military and police vehicles which may abuse the facility. Otherwise, it is very difficult to know when a military vehicle is on an emergency. For the ambulance, it is a given but for a military or a police vehicle, it does not necessarily mean that every time it is on an emergency.

Since there are provisions for prepayment and post payment, vehicles from those ministries, which would want to use that facility, can be prepaid or post-paid.

**THE DEPUTY CHAIRPERSON:** I now put the question that clause 8, as amended, start of this Bill.

*(Question put and agreed to.)*

*Clause 8, as amended, agreed to.*

Clause 9

**MR NANDALA-MAFABI:** I would like to request the minister to help me understand why he is diverting the money instead of taking it to the Consolidated Fund. Otherwise, all monies collected in Uganda are taken to the Consolidated Fund and then, if you want to use Appropriation in Aid, you seek authority from the minister responsible for finance.

Mr Chairman, I would like to, therefore, propose that clause 9 -

**THE DEPUTY CHAIRPERSON:** Which sub clause in clause 9?

**MR NANDALA-MAFABI:** Clause 9 (1) to say all toll revenue under this Act shall be collected by the relevant road authority and it shall be deposited in the Consolidated Fund.

The justification is that all monies, which are collected from the taxpayer, are supposed to be deposited in the Consolidated Fund. Once we do that, the remaining sub clauses of clause 9(2)(3)(4) will be deleted.

**MR SSEWUNGU:** I am sorry I am not in agreement with the deletion of clause 8(c).

**THE DEPUTY CHAIRPERSON:** We are on clause 9. Honourable minister, why do you want to use this money you are collecting? What is the exception to the general rule? Can you explain it to us?

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, as a committee, I think there was an error of omission. We had pronounced ourselves on this to say that this contravenes the Public Finance Management Act. We had proposed that all the money goes to the Consolidated Fund. I know the minister will concede.

**THE DEPUTY CHAIRPERSON:** What is the implication? Does that mean that the entire clause 9 collapses?

**MR NZOGHU:** Mr Chairperson, if you look at the subsequent sub clauses under clause 9, they are actually giving definitions to the other sub clause that came much earlier. In the committee, it was proposed that the entire clause be deleted.

**THE DEPUTY CHAIRPERSON:** The people who drafted it made it very difficult for it to stand. If they had started it with sub clause (2) by establishing the main principal and then creating the exception with the justification, maybe it would have stood.

Sub clause (2) states the position of the law and so, sub clause (1) should have been the exception to what is in the law right now. That is why we are getting difficulty.

What we are saying is that – honourable members, sometimes, for remedial repairs, you might have a challenge. When the financial year begins, you collect road tolls and maybe a part of the vehicle is broken, this then means that you are going to wait for appropriation in the next financial year and there might be challenges.

I think they wanted to create a partial exception that where the minister directs, there might be an exception that some money be used for immediate repair and maintenance. Ordinarily, this would have made sense.

Since the minister is here and he has accepted -

**GEN. KATUMBA WAMALA:** Mr Chairperson, you are right. The idea of collecting money from these road tolls is for development and maintenance of roads.

Like you have said, if it goes to the Consolidated Fund, then it creates a long chain of getting that money and so, we should have a provision where some of that money is ring-fenced for purposes of maintaining the roads. Otherwise, we shall have defeated the purpose of creating the road tolls for generating money for maintaining and developing more roads.

**THE DEPUTY CHAIRPERSON:** Honourable members, I would like you to read sub clauses (2) and possibly (4). It should not have been “notwithstanding”. It should be:

“The Minister, may, in consultation with the minister responsible for finance, direct that the toll or part of toll levy on public road under this Act be deposited into the Consolidated Fund or the Road Fund established under the Uganda Road Fund Act, 2008”.

That should have been the main rule and then you create the exception saying, “Depending on the circumstances, the minister may also direct that part of that money be appropriated in aid to do remedial repairs on some parts of the road”.

It would have made sense if it was put in that sequencing. Can we stand over it and think through it?

**MR JONATHAN ODUR:** Mr Chairman, I would like to make a comment. If you read clause 10 and 11, you then see the spirit that was brought under clause 9. Under a Public-Private Partnership (PPP) arrangement and shadow tolling, it is envisaged that an entity can be contracted so that they build a road and then they collect before handing over from Government.

As it is, we can just reorganise the clauses as we have proposed, start with that and then we leave it.

**THE DEPUTY CHAIRPERSON:** Can we stand over clause 9 and come back to it? We have stood over clause 9. Let us move.

*Clause 9, stood over.*

Clause 10

**THE DEPUTY CHAIRPERSON:** I put the question that clause 10 stands part of this Bill.

*(Question put and agreed.)*

*Clause 10, agreed to.*

Clause 11

**THE DEPUTY CHAIRPERSON:** Hon. Nandala-Mafabi, we have not seen your amendments? They have been bringing them for the last one hour.

**MR NANDALA-MAFABI:** Mr Chairman, I need your help. I would like to understand this “shadow tolling”. I have read it but failed to understand. I believe they are trying to say that a minister can create a road for purposes of collecting toll. What it means is that they count the vehicles and then go to Government and ask to be paid money; this is what it means here.

I propose that if Government is interested in making somebody operate the road and then they pay, they should create another method. As it is now, I do not think shadow tolling is necessary.

**GEN. KATUMBA WAMALA:** Mr Chairman, to explain this, I can use the example of Kalangala Infrastructure Services Limited connecting Bukakata and Kalangala. The ferries are run by a company called Kalangala Infrastructure Services Limited. The people who use the ferries do not pay any fee. You drive your car or board the ferry and you are transported and at the end of every quarter, the Kalangala Infrastructure Services, with records of the number of trips they have ferried, bills Government and Government pays.

**MR NANDALA-MAFABI:** That is what I know. I would like you to demonstrate to me how you can shadow toll on a normal road. *(Laughter)*

**GEN. KATUMBA WAMALA:** Still on the same, Government did not have the money to construct the road from Luku on the island to Mulabana. Kalangala Infrastructure Services constructed that road and so Government pays – under agreement – for the road which was constructed until the time when the company will recover its money.

There is a running agreement but the road was constructed by the company using their own money and the Government did not put money forward. Every quarter, on an agreed rate, KIS bills Government so the road is used by the people without any payment.

**THE DEPUTY CHAIRPERSON:** Honourable members, I will not allow a lecture session here where people ask for clarification for things that are – Let me have the former Minister of Works and Transport.

**MR BYANDALA:** Mr Chairman, we are going into road tolling, specifically starting with the Entebbe Expressway. When we got a loan from China, the agreement Government had with the Chinese Government was that we were going to repay the loan by tolling.

Therefore, either you do the real tolling or the shadow tolling to pay them. They need to know the income you are getting out of the tolling to pay the loan. That is why they said that if Government decides not to charge people through tolling directly, then it would do it through shadow tolling.

**THE DEPUTY CHAIRPERSON:** Honourable members, can I put a question to this matter now and solve it? This is my understanding. Shadow tolling means there is no road toll equipment where you reach and pay. Shadow tolling arises where there is an agreement between Government and a private entity to construct a road and recover the money from the road usage.

So, it is up to the company that has built this road to count the number of vehicles that have used that road and that should have paid the toll. However, Government has said they should not pay because it will pay. It is up to them to count the number of vehicles, put equipment that can record the number of vehicles and at the end of it, bill Government because the citizens are going to use that road for free so Government will pay. That is shadow tolling.

Can I put the question? I will put the question –*(Mr Okoth-Othieno rose\_)– y*ou are taking us back, honourable member.

**MR OTHIENO:** Mr Chairperson, in clause 11 (1), I think it was an error at Committee Stage. “The minister may, in consultation with the minister responsible for finance and the relevant road authority, designate a public road as a shadow toll road”*.*

It is supposed to end there. The rest of that is an explanation which is already in the interpretation clause. So, it is supposed to stop at the minister declaring a road as a shadow toll road. The rest of that statement is just an explanation which is already explained and should not be there.

**THE DEPUTY CHAIRPERSON:** For avoidance of doubt - but does it add value? That is his issue. Does it add value? If it adds value, does it cause injustice? It doesn’t? If it is an evil, it is one of those you can live with and does not cause problems.

Can I put the question that clause 11 stand part of this Bill.

*(Question put and agreed to)*

*Clause 11, agreed to.*

*Clause 12, agreed to.*

*Clause 13, agreed to.*

Clause 14

**THE DEPUTY CHAIRPERSON:** For clause 14, I have hon. Nzoghu, the chairperson and hon. Odur. This is a very popular clause. I will start with the chairperson.

**MR KAFEERO SSEKITOLEKO:** Thank you, Mr Chairperson. The committee, on clause 14 (2), says:

Substitute for the sub clause (2) the following:

“Subject to sub section (1), the minister may declare and gazette different width of road reserves for different classes of roads, not exceeding the width set out in schedule 3.”

Our justification is to ensure that Parliament sets the maximum width of a road reserve for different classes of roads. We are also proposing to insert a new sub clause immediately after sub clause 2 as follows:

“For avoidance of doubt, where a declaration of a road reserve is made under sub sections (1) and (2), in respect of any road, a road authority shall make prompt payment of fair and adequate compensation to a land owner or person having interest in or over the land prior to taking possession or acquisition of the land under the declaration”.

The justification is to ensure that people’s right to own property as guaranteed by Articles 26 and 237 of the 1995 Constitution is protected.

**THE DEPUTY CHAIRPERSON:** The writing is, “having interest in or over the land prior to the taking of possession”. That is what the draft says. Honourable minister, what do you have to say on this particular amendment?

**GEN. KATUMBA WAMALA:** Mr Chairperson, we approve the amendment.

**THE DEPUTY CHAIRPERSON:** Hon. Jonathan Odur and hon. Nzoghu have different opinions on sub clause (1) and sub clause (2) respectively. Can we first deal with sub clause (2)?

**MR JONATHAN ODUR:** I also have an amendment on sub clause (2). I propose that we substitute for sub clause (2) the following: “Subject to sub section (1), the minister may declare and gazette different widths of road reserves for different classes of roads not exceeding 20 metres from the centre line of the road.”

The justification is that the minister should be given powers to declare the widths on any road as long as that width does not exceed 20 metres from the centre line of the road.

**THE DEPUTY CHAIRPERSON:** I think the idea was to have the classification in the schedule because different roads will have different length and width. Therefore, if you now put it there, that means even the little roads that have no issue will have to be 20 metres.

**MR JONATHAN ODUR:** My argument has been that in clause 13 (3), the minister has power to reclassify any road. All in all, all roads are subject to the proposal because today, a road may be a community access road with 10 metres width but once it is reclassified as a national road, it is subject to – so, my argument is that all roads are subject to the proposal.

**THE DEPUTY CHAIRPERSON:** What you can do, if you want to be smart, is to subject that reclassification to parliamentary approval. That will be smarter because it is more dangerous to have it in the substantive clause than in the schedule. Then, you can subject the changes in the schedule to parliamentary approval.

**MR JONATHAN ODUR:** In that case, I concede but once it comes to the schedule – because the 40 metres is what - I am just putting you on notice.

**MS NAKATE:** Mr Chairman, I propose that we delete the word, “prompt” in the proposed clause that has just been inserted.

**THE DEPUTY CHAIRPERSON:** Which word?

**MS NAKATE:** “Prompt payment”. It is because we know very well that there are a number of processes that we go through. Therefore, once the minister has gazetted the road reserve, we cannot guarantee that we shall have prompt payment.

**THE DEPUTY CHAIRPERSON:** I thought that is what the Constitution says. Do you want to amend the Constitution now? You need a big Bill to bring it forward so that we amend the Constitution. This wording is from the Constitution.

**MR NAKATE:** Mr Chairman, I share the same idea with hon. Jonathan Odur.

**THE DEPUTY CHAIRPERSON:** So, we wait for the schedule?

**MR NZOGHU:** Yes, because I also stated 20 metres.

**THE DEPUTY CHAIRPERSON:** That is good.

**MR JONATHAN ODUR:** Mr Chairperson, on clause 14(1), I propose that we substitute for sub clause (1) the following: “the minister, by statutory instrument, declares a road reserve on any land acquired by the road authority for road construction.” I will now leave the 20 metres in light of what we had agreed on earlier.

The justification is to ensure that the minister only makes a declaration on road reserves on land acquired by the road authority.

**MR KAFEERO SSEKITOLEKO:** Mr Chairperson, whereas hon. Jonathan Odur’s proposal would be a good one, in practice, the cause of action to acquire land for road construction is the minister’s declaration. He now suggests that we acquire first before the minister declares. I find that impracticable. I do not know what the minister has to say.

**MR JONATHAN ODUR:** Mr Chairman, the Land Acquisition Act has that provision where if there is a project to be undertaken, you can use the provision of the Act. What I am raising here is that when you go further to clause 15 (8), it states that the road reserves declared under clause 14 must be kept clear. Further in clause 15(8), it says there has to be no compensation for construction on a road reserve.

Therefore, once you have declared and yet you have not yet acquired it, it is subject to this. If I want to construct my poultry house or anything, it means it will be destroyed and removed without compensation. Therefore, the point I am raising is the effect of that declaration to the extent that the land does not belong to me and it does not belong to the Government either yet, there is a provision that if anybody constructs before the payment, it will not attract compensation. That is what I am trying to raise.

**MR NZOGHU:** Mr Chairman, when you also go to clause 23, it talks about the powers to stop certain activities once a declaration has been made by the minister. Therefore, we see this as a contradiction. By the time the minister stops certain activities on the road reserves, the owner of the property must have been paid.

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, the Land Acquisition Act clearly states procedures of how Government and any person can get land. My worry, however, is how Government can just acquire land. What prompts Government to acquire that land? Hon. Jonathan Odur’s proposal presupposes that all land acquired by Government will be meant for road reserves. Therefore, until the minister in charge of roads decides that we need this corridor for a particular road, Government may not be interested in the land for that purpose.

The issue here is what should come first. Of course, acquisition should take place before possession changes hands from the original land owner to Government. I have no problem with that one. Now, when do we know that Government is interested in this corridor unless the minister declares?

**THE DEPUTY CHAIRPERSON:** The point they are making is, you come to a place where there was no anticipation that there would be a road; it could be people’s gardens and then you decide that the new road should pass there. You make that intention known. They are, therefore, saying that the law that you are proposing in clause 23 says that once you have indicated this intention, nobody should use the land. They are saying when you identify the corridor where the road should pass, that declaration you are going to make should first have the impact of paying off those people acquiring it so that you can do whatever you want with it rather than block usage or stop people from using it when you have not even acquired it. You may even change your mind. That is the point they are making -

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, in light of what has been explained, as a committee, we can consider this but I do not know what the minister has to say. As a committee, we concede to that amendment.

**GEN. KATUMBA WAMALA:** Mr Chairman, the proposal is reasonable that until you have acquired - which means you have paid, then we can declare the use of the land.

**THE DEPUTY CHAIRPERSON:** Hon. Odur, would you like to state your amendment again now that it is clear?

**MR JONATHAN ODUR:** Mr Chairman, the proposal is to substitute for sub-clause (1) the following; “the minister may by statutory instrument declare a road reserve on any land acquired by a road authority for purposes of road construction.”

**THE DEPUTY CHAIRPERSON:**  Read again.

**MR JONATHAN ODUR:** “The minister may, by statutory instrument, declare a road reserve on any land acquired by the road authority for purposes of road construction.”

**THE DEPUTY CHAIRPERSON:**  Is that okay? Can I put the question to that?

**MR BYANDALA:** Mr Chairman, road reserves are a product of physical development plans; it is not by the minister *–(Interjections)–* what they are saying about compensation is that physical planning has authority on all land.

We are telling you that there will be a road - by the minister declaring, he is advising you not to invest a lot of money in a particular corridor because there will be a road passing through it.

**THE DEPUTY CHAIRPERSON:**  Honourable member, are you saying that the minister will not be following the physical plan in making those statements? If the minister is following those physical plans, then what is the problem?

That is why people have agreed on this issue because the minister is not going to show up in some forest and say here now we are, there is going to be a road here. The minister is going to follow those physical plans and say this is where it is going - therefore, in order to make it now ours, we have to engage the processes. That is the point they are making.

**MR JONATHAN ODUR:** Mr Chairman, before we pass clause 14, I would like to propose -

**THE DEPUTY CHAIRPERSON:** Look, have we adopted the amendment to sub clause (1). Can I put the question to the amendment proposed in sub clause (1)?

*(Question put and agreed to.)*

**MR JONATHAN ODUR:** Mr Chairman, I would like to propose under clause 14 to insert a new sub clause immediately after sub clause (1) to read as follows -

**THE DEPUTY CHAIRPERSON:** To insert a new sub clause immediately after sub clause (1)?

**MR JONATHAN ODUR:** Yes; to read as follows, “For avoidance of doubt, the minister shall not declare a road reserve on any land which has not been acquired through prompt payment of fair and adequate compensation to the land owner or person, having interest in or over the land prior to the taking over or the acquisition of the land.”

The justification is to comply with Article 26 and 237 of the 1995 Constitution. This is just to reinforce what we have first enclosed a while.

**THE DEPUTY CHAIRPERSON:**  I thought it is inherited.

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, it is a good idea but it has already been captured in the first proposal.

**THE DEPUTY CHAIRPERSON:**  I think it is captured.

Clause 14

**THE DEPUTY CHAIRPERSON:**  I now put the question that clause 14, as amended, stands part of this Bill?

*(Question put and agreed to.)*

*Clause 14, as amended, agreed to.*

Clause 15

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, the committee proposes in clause 15(2) to redraft the entire sub clause (2) to read as follows; “Notwithstanding sub sections (1) and (2), a road authority may -

1. plant trees in a road reserve or
2. in writing, authorise any person or authority to use a road reserve temporarily for any approved activities including the placing of public lighting, advertisements, pipelines, telephone lines, electric supplies, optic fibre cables and posts, drains, sewers, mains or other utilities.”

The justification is to promote environmental protection and conservation by utilising road reserves to plant trees whenever possible.

**THE DEPUTY CHAIRPERSON:** Should I put the question to that amendment as proposed?

**MS NAUWAT:** Mr Chairman, in sub-clause (2)-

**THE DEPUTY CHAIRPERSON:** Can we first deal with the amendment proposed by the committee?

**MS NAUWAT:** Yes, I am on that one, Mr Chairman. In sub clause 2(b), there are a number of activities listed there and to me, some of them are temporary and others permanent. For example, pipelines is a permanent activity.

However, the committee’s amendment captures the word “temporary” to mean therefore, that all the activities listed there are temporary, which I do not think so. Therefore, I propose deletion of the word “temporary”.

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, I am not comfortable deleting the word, “temporary” because while pipelines may seem to be permanent in the opinion of my honourable colleague, we are trying to discourage any permanent structures within the road reserve. That is why we are saying, “with authorisation from the roads authority”; somebody can place, make shift and all those things that can be removed when and at the time the road reserve has to be used.

**MR MAJEGERE:** Thank you, Mr Chairman. The chairperson should concede on the word “temporarily” because in some cases, there has been construction of roads where the roads authority has got to pay. For instance if Umeme or Posta Uganda have put telephone lines, if the roads authority wants to construct or expand a road, they will have to pay for that authority to remove these utilities.

Therefore, it is important that the chairperson comes clear of the word “temporary” so that we cure that problem.

**MR ACIDRI:** Mr Chairman, my understanding is that by the time the minister declares a road reserve, it is within the confines of the physical plan of the country. Therefore, the example that my colleague is giving of electric poles, telephone lines along the road reserve, in my opinion, does not arise because they are lying in a wrong area. The road reserve will not have those kinds of physical obstacles if the physical plans are well executed. Thank you.

**MS NAMAYANJA:** Thank you, Mr Chairman. Aware that we develop from time to time and that the road reserves are basically used for utilities, I am of the view that if the road designs could come with the provision of providing for the utility bodies and put permanent structures underground for them.

If they are to for instance put cables, they use those provisions that already exist so that we avoid cutting from time to time; it would maybe cure the destruction of road reserves.

**THE DEPUTY CHAIRPERSON:** Honourable members, is there somebody going to be in charge of agreeing to the use of the road reserve? Can that person give conditions to allowing that person to use it whether temporarily or permanent, can that be a decision at that time? Does it have to be now in this law?

Do we have to put it here that temporarily or it is up to the authority to say that we are only giving you this for one month or one year; please remove it when you finish. Should we put it here? Honourable minister, please guide us on this.

**GEN. KATUMBA WAMALA:** The import of the word “temporarily” was because the authorities have been incurring expenses to relocate utilities. In this one, they wanted to say that if you have been allowed to use the road reserve for whatever you are installing there, you know that it is temporary and it is up to you to relocate when that time comes for me to permanently take on my area.

However, as you have guided, whoever is in charge of the road reserve will have the powers to either temporarily or permanently allow a utility user to use the reserve. I think we can leave it to the authorities on a case by case basis.

**MR SSEWUNGU:** Mr Chairman, we cannot remove the word “temporarily” because once it is a road reserve, it is the property of the ministry. Whoever is using that area is under the control of the ministry.

In case they would like to do some activities as a particular ministry in charge of the roads, they can give any directive to those people.

Secondly, all these structures you are talking about are bound to change any time. For example, if a school is relocating from that particular place then that signpost will be going away. There is no harm with the word “temporarily” and I do not think - Members should look at that word in a specified period. Thank you.

**THE DEPUTY CHAIRPERSON:** Let me give you an example; when I was drafting the peace agreements between the Government and the LRA, we reached a stage where we were going to assign responsibilities to Government and the LRA and I used the word “concurrently” to say, the Government shall concurrently, with the LRA do the following - but a debate on the word “concurrently” took us about four days. “We are different people; how can you give us ‘concurrently’?” That word became like a human being.

So when I went back, I decided to redraft to say; “responsibilities of the parties; (i) Government of Uganda, a,b,c,d,e,f (ii) LRA, a,b,c,d,e,f” and I brought the same thing but without the word “concurrently” and there was no debate; it was passed immediately. “This is a good man; all these people were trying to confuse us,” they said.

When you meet resistance in wording, sometimes you modify; keep the purpose but modify for acceptance so that people are together in one thing. Can we find a middle ground on how to move with this instead of insisting on something that will delay us?

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, since there will be authorisation by a roads authority in writing, we can leave the authorities to determine whether permanent or temporarily or for a few days. In view of that, I propose the deletion of the word “temporarily” but the rest stays.

**THE DEPUTY CHAIRPERSON:** Is that okay? Can I finish with this proposed amendment?

**MR NANDALA-MAFABI:** Mr Chairman, when the chairman of the committee talked about planting trees and yet there is also a head which talks about - you know planting trees falls under the National Forestry Authority and also NEMA.

For the purpose of tree planting, we create it as they have done under NEMA and the National Tree Planting Act because there is no need for us to say that we should plant trees; why should a road reserve have trees?

**THE DEPUTY CHAIRPERSON:** The National Forestry Authority plants trees in national forests but they can be asked to plant trees along the roads. Anybody who can plant trees can plant along the road.

They can say; this community, please plant trees along this part of the road; I do not think that it is a matter for debate as long as good species of trees are planted - it does not matter who plants them.

**GEN. KATUMBA WAMALA:** Mr Chairman, as long as it does not in any way compromise the safety of the road, it is okay but it is also another way of encouraging tree planting as a national concern.

The only addition I would like to make is that we do not restrict only on trees but add the word, “vegetation” - “trees and other vegetation”. It may be ornamental flowers and not necessarily trees.

**THE DEPUTY CHAIRPERSON:** So “plants”?

**MR OGUZU:** Honourable minister, I know municipal authorities are at times responsible for what structure can be erected where and there has been conflict between UNRA and local municipalities over who can put what where along road reserves.

I do not know if you have been able to harmonise this position to be sure the municipalities fit in what can be put where because I know that there are road reserves under UNRA which pass through municipalities.

**THE DEPUTY CHAIRPERSON:** That is why there are proposing this to clarify all those things.

**MR BYANDALA:** Mr Chairman, what our colleague has said does not hold water because roads are a responsibility of different entities. Uganda National Roads Authority (UNRA) is for national roads but the ones in municipalities he was talking about are under the District Urban Community Access roads (DUCA); so, there is no conflict. UNRA knows its roads are national and DUCA knows its own and so on.

**MR OGUZU:** Mr Chairman, when you go to Arua, we have a national road that passes through the town and it is also under the jurisdiction of the municipality, which is responsible for planning.

**THE DEPUTY CHAIRPERSON:** In future, we are going to do by-passes of all towns so that we avoid this municipality conflict.

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, to allay the fears of my honourable colleague, in this particular Bill, the minister shall appoint different road authorities. As they are appointed, they get particular scopes of their operation so that should give a cure to your worry.

**THE DEPUTY CHAIRPERSON:** Can I put a question to the amendment proposed by the committee as improved upon now?

*(Question put and agreed to.)*

*Clause 15, as amended, agreed to.*

*Clause 16, agreed to.*

*Clause 17, agreed to.*

*Clause 18, agreed to.*

Clause 19

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, the committee proposes to delete the entire clause. The justification is that –

i) it contradicts section 2 of the Land Acquisition Act, Cap. 226, which provides for power to enter on and examine land.

Whereas under the Land Acquisition Act, the power to enter any land and survey, dig or bore into the sub-soil and remove samples among others must be authorised by the minister, the Bill, under clause 19 grants the powers to authorise entry upon any land to the road authority.

Secondly, section 2(2) of the Land Acquisition Act provides the compensation to a person for any damages, which the person may suffer as a result of the exercise of power of entry.

However, the Bill under clause 19 does not provide for such compensation. It only provides for the consent of the land owner, which must not be unreasonably withheld.

ii) Section 2 of the Land Acquisition Act suffices.

**THE DEPUTY CHAIRPERSON:** Honourable members, the proposal of the chairperson is for deletion of clause 19. Does that take care of the concern of the Member of Parliament of Busongora North?

**MR NZOGHU:** Yes, Mr Chairman, it does because when you go to one of the issues, which I raised that in exercising the power under sub section (1) –

**THE DEPUTY CHAIRPERSON:** If it does, then let me just put the question.

**MR NZOGHU:** You should first seek the consent so I propose that we should delete.

**GEN. KATUMBA WAMALA:** Mr Chairperson, we accept the proposal.

**THE DEPUTY CHAIRPERSON:** Honourable members, the proposal is to delete clause 19 so I put the question for deletion.

*(Question put and agreed to.)*

*Clause 19, deleted.*

Clause 20

**MR NZOGHU:** Mr Chairman, in clause 20, we should say, “Where it appears to a road authority that there is need in the public interest to construct a new road or to widen a road or re-align an existing road or access road under this Act; the road authority shall conduct a public/community meeting in the community that will be affected and later on publish a notice in a newspaper of national circulation showing the location and extent of the proposed road corridor.”

The justification is to ensure that there is no conflict generated between the road authority and the affected communities during to the project cycle – I have added “Public meeting” before “the publication of the notice in the newspaper.”

**THE DEPUTY CHAIRPERSON:** It does not have to be “Public” or “Community”. “Public” is public so we just take the word, “Public”.

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, as a committee, we concede to that proposal. It is a good one.

**GEN. KATUMBA WAMALA:** Mr Chairman, I concede.

**THE DEPUTY CHAIRPERSON:** I put the question to the amendment as proposed by hon. Nzoghu.

*(Question put and agreed to.)*

**THE DEPUTY CHAIRPERSON:** I put a question that clause 20, as amended do stand part of this Bill.

*(Question put and agreed to.)*

*Clause 20, as amended, agreed to.*

*Clause 21, agreed to.*

*Clause 22, agreed to.*

Clause 23

**MR SSEKITOLEKO:** In clause 23, we propose deletion of the entire clause. The justification is:

(i) Clause 23 contravenes Article 26 of the Constitution, which protects every person from deprivation of property except for public use and upon prompt payment of fair and adequate compensation prior to taking possession of or acquisition of the property.

Clause 23(6) expressly prohibits any person from claiming any compensation arising from failure by the roads authority to put to use the reserved land for two years.

(ii) A road authority should first acquire land in accordance with the applicable laws before reservation.

**THE DEPUTY CHAIRPERSON**: Can I put the question to the amendments?

*(Question put and agreed to.)*

*Clause 23, deleted.*

Clause 24

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, we propose to insert a new subclause after subclause (3) to read as follows:

“Notwithstanding subsections (1) and (2), a police officer or any person acting under the authority or instruction of the Inspector General of Police, or a road authority shall take measures to ensure minimum disruption of traffic flow.”

The justification is: to ensure that traffic flow is not disrupted unreasonably in the process of placing temporary traffic signs on public roads.

**MR NANDALA-MAFABI:** Mr Chairman, the accidents we are getting on roads is because people keep signs on the roads with their trucks or cars for more than 10 days. In most countries, when a vehicle breaks down on the road, it must be taken off within a maximum of two hours *–(Interjection)-* Mr Chairman, protect me from this guy from India. *(Laughter)*

**THE DEPUTY CHAIRPERSON:** Are tree branches part of the temporary signs? Sometimes we find lots of tree branches on the roads causing obstructions. Can I put the question to this amendment as proposed by the committee?

*(Question put and agreed to.)*

*Clause 24, as amended, agreed to.*

*Clause 25, agreed to.*

Clause 26

**MR KAFEERO SSEKITOLEKO:** Mr Chairperson, clause 26 is on the prevention of soil from being washed onto public roads. We propose the deletion of the entire clause. The justification is that subclause (1) is impractical considering the terrain of some areas and the cost of constructing water channels; and two, subclause (2) is already provided for under clause 25(5).

**THE DEPUTY CHAIRPERSON:** Honourable members, the proposal is for deletion. I put the question to that proposal.

*(Question put and agreed to.)*

*Clause 26, deleted.*

*Clause 27, agreed to.*

Clause 28

**MR KAFEERO SSEKITOLEKO:** Mr Chairperson, we propose to redraft clause 28(2) to read as follows:

“Notwithstanding subsection (1), a drain, tunnel, culvert shall be constructed in a manner that –

(a) minimizes damage to the environment, adjacent land and other properties;

(b) is not dangerous to road users; and

(c) does not restrict access to property.”

The justification is: to ensure that protective measures are taken when constructing a drain, tunnel or culvert on public roads to prevent damage to the environment and other properties, among others.

**THE DEPUTY CHAIRPERSON:** Is that clear? I put the question to that amendment.

*(Question put and agreed to.)*

*Clause 28, as amended, agreed to.*

*Clause 29, agreed to.*

Clause 30

**MR KAFEERO SSEKITOLEKO:** Mr Chairperson, in clause 30 (2), we propose to substitute the words “fifteen metres” appearing in line three with the words “forty-five metres.”

The justification is that fifteen metres is such a short distance for a motorist to adjust the warning. A forty-five metres’ warning is more reasonable. Secondly, it is to harmonise the provision with regulation 7 (6) of The Traffic and Road Safety (Reflectors) Regulations, 2012.

**THE DEPUTY CHAIRPERSON:** Is that okay, Members? I put the question to that amendment.

*(Question put and agreed to.)*

*Clause 30, as amended, agreed to.*

*Clause 31, agreed to.*

*Clause 32, agreed to.*

*Clause 33, agreed to.*

*Clause 34, agreed to.*

*Clause 35, agreed to.*

*Clause 36, agreed to.*

*Clause 37, agreed to.*

*Clause 38, agreed to.*

*Clause 39, agreed to.*

*Clause 40, agreed to.*

*Clause 41, agreed to.*

*Clause 42, agreed to.*

Clause 43

**MR KAFEERO SSEKITOLEKO:** Mr Chairperson, under clause 43, we propose to insert a new subclause immediately after subclause (1) to read as follows: “In determining the network and location of weighbridges and weighing stations under subsection (1), a road authority shall take into consideration the flow of traffic along the public road.”

The justification is: to ensure that the establishment of weighbridges and weigh stations does not interfere with the flow of traffic on any public road.

**THE DEPUTY CHAIRPERSON:** So you are changing the word “account” to “consideration” The text says, “take into account” but you read “take into consideration.” Are we reading from the same text?

**MR KAFEERO SSEKITOLEKO:** I can reread it, Mr Chairperson. We propose to insert a new subclause immediately after subclause (1) to read as follows: “In determining the network and location of weighbridges and weighing stations under subsection (1), a road authority shall take into account the flow of traffic along the public road.”

**MR NIWAGABA:** Thank you, Mr Chairperson. I want to request the chairperson to withdraw this proposed amendment because under subclause (1), the road authority can only do so by consulting the minister, which minister is advised by the chief engineer of works.

Secondly, I would believe we need to give this road authority some degree of discretion. We would not want to tie it to specific conditions, especially the one you have mentioned.

Therefore, I believe that he should withdrawal this amendment because it serves no good. The clause as it is is good. That is my view.

**MR MBWATEKAMWA:** Thank you, Mr Chairperson. I think they can say, “by providing an extra lane”. They should not only say, “putting into account the traffic flow” but they should say, “by providing an extra lane towards the weighbridge”.

**MS MUTONYI:** Thank you, Mr Chairperson. We have problems in Busitema where we have long queues of trucks, almost three kilometres long, and one cannot overtake because there are oncoming vehicles. It is a real menace.

I have called the Commissioner, Traffic Police but he has failed to do anything. Therefore, in the evening or anytime one passes that road, it is a very complicated issue. Therefore, that is why I agree with hon. Mbwatekamwa that there should be an extra lane - maybe a kilometre - towards the weighbridge.

**MR WAIRA:** Thank you, Mr Chairperson. The amendment moved by the chairperson is okay but he needs to be specific and add exit and entry points. In Mayuge, we have a weighbridge and it works as the entry and exit point. It is tiny and on a sloppy ground. Therefore, we need to be specific that a weighbridge must have entry and exit points. Otherwise, if we just leave it like this, we shall have one point working as exit and entry at the same time. Thank you.

**THE DEPUTY CHAIRPERSON:** I think if you do that, it would be very unprofessional.

**MR NZOGHU:** Mr Chairperson, before the minister comes in, I want to implore my colleagues to possibly consider two scenarios; there are fixed weighbridges and there are mobile weighbridges. To harmonise those two, it may not fit well into what the Members are proposing. In the circumstances obtaining, I do think that the proposal by the chairman is fair enough and caters for the fixed and mobile weighbridges.

**GEN. KATUMBA WAMALA:** Additionally, Chairman, I would like to inform the Members that very soon, on the main trunk roads, we are going to have weigh-in-motion bridges. Therefore, you do not have to take the vehicle off and then create problems, like that one in Magamaga; the vehicle will just be weighed in motion. So the issue of an extra lane may not arise.

I would also like to thank hon. Nzoghu for the clarification about the mobile bridges because not all bridges are fixed.

**THE DEPUTY CHAIRPERSON:** Okay. Can I put the question to that proposal?

**MR NANDALA-MAFABI:** Thank you very much, Mr Chairman. I do not know when the motions are going to be effected. The problem in Busitema is Uganda Revenue Authority (URA). They have installed scanners to scan goods entering the country but I think they do not work. Afterwards, they usually come and do physical scanning at Busitema. That is why we are getting this problem. I think that is the reason for corruption *– (Interruption)*

**MR ANGURA:** Thank you very much, my colleague, for giving way. Mr Chairman, the information I would like to give concerning Busitema, and not limited to other areas, especially Malaba, is that there is mistrust of the installed scanners. I think the consumers of these scanners, who are mainly URA - once the scanners have done their work, we get another one or two teams –

**THE DEPUTY CHAIRPERSON:** Honourable members, we are not addressing the subject; we are now going to scanners of the Uganda Revenue Authority. We are dealing with weighbridges, so let us deal with that. We are not dealing with scanners. The point raised by hon. Nandala-Mafabi is not proper and the one you are raising is also not proper. Let us go back to the weighbridges –

**MR ANGURA:** I am bringing the point back to the weighbridges –

**THE DEPUTY CHAIRPERSON:** Then start with the weighbridges.

**MR ANGURA:** The reason I brought up the scanners is that these two are in one place - the weighbridges and the scanners. When you are coming from Tororo and reaching Busitema, you notice that the queue starts from Busitema University all the way up to the junction. I have time and again gone to interact with these people. Why are you causing this suffering to the people?

The problem is that they blame URA. On their side, they have a problem but they are blaming URA for causing the jam there. They want to move fast but probably, URA is causing the jam because they want to duplicate by rescanning and reassessment. So the jam is not per se being caused by the weighbridge. In Malaba, it is the same thing. I request that we have one weighbridge at the entry to Uganda and then here in Busitema, we do not have another one. That would also be convenient for us.

In Malaba, we receive 1,736 trucks daily coming to Uganda –

**THE DEPUTY CHAIRPERSON:** Honourable members, we are now being irrelevant and that does not sit properly with me. It makes me shift in my chair. I like relevance. Can we discuss weighbridges? I will put the question as proposed by the chairperson.

*(Question put and agreed to.)*

*Clause 43, as amended, agreed to.*

Clause 44

**MR KAFEERO SSEKITOLEKO:** Under clause 44 (1), we propose to substitute the words, “every road authority” appearing at the beginning of the provision with the words, “national road authority.” The justification is: to restrict the power to appoint authorised officers to the national road authority.

**GEN. KATUMA WAMALA:** Chairperson, we object to the proposal on grounds that we have already said there will be different road authorities. We have the urban and municipal road authorities also. Supposing in future, the urban road authority is authorised to install weighbridges? We want it to read, “Each road authority…” –

**THE DEPUTY CHAIRPERSON:** Are you also amending or you want the Bill to remain the way it is?

**GEN. KATUMBA WAMALA:** We are not accepting it the way it is. We are saying –

**THE DEPUTY CHAIRPERSON:** Do you want the Bill to remain as it is?

**GEN. KATUMBA WAMALA:** I am saying that we leave it as it is because each road authority is a body corporate and should be allowed to appoint its authorised officers for their respective road network. Therefore, we leave it as it is.

**THE DEPUTY CHAIRPERSON:** Chairman, would you like to withdraw the statement, because you are the one bringing the contradiction?

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, there was a presumption in the committee that such appointments would go through the Public Service Commission. If that is addressed, we would rethink our position.

**THE DEPUTY CHAIRPERSON:** Honourable members, I put the question that clause 44 stands part of this Bill.

*(Question put and agreed to.)*

*Clause 44, agreed to.*

Clause 45

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, clause 45 is on the power of authorised officers. The proposal is to insert a new subclause immediately after subclause (4) to read as follows: “For the avoidance of doubt, only authorised officers with requisite identification shall manage weighbridges and weigh stations.”

The justification is:

1. To ensure that authorised officers are clearly identified to avoid abuse of power.
2. To harmonise the provision with the East African Community Vehicle Load Control Act, 2016.

**THE DEPUTY CHAIRPERSON:** I put the question to that amendment.

*(Question put and agreed to.)*

*Clause 45, as amended, agreed to.*

*Clause 46, agreed to.*

*Clause 47, agreed to.*

*Clause 48, agreed to.*

*Clause 49, agreed to.*

*Clause 50, agreed to.*

*Clause 51, agreed to.*

*Clause 52, agreed to.*

Clause 53

**MR KAFEERO:** Mr Chairman, we propose redraft clause 53 (3) to read as follows: “A person who removes or maliciously damages road furniture commits an offence and is liable, on conviction, to a fine not exceeding ten thousand currency points or imprisonment not exceeding four years, or both.”

The justification is that the provision is susceptible to abuse.

**THE DEPUTY CHAIRPERSON:** You have just introduced an abuse angle there by saying “maliciously”. If you use the word, “maliciously”, you are already creating a defence. You have already created what you are pretending to avoid.

**GEN. KATUMBA WAMALA**: Chairperson, while we accept the proposal, we would like to amend clause 53(3) to read as follows:

“(3) A person who removes or intentionally or negligentlydamages and/or obscures road furniture, commits an offence and is liable on conviction to a fine not exceeding 10,000 currency points or imprisonment not exceeding four years, or both.” The justification is that it is very difficult to prove malice.

**THE DEPUTY CHAIRPERSON:** Honourable members, the clause, as it is in the Bill, is sufficient. If you say, “a person who damages”, the burden is on the person to prove under what circumstances the damage happened. When they prove that, it will be up to the court, on a case by case basis, to decide. Why are you importing defence lines which are confusing?

**MR JONATHAN ODUR:** Mr Chairperson, I concede. I had the same, but I would like to propose that the fines should be commensurate to the imprisonment. For that reason, I propose that we add, “…on conviction, to a fine not exceeding 96 currency points or imprisonment not exceeding four years or both”.

The justification is: to comply with the Law Revision Act, 2008 that provides that, *“In any written law to which this Act applies and in force immediately before the commencement of this Act, where a fine is prescribed in relation to a term of imprisonment, the ratio of the fine to imprisonment shall be two currency points to each month of imprisonment.”* Secondly, I now consider the –

**THE DEPUTY CHAIRPERSON:** I think that is straight forward. I do not know why these things still keep coming up. I thought that the drafting people should take care of this because it is already a stated position that for the term of imprisonment, there is already a known commensurate currency point. We should not be having this debate anymore.

**MR JONATHAN ODUR:** On that note, Mr Chairperson, I would like to beg that let it be a consequential amendment so that I do not come back here.

**THE DEPUTY CHAIRPERSON:** Yes, you are right. I am saying that the drafting people should no longer bother us with this but they should harmonise. This is a valid proposal. I put a question to that amendment.

*(Question put and agreed to.)*

**MR KAFEERO SSEKITOLEKO:** Mr Chairperson, I am not comfortable with leaving clause 53(3) the way it is. First, somebody can damage road furniture without –*(Interruption)*

**MR NZOGHU:** Thank you, Mr Chairperson. Our rules are very clear. You have already guided; I do not know whether the committee chairperson is recommitting it. Under what circumstances is the committee chairperson proceeding?

**THE DEPUTY CHAIRPERSON:** No, the committee chairperson has said that he is not yet comfortable. Honourable chairperson, we are not here for your comfort –*(Laughter)*– We are here to make a good law.

**MR KAFEERO SSEKITOLEKO:** Mr Chairperson, I wanted to throw more light on the reason –*(Interjection)*– let me first say this then you come in –

**THE DEPUTY CHAIRPERSON:** No, that matter is resolved. Let us proceed. I now put the question that clause 53, as amended, stand part of this Bill.

*Clause 53, as amended, agreed to.*

*Clause 54, agreed to*

*Clause 55, agreed to*

Clause 56

**THE DEPUTY CHAIRPERSON:** Committee chairperson, clause 56 is again not for your comfort but for a good law.

**MR KAFEERO SSEKITOLEKO:** Most obliged, Mr Chairperson. Under clause 56(8), redraft paragraph (a) to read as follows: “(a) provide roadside stations on expressways and class A national road at every 50-kilometre interval or travel time of one hour, whichever comes first.”

The justification is that an 80-kilometre interval or one and a half hours is too long to get rest areas.

**GEN. KATUMBA WAMALA:** Mr Chairperson, while we accept the provision on class A, on the expressway we reject the provision because an expressway is an expressway. Therefore, an 80-kilometre interval or one and a half hours is too long to get to rest areas on an expressway since they are restricted areas but on class A, there are very many other rest areas, which can be accessed after every 50 kilometres.

**THE DEPUTY CHAIRPERSON:** Committee chairperson, would you like to reread clause 56(8) (a) without – “(a) provide roadside stations on class A national road…”–

**MR KAFEERO SSEKITOLEKO:** “(a) provide roadside stations on class A national roads at every 50-kilometre interval or travel time of one hour, whichever comes first.”

**THE DEPUTY CHAIRPERSON:** I will put the question to that amendment.

*(Question put agreed to.)*

*Clause 56, as amended, agreed to.*

*Clause 57, agreed to.*

*Clause 58, agreed to.*

Clause 59

**MR KAFEERO SSEKITOLEKO:** UnderClause 59(1), insert the word “standards” between the words “designs” and “material” appearing in line two. The justification is: to compel road authorities to erect quality traffic signs.

**THE DEPUTY CHAIRPERSON:** Is that clear, honourable members? I put the question to that amendment.

*(Question put and agreed to.)*

*Clause 59, as amended, agreed to.*

Clause 60

**MR KAFEERO SSEKITOLEKO:** Clause 60(2): Substitute the words “six hours” appearing in line three with the words “two hours”. Thereafter, substitute the words “six hours” appearing in subclauses (5) and (6) with the words “two hours.”

Justification: The six hours’ period is too long to have broken-down vehicles stay on a public road in an urban area and is likely to cause undue inconvenience to other road users.

Furthermore, insert a new subclause immediately after subclause (2) to read as follows: “Subject to subsection (1), a vehicle which breaks down or which is involved in an accident in a rural area shall be removed from a public road within six hours from the time of the breakdown or accident.”

Justification: To require broken-down vehicles or cars involved in accidents to be removed from public roads in rural areas within six hours.

Under clause 60(3), substitute subclause (3) with the following: “(3) A person shall not repair a vehicle along a public road, except for emergency cases and the repair time shall not exceed a period of two hours in an urban area and six hours in a rural area.”

Justification

(i) To reduce the timeframe within which repairs on vehicles along a public road can be done in an urban area from four hours to two hours to lessen inconveniences to other road users.

(ii) To provide a timeframe for vehicle repairs along a public road in public areas.

In subclause (5), insert the words, “or his or her representative” between the words “owner” and “after” appearing in line four.

Justification: To ensure that the removal of a vehicle from a police station is not restricted to the owner only.

**THE DEPUTY CHAIRPERSON:** Honourable members, you have listened to those amendments proposed by the committee.

**MR NZOGHU:** Thank you, Mr Chairperson. There are certain classes of roads, especially in the rural areas, where you find that a vehicle which has broken down is actually occupying the entire lane and yet it is a single-lane road. The period of six hours in such areas where the road is only capable of accommodating one vehicle becomes a very big inconvenience to other road users; they have to wait for six hours*.*

**MR ACIDRI:** Thank you, Mr Chairman. The clauses from 50 to 61 deal with the question of road safety. The information I would like to give my colleague is that there is no clear emphasis on road designs in all those clauses.

The road designs in this country are one of the causes of road accidents because they compromise safety. There are no climbing lanes and bypasses. All these major towns in Uganda do not have an extra bypass; so, heavy trucks go through the main town and compromise safety. I would like to know from the minister and the committee chairperson –

**THE DEPUTY CHAIRPERSON:** You stood up to give information; now you are digressing. *(Laughter)*

**MR ACIDRI:** That is the information to him. How we are dealing with these issues? We are running away from proper road designs. We go for cheap designs and compromise safety and then there are more accidents. Thank you.

**THE DEPUTY CHAIRPERSON:** I was going to ask whether this is the minimum period or the maximum period. I thought the six hours means “within six hours”; you can remove it in one hour. However, the issue with the rural areas is that by the time one gets the emergency vehicle to come and remove it and yet you know that after six hours you might incur penalties - So you might want to think again. If it is deep in the rural area, by the time you get a vehicle to come and move the broken-down one away, it might take some time.

**MR NZOGHU:** Mr Chairperson, I am about to concede - *(Laughter)* - but I will give you an example. Look at the terrain in Kasese where on a steep hill, the road can only accommodate one vehicle, - you have been there, hon. Katumba – and I can tell you that nobody can cross. I thought that we would also insulate this by possibly having a clear mechanism on how the nearest road authority can get to know that there is a problem.

Mr Chairman, I am not hearing from the chairman how the nearest local authority or road authority is going to get information that vehicle X is in such a place and it has become an inconvenience.

**MR KAFEERO SSEKITOLEKO:** It is the responsibility of the vehicle owner to report to the roads authority*.*

**GEN. KATUMBA WAMALA:** Honourable chairperson, I do not know how we can put that in the law. I think, once it is known by the road users that there are penalties for you to have a vehicle on the road beyond a certain period of time, they will make sure that they get their vehicles taken off the road. We are saying that this should be within six hours and I think that gives some room for the road user to be able to take that vehicle away.

**THE DEPUTY CHAIRPERSON:** Can I now put the question to that amendment?

**MR JONATHAN ODUR:** I wanted to be sure that in clause 60 (11), the same logic that we followed in clause 53 - relating to fines and imprisonment - is going to apply. I want to put us on notice that the same would apply to clause 65.

**THE DEPUTY CHAIRPERSON:** We need to keep pointing them out.

**MR JONATHAN ODUR:** Mr Chairperson, I would like to get clarification on whether these abandoned vehicles will include accident vehicles. I ask this because through experience, if a trailer or a bus breaks down, there are only three or four vehicles in the whole country that can tow them and you have to get them from Kampala. Supposing a trailer or a bus breaks down in Karamoja, the breakdown vehicle with capacity to pull it in the whole country is only found in Kampala; so we may want to rethink.

**THE DEPUTY CHAIRPERSON:** Honourable members, when you make this kind of provision, it is handled on a case by case basis. Therefore, should there be a case against this person, he or she would argue this and present it as a factual situation relating to the case. However, you cannot have all those situations in the law. That is why we are giving discretion to the court - case by case basis. Can I put the question now?

**MR NZOGHU:** I would be more comfortable if we introduced a penalty here beyond the six hours.

**THE DEPUTY CHAIRPERSON:** The penalties are in subclause (12). I put the question to the amendments as proposed by the committee.

*(Question put and agreed to.)*

*Clause 60, as amended, agreed to.*

Clause 61

**MR KAFEERO SSEKITOLEKO:** The proposal is to substitute the words “a road authority” appearing in line four with the words “the police”. The justification is that the sale and auctioning of abandoned vehicles should be done by the police since it is the body mandated under Article 212 (a) of the Constitution and section 4 (1)(a) of the Police Act, Cap 303 to protect property.

In clause 61(2), substitute the words, “thirty days” appearing at the beginning of the provision with “six months”. The justification is: to require sufficient notice to be given to the owner of an abandoned vehicle before auctioning it.

**GEN. KATUMBA WAMALA:** Honourable Chairperson, we reject that proposal and we request to replace the 30 days with 60 days. The justification is that if you put six months, it will create administrative challenges, overcrowding the police with abandoned vehicles and then there will be vandalisation of those vehicles as they are kept at the police. We think 60 days are good enough.

**THE DEPUTY CHAIRPERSON:** So from one month to two months?

**GEN. KATUMBA WAMALA:** Yes, sir.

**THE DEPUTY CHAIRPERSON:** Honourable chairman, the minister has agreed but modified it.

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, auctioning vehicles that have been abandoned has challenges. An abandoned vehicle may belong to a person who is not in the country at the time it is abandoned. Therefore, we might need to give him or her ample time to be able to access the vehicle before it is auctioned. That is the justification.

**THE DEPUTY CHAIRPERSON:** Is two months not sufficient? You are going to end up with the police having to widen the parking area to keep abandoned cars if it is six months. Can we compromise on 90 days, honourable minister?

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, 90 days would suffice and we would concede to that.

**THE DEPUTY CHAIRPERSON:** Okay, can I put the question?

*(Question put and agreed to.)*

*Clause 61, as amended, agreed to.*

*Clause 62, agreed to.*

Clause 63

**MR KAFEERO SSEKITOLEKO:** In clause 63(2), we propose to insert the words “and acquired” immediately after the word “designated” in line two. This is to ensure that before designation of any land by the minister, it is first acquired.

**THE DEPUTY CHAIRPERSON:** We have already adopted that principle. Can I put the question to that amendment?

*(Question put and agreed to.)*

**MR JONATHAN ODUR:** Mr Chairman, in clause 63(3), I propose that the fine of ten thousand currency points be replaced with sixty currency points to match the term of imprisonment.

**THE DEPUTY CHAIRPERSON:** Correct; we are just obliging with the law we have passed, which has standardised fines and prison terms.

**MR NANDALA-MAFABI:** Mr Chairman, hon. Odur has just seen this in clause 63 but somewhere behind there, there were penalties of five thousand currency points and ten years of –

**THE DEPUTY CHAIRPERSON:** No, we have been doing that.

**MR NANDALA-MAFABI:** Mr Chairman, we should pronounce that where there are years of imprisonment, the law should apply. Hon. Odur, what law was that? Was it the penalties law? Yes.

**THE DEPUTY CHAIRPERSON:** We passed a law here that harmonised penalties - fines and prison terms. We instruct our drafting people that wherever they occur, that standard is applied. However, where we see them, we can make mention of them.

I now put the question that clause 63, as amended, stand part of the Bill.

*(Question put and agreed to.)*

*Clause 63, as amended, agreed to.*

Clause 64

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, we propose to insert a new subclause immediately after subclause (2) to read as follows: “The minister shall, before granting leave to construct an access road under subsection (2), ensure that an applicant compensates the adjoining land owner.” This is to ensure that the minister does not impose decisions on adjoining land owners to surrender their land for an access road without compensation.

**THE DEPUTY CHAIRPERSON:** I put the question to that amendment.

*(Question put and agreed to.)*

*Clause 64, as amended, agreed to.*

Clause 65

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, we propose to redraft the entire provision to read as follows:

“A person who –

(a) maliciously destroys, pulls up, breaks or damages milestones, culverts, road furniture, dams, bridges or pavements;

(b) litters a public road;

(c) maliciously spills oil on a public road, bridge, ferry or pontoon;

(d) causes sewage to spill on a public road; or

(e) places or burns on a public road, any substance that can damage the public road, bridge, ferry or pontoon;

commits an offence and is liable, on conviction, to a fine not exceeding twenty-five currency points or imprisonment not exceeding one year or both.”

Justification

(i) The insertion of the word “maliciously” in paragraphs (a) and (c) is for prevention of abuse through malicious prosecution.

(ii) The deletion of the words “storm water” in paragraph (d) is to ensure practical implementation since storm water may be beyond one’s control.

(iii) Redrafting broadens the provision by creating an offence and a penalty for burning any substance on a public road.

(iv) It also provides for a penalty that is commensurate to the offences.

**THE DEPUTY CHAIRPERSON:** Honourable members, we have had a discussion on the word “maliciously”. Is there a big improvement on what is in the Bill? Can we go back to what is in the Bill and see if the amendment is necessary?

**MR NZOGHU:** We are making it very difficult for courts to even ascertain what is malicious and what is not malicious. I think the original draft is better because if a road has been destroyed, it is destroyed; there is no way you will say that this one did it maliciously and the other one did not do it maliciously. I believe that if someone has spilled oil, he has spilled oil and that is against the law. Therefore, we must only be addressing ourselves to the principle of the punishment which can be handed to the person who has committed the offence.

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, whereas I would love to go back to the Bill, the Bill does not provide for burning substances on a public road, yet this is one of the things that destroys our public roads. We should include something on burning on public roads.

**THE DEPUTY CHAIRPERSON:** Honourable members, the only amendment that we are going to entertain is the one which he has proposed.

**MR KAFEERO SSEKITOLEKO:** Subclause (e) should read as follows: “Places or burns on a public road”

**THE DEPUTY CHAIRPERSON:** No, that is now the new (f).

**MR KAFEERO SSEKITOLEKO:** The numbering is okay but the text is: “Places or burns on a public road…”-

**THE DEPUTY CHAIRPERSON:** No, I think you only want to insert the word “burns” because (e) is completely the same as the one in the Bill, except the inclusion of the words “or burns”. Therefore, just insert “or burns” – “Places or burns on a public road…”

**MR KAFEERO SSEKITOLEKO:** As we go back to what is in the Bill, we should also take care of storm waters.

**THE DEPUTY CHAIRPERSON:** Honourable members, can we deal with this issue of “or burns”? Can we make the provision clear?

**MR KAFEERO SSEKITOLEKO:** It should read, “places or burns on a public road, any substance that can damage the public road, bridge, ferry or pontoon.”

**THE DEPUTY CHAIRPERSON:** I put the question to that amendment.

*(Question put and agreed to.)*

*Clause 65, as amended, agreed to.*

Clause 66

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, in clause 66(1), we propose to substitute the words “two thousand currency points” with the words “fifty currency points”. This is to reduce the fine to make it commensurate with the offences.

In clause 66(1)(a), insert the words, “or slaughters” immediately after the word “loose”. The justification is that this is to broaden the provision by creating a penalty for slaughtering animals on a public road.

In clause 66 (1), we propose the deletion of the entire paragraph (c). The justification is that the provision is redundant since paragraph (a) is sufficient.

Under clause 66 (1)(d), the committee proposes that we redraft paragraph (d) to read as follows: “(d) places or throws any stones, broken bottles, solid waste, garbage, bricks, sand, nails, lime, dung or rubbish on a public road and allows the same to remain there except for purposes of implementation of any provision of this Act.”

Justification: the inclusion of “nails” among the prohibited items to be thrown or placed on a public road under paragraph (d) is to make the provision more encompassing.

**THE DEPUTY CHAIRPERSON:** The honourable member was asking if you do not want to include teargas. *(Laughter)*

**MR KAFEERO SSEKITOLEKO:** The second justification is: to provide for exceptions especially where materials like sand or stones may be placed on a public road for purposes of road construction or maintenance works.

In clause 66 (1) (i), we propose to redraft paragraph (i) to read as follows: “(i) prevents by a dam or obstruction, water flowing from a public road onto the adjoining land owned by a road authority.” The justification is: to protect private individuals from being penalised for obstructing water that flows from public roads onto their adjoining land.

In clause 66(1)(k), the committee proposes the insertion of the words “on a public road” immediately after the word “food”. The justification is that this is for clarity.

Under clause 66(3), we propose a redraft of subclause (3) to read as follows: “(3) A road authority or any person authorised by a road authority may remove or demolish an obstruction or dam referred to under subsection (1).”

The Justification is: to harmonise the provision with clause 66 (1)(i) and to avoid repetition in relation to recovery of cost for removing an obstruction since clause 66 (2) already provides for that.

**THE DEPUTY CHAIRPERSON:** Honourable members, where the chair says 66(1)(1), it is 66(1)(i).

**GEN. KATUMBA WAMALA:** Mr Chairman, we concede to all the amendments except the one to clause 66(1) where we feel that fifty currency points is not deterrent enough.

**THE DEPUTY CHAIRPERSON:** Which 66 (1)?

**GEN. KATUMBA WAMALA:** Clause 66 (1), where he says, *“Substitute for the ‘two thousand currency points’, ‘fifty currency points’.”*

When you take into consideration the cost of repairing a damaged road, fifty currency points is too little. We, therefore, propose that the punishment be two hundred thousand currency points.

**THE DEPUTY CHAIRPERSON:** Is that what is in the Bill? In the Bill we have two thousand currency points or imprisonment not exceeding one year or both. However, we have a problem of corresponding- You would have to increase the jail term in order to have that covered in terms of money. Now that you are comfortable with one, we might have to go back to the equivalent of the currency points. Is that clear?

**MR MBWATEKAMWA:** Thank you, chairperson. My concern is about the currency points proposed by the minister. I am looking at my voter in Kasambya who may decide to dry his or her maize along the road, yet you are telling this person to pay Shs 40 million.

**THE DEPUTY CHAIRPERSON:** We have already harmonised it.

**MR MBWATEKAMWA:** Thank you.

**THE DEPUTY CHAIRPERSON:** I think the corresponding currency points would be twenty-four not two thousand. Is that correct? Can I now put the question, honourable members?

**MR NZOGHU:** Thank you, Mr Chairman. In clause 66 (e), there are scenarios where persons who are close to the road can burn bushes and the smoke spreads to the road and causes obstruction. Secondly, in town here, people can fire teargas canisters and the teargas spreads and it causes obstruction. *(Laughter)* I am therefore, of the view that we add smoke generated from gardens close to the road and teargas, which is fired in manner that is not directional.

**MR MBWATEKAMWA:** Mr Chairperson, we have also seen some roadside gang groups who try to slash near the road. Sometimes, they prefer to burn instead of slashing. If they do such, will they also be liable for such a punishment? I support my colleague that it also obstructs us.

**THE DEPUTY CHAIRPERSON:** Honourable members, those are questions of fact that can be proved or disapproved in courts. Let us not deal with those ones. Can I put the question to the amendment proposed?

**GEN. KATUMBA WAMALA:** I am sorry I am coming back to object to the proposal of redrafting clause 66(1)(i), which says, “prevents by dam or obstruction, water flowing from public road onto the adjoining land owned by a road authority.”

The reason we want to reject this proposal is because it is not practical for the road authority to own all the land where the water naturally flows, since all water crossing points along the roads are aligned with natural water courses running several metres. If water goes 20 metres into someone’s land, it will be as if it is the responsibility of the authority, yet the authority does not have that leverage. What we are saying is that the road authorities should be encouraged to work together with the adjoining land owners to find safe passage for the water. That is what we propose.

**THE DEPUTY CHAIRPERSON:** Do you want that in the law?

**GEN. KATUMBA WAMALA:** It is the principle.

**THE DEPUTY CHAIRPERSON:** How would you want to capture it, because a law is a command; you do not talk politely in the law.

**GEN. KATUMBA WAMALA:** We wanted it to remain as is provided.

**THE DEPUTY CHAIRPERSON:** Do you want to retain the provision in the Bill?

**GEN. KATUMBA WAMALA:** Yes, Mr Chairman.

**THE DEPUTY CHAIRPERSON:** Where is that? I have failed to locate it – It is clause 66(1)(i).

**MR OTHIENO:** Mr Chairman, this road reserve is property of the roads authority and a person who owns property adjoining it is not allowed to do anything on the road reserve. However, we are saying there could be a situation where this place turns into a pond - dirty water collects there – and the person who owns this adjoining land may want to save him or herself from the dangers posed by the dirty water which has collected in the road reserve. That is why the committee is coming up with a proposal that you can construct a barrier to prevent that water from flowing from the road reserve to your property.

It is brought in a good spirit, so that a person does not suffer from the inconvenience caused by negligence of the roads authority by allowing a pond or ditch to develop on the road reserve and yet the person is not allowed to do anything. What we are saying is that you only save yourself by building a preventive barrier on your side. That is what the provision is trying to say.

**THE DEPUTY CHAIRPERSON:** Honourable minister, would you like dams created alongside the road? Would you prefer to have dams alongside the road?

**GEN. KATUMBA WAMALA:** Mr Chairperson, it would be dangerous if we allowed people to do that because then, you will have pools or dams of water along the roads. That will, in effect, affect the road in the long run.

**THE DEPUTY CHAIRPERSON:** Honourable members, let us make a law that will be capable of implementation because if we over degrade the provisions, then it is as if we have not made a law.

Can I put the question to the amendments that were proposed by the chairperson?

The minister has objected to clause 66 (1) (i) and we have dealt with the general provision after clause 66 (1) (l) - the offence creating provision - which will be harmonized, and other proposals have been made by the committee. With those exceptions, can I now put the question to the amendments proposed by the chairperson?

*(Question put and agreed to.)*

*Clause 66, as amended, agreed to.*

Clause 67

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, we propose in clause 67 (1) (b) to insert the words “within a road reserve” between the words “grow” and “in” appearing in line one of the paragraph. The justification is: to ensure specificity.

In clause 67 (2), substitute the words “seven years” appearing in line three with the words “five years”. This is to reduce the years of imprisonment to make them commensurate to the offence.

**THE DEPUTY CHAIRPERSON:** Honourable members, you have listened to this. Can I put the question?

**MR NZOGHU:** I want to know from the chairperson whether this particular clause does not contradict clause 15.

**THE DEPUTY CHAIRPERSON:** Which clause; the whole of 67?

**MR NZOGHU:** Yes, clause 67, because it is about interferences on public roads, and particularly subclause (1) (a) which says *“constructs, erects or commences to construct or erect any building, billboard, unauthorized road sign…in contravention of this Act…”*

We have said there is restriction on doing such activities on the road reserve; doesn’t it contradict therefore with clause 15?

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, it does not contradict. It actually makes doing the contrary an offence and provides for the penalties; so, it does not contradict.

**MR JONATHAN ODUR:** Mr Chairperson, just like we had done, I propose that in clause 67 (2), we replace twenty thousand currency points with one hundred and sixty-eight currency points.

**THE DEPUTY CHAIRPERSON:** Correct. It is consequential; we are obliging with the law. I now put the question to the amendments as proposed.

*(Question put an agreed to.)*

*Clause 67, as amended, agreed to.*

*Clause 68, agreed to.*

**THE DEPUTY CHAIRPERSON:** Harmonisation of the currency points and prison terms also applies there.

Clause 69

**MR KAFEERO SSEKITOLEKO:** Mr Chairperson, clause 69 is on nuisance on roads. In clause 69 (e), we propose to insert the word “or across” between the words “along” and “the” appearing in line one. The justification is: to broaden the provision to prohibit walking across a road under the influence of drugs.

**THE DEPUTY CHAIRPERSON:** Are the walkways for the pedestrians also along the road?

**MR KAFEERO SSEKITOLEKO:** Walkways are along the road but sometimes, some drunkards stagger across the road and this was not captured in the Bill.

**THE DEPUTY CHAIRPERSON:** I am looking at (e) in the Bill - “walks along the road while under the influence of alcohol…” The person is on a pedestrian walkway, drunk and actually staggering there and walking on the designated area for pedestrians. Why would that person be a problem? He is not crossing the road or doing anything but is there staggering perfectly in his corridor, probably singing and whistling.

**MR KAFEERO SSEKITOLEKO:** Mr Chairperson, to take care of that, we could redraft and insert the words, “except along a pedestrian walkway”.

**MR WALUSWAKA:** Thank you, Mr Chairperson. I am not in agreement with clause 69 (b) and (e). They may be targeting our voters and elders in our villages. Therefore, I propose that this (e) be deleted because –

**THE DEPUTY CHAIRPERSON:** You also have very steady drunkards who will be very drunk but walking so straight. *(Laughter)* Now, how will you apprehend this one? How will you know?

**MR JONATHAN ODUR:** Mr Chairperson, my problem with this, apart from harmonising the imprisonment, is that nuisance has its own definition. For you to have been a nuisance to somebody, you must have affected a reasonable number of members of the public to cause that annoyance, which is not provided here.

You might want to call it another offence but not call it nuisance because it will actually fail the test of court if it does not affect a number of members of the public. You cannot get annoyed with somebody walking and you want to prove that they are being a nuisance. The entire clause 69 could actually be deleted on that basis.

**GEN. KATUMBA WAMALA:** Mr Chairperson, maybe to help matters, can we import the words, “being a public nuisance on the road”?

**THE DEPUTY CHAIRPERSON:** Public nuisance, where the definition of the public is known; does that help the situation?

**MS NAUWAT:** Mr Chairperson, I would like to concur with the proposal by the chairperson of the committee. Whereas it is okay for people to walk along the pedestrian path, you will realise that those under the influence of alcohol may choose to cross the road.

I propose that instead of the words “across the road”, we say, “walks along or crosses the road while under the influence of alcohol”. This is because we have such people who cross the road under the influence of alcohol and they become a nuisance to drivers.

**THE DEPUTY CHAIRPERSON:** What about people who are not drunk but are crossing the road?

**MR KAFEERO SSEKITOLEKO:** Mr Chairperson, even those who are drunk but cross at designated crossing areas have no problem.

**THE DEPUTY CHAIRPERSON:** So, why are we complicating this? Hon. Oseku, are you going to speak from experience? (*Laughter*)

**MR OSEKU:** Thank you, Mr Chairperson. There is a very serious problem that has developed in this country. Apart from the people we are talking about who may be moving under the influence of alcohol, most of the members of the public do not take good care when using roads. I think it is high time we put something in the law to guide the public. People these days cross the roads carelessly, and not necessarily when they are under the influence of alcohol. That is why she said, “crossing the road carelessly”. Sometimes motorists have to face the consequences in case a careless person crosses the road. So, I think we need to find something to guide the public on this.

Secondly, Mr Chairperson, concerning public nuisance, the experience we have is that there are also people who keep domestic animals like cows, goats, et cetera in urban areas, where they are not allowed. I thought this could also fall in the category of being a public nuisance. The common occurrence these days is that people tether animals along the roads and they are there all day. I think we need to include that in this clause, so that there is a restriction for some of these people. They should be liable when at the end of the day they cause accidents on the road.

**THE DEPUTY CHAIRPERSON:** Honourable members, what is the import of subclause (f) - *“places himself or herself in a road in such a manner as to cause danger or inconvenience to traffic”.* I think that takes care of all those situations.

**MR JONATHAN ODUR:** Mr Chairperson, I agree with you, but even clause 66 (1)(l), which we have passed, is in the same spirit. It says, *“in any way prevents any person or vehicle from passing along a public road”.*

**THE DEPUTY CHAIRPERSON:** So, what are we deleting?

**MR NZOGHU:** We are deleting the proposal by the chairperson because –

**THE DEPUTY CHAIRPERSON:** We are rejecting; we cannot delete what we have not taken.

**MR NZOGHU:** We are deleting even paragraph (e) by the way, Mr Chairperson, because it was –

**THE DEPUTY CHAIRPERSON:** We are not accepting the chairperson’s proposal but you are also proposing to delete paragraph (e).

**MR NZOGHU:** The chairman’s proposal should be put aside for two reasons. We have the urban and rural setups. The proposal of the chairperson can only apply in an urban setup but in a rural setting, it cannot apply.

**THE DEPUTY CHAIRPERSON:** Honourable chairperson, the proposal you have made is apparently not acceptable.

**MR KAFEERO SSEKITOLEKO:** Mr Chairperson, I concede on this.

**THE DEPUTY CHAIRPERSON:** There is a proposal to delete paragraph (e) from the Bill. I put the question for deletion.

(*Question put and agreed to.)*

**MR NANDALA-MAFABI:** Mr Chairperson, I do not know who was doing the issue of fines; you get 2,000-

**THE DEPUTY CHAIRPERSON:** We have harmonised that one already. I now put the question that clause 69, as amended, stands part of this Bill.

(*Question put and agreed to.*)

Clause 70

**MR KAFEERO SSEKITOLEKO:** Mr Chairperson, we propose to delete the entire clause 70. The justification is that clause 66 (1) (j), which creates an offence of causing water to flow over a public road, is sufficient.

**THE DEPUTY CHAIRPERSON:** Is that clear? Honourable minister, we are deleting your clause? Is that agreeable?

**GEN. KATUMBA WAMALA:** Honourable Chairperson, I concede.

**THE DEPUTY CHAIRPERSON:** Honourable members, the proposal is to delete clause 70. I put the question for the deletion.

(*Question put and agreed to.*)

*Clause 70, deleted.*

Clause 71

**MR KAFEERO SSEKITOLEKO:** In clause 71, substitute the words, “two thousand currency points” appearing in line four with the words, “twenty-five currency points”. The justification –

**THE DEPUTY CHAIRPERSON:** It should be twenty-four currency points –

**MR KAFEERO SSEKITOLEKO:** In clause 71, substitute the words, “two thousand currency points” appearing in line four with the words “twenty-five currency points”.

**THE DEPUTY CHAIRPERSON:** It should be twenty-four currency points. The corresponding currency points are what we are taking.

**MR KAFEERO SSEKITOLEKO:** Okay. So, it becomes twenty-four currency points. Most obliged, Mr Chairperson. This is to reduce the fine in order to make it proportionate to the offences.

**THE DEPUTY CHAIRPERSON:** No, it is not to reduce but to harmonise the penalties.

**MR KAFEERO SSEKITOLEKO:** Most obliged, Mr Chairperson.

**THE DEPUTY CHAIRPERSON:** I put the question to the amendment.

*(Question put and agreed to.)*

*Clause 71, as amended, agreed to.*

Clause 72

**MR KAFEERO SSEKITOLEKO:** In clause 72, substitute the words “twenty thousand currency points” appearing in –

**THE DEPUTY CHAIRPERSON:** Again, it is harmonisation of penalties. I put the question to that amendment.

(*Question put and agreed to.*)

*Clause 72, as amended, agreed to.*

Clause 73

**MR KAFEERO SSEKITOLEKO:** It is also harmonisation.

**THE DEPUTY CHAIRPERSON:** I put the question to the harmonisation of the penalties.

*(Question put and agreed to.)*

*Clause 73, as amended, agreed to.*

Clause 74

**MR KAFEERO SSEKITOLEKO:** In clause 74, we propose to redraft subclause (2) to read as follows: “(2) A person who commits an offence under subsection (1) is liable, on conviction, to a fine not exceeding two thousand seven hundred seventy-five currency points or imprisonment not exceeding three years, or both”. This is to harmonise the provision with section 21 of the East African Community Vehicle Load Control Act, 2016.

**THE DEPUTY CHAIRPERSON:** It would still be at variance with our own laws. We need to harmonise your penalties. You cannot say three years and then you are in thousands of currency points. Three years means you multiply 24 by 3.

**MR KAFEERO SSEKITOLEKO:** Most obliged.

**THE DEPUTY CHAIRPERSON:** From the arithmetic I remember, that would be around 72 currency points or three years imprisonment. Is that correct?

**MR KAFEERO SSEKITOLEKO:** Also in clause 74(4), “A person who commits an offence under sub-section (1) is liable, on conviction, to a fine not exceeding two thousand seven hundred seventy five currency points or imprisonment not exceeding three years or both.” Therefore, it applies to both.

**THE DEPUTY CHAIRPERSON:** I think the harmonisation captures that. I will put the question to those new proposals with the harmonisation?

*(Question put and agreed to.)*

*Clause 74, as amended, agreed to.*

Clause 75

**MR JONATHAN ODUR:** Mr Chairman, in clause 75, we harmonise also the –

**THE DEPUTY CHAIRPERSON:** Clause 75 is also harmonisation of penalties. I put the question to that?

*(Question put and agreed to.)*

*Clause 75, as amended, agreed to.*

*Clause 76, agreed to.*

*Clause 77, agreed to.*

*Clause 77, as amended, agreed to.*

Clause 78

**MR KAFEERO SSEKITOLEKO:** In clause 78(2), substitute for the words payable to the “relevant road authority” appearing in lines two and three, the words “a revenue collection bank designated by the Uganda Revenue Authority.”

Justification is to harmonise the provision with the Traffic and Road Safety Act, Cap 361 and also to ensure that express penalty fines are remitted to the Consolidated Fund.

**THE DEPUTY CHAIRPERSON:** Honourable members, the words being substituted are these “the relevant road authority” - the proposal is to replace that with “a revenue collection bank designated by the Uganda Revenue Authority.” Is that okay? I put the question to that amendment?

*(Question put and agreed to.)*

**MR NZOGHU:** Mr Chairman, the minister may by regulation prescribe an express penalty scheme for purposes of this Act. I see that this should be subjected to parliamentary- because you cannot be sure of the mind, the feelings of the minister when he or she is prescribing this penalty. Therefore, we must put some insulation so that there is a control.

**THE DEPUTY CHAIRPERSON:** The presumption is that that minister comes from Cabinet. Therefore, it is not like the minister will just wake up and show up with the regulation.

**MR NZOGHU:** Yes, we do recognise that but I suggest there should be an extra step that should be taken so that the power of the minister or even Cabinet is checked.

**THE DEPUTY CHAIRPERSON:** I don’t think it will be necessary on this particular aspect. I now put the question that clause 78 as amended stands part of this Bill?

*(Question put and agreed to.)*

*Clause 78, as amended, agreed to.*

*Clause 79, agreed to.*

Clause 80

**MR JONATHAN ODUR**: Mr Chairman, before clause 80, I am proposing to insert a new clause immediately after clause 79 to read as follows: “a transitional provision; nothing in this Act shall affect the rights accrued as a result of existing roads before the coming into force of this Act.”

The Justification is to avoid retrospective application of the law and to protect the current developments along the roads, which complied and observed the 15-metre distance from the centre line.

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, I would not have a problem with a transitional clause. However, I am so sceptical about this particular one because I have a feeling that it may contravene the Constitution.

**THE DEPUTY CHAIRPERSON:** You have a feeling? Therefore, are we going to proceed on the basis of your feeling?

**MR KAFEERO SSEKITOLEKO:** I think so, because Government in its wisdom, if they have provided funds for compensation on any road, they may decide to go and expand, rebuild or do anything. Therefore, if we now make restrictions that, “Not on these ones; do not go back,” I do not know how you are going to proceed on that one. I need to be guided.

**MR NZOGHU:** Mr Chairman, I do recognise that it is imperative that a road can be expanded. I do recognise that indeed depending on the obtaining circumstances there can even be a redesign. I would like to plead with my colleague, hon. Odur, that since we have provided for prompt, prior and adequate compensation, that one can insulate the property owner.

**MR JONATHAN ODUR:** Thank you, Mr Chairman. I withdraw the amendment.

**THE DEPUTY CHAIRPERSON:** We were on clause 80. Can I put the question that clause 80 stands part of this Bill?

*(Question put and agreed to.)*

*Clause 80, agreed to.*

Clause 81

**MR JONATHAN ODUR:** Mr Chairman, you recall earlier we had proposed that the minister will have to come back to Parliament when reclassifying the roads. I would like to propose that under clause 81, we insert a new clause to read that “The minister may, with the approval of Parliament, amend -” it is the proposed schedule 3 where the width of the roads will apply so that every time the minister wants to reclassify, will come back and see what to do. Thank you.

**THE DEPUTY CHAIRPERSON:** Will this affect all the shifting of classes?

**MR KAFEERO SSEKITOLEKO:** Yes. Since we are specifying as Parliament, the maximum width under schedule 3, that proposal will be very okay.

**THE DEPUTY CHAIRPERSON:** Okay. Therefore, instead of having the word “Cabinet”, you have “Parliament”? The presumption is that you always consult Cabinet. Therefore, using Cabinet here is telling us something that we do not need to know *–(Laughter)*

Honourable members, we now need to know the details. “The minister shall by Statutory Instrument amend Schedule 1 –” is it only Schedule 1? Currency point is okay. Which other schedule shall we bring to Parliament?

**MR KAFEERO SSELITOLEKO:** Our target is schedule 2 and 3.

**THE DEPUTY CHAIRPERSON:** Therefore, it is going to be schedule 1, 2 and 3. Correct?

**MR KAFEERO SSEKITOLEKO:** Yes.

**THE DEPUTY CHAIRPERSON:** So that is in sub clause 81 (1), “The minister shall, with the approval of Parliament by statutory instrument, amend schedule 1, 2 and 3. That means in 2 we do not have to have 2 and 3 now.

**MR NANDALA-MAFABI:** Mr Chairman, schedule 1 is not under the minister for works it is under the minister responsible for finance so there is no need for us to put schedule 1 here for amendment.

Schedule 1 is dealing with currency points and that is the responsibility, which falls under the minister of finance under the law. I propose that we remove schedule 1 and put what hon. Jonathan Odur has proposed, which has been agreed with the minister.

**THE DEPUTY CHAIRPERSON:** So we leave out schedule 1 which is currency points. We are dealing with schedule 2 and 3 on classification of roads and then the rest of 1,4,5,6 is for the minister to handle wherever the minister pleases, okay, can I now put the question to this amendment?

*(Question put and agreed to.)*

*Clause 81, as amended, agreed to.*

Clause 82

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, under 82(3) insert “120” of the Traffic and Road Safety Act, Cap 361 immediately after the word “sections” appearing at the beginning of the provision.

Justification: having introduced clause 54 on the speed limit whose import covers section 120 of the Traffic and Road Safety Act on the speeding, section 120 becomes redundant.

**THE DEPUTY CHAIRPERSON:** I put the question to that proposal.

(*Question put and agreed to.)*

*Clause 82, as amended, agreed to.*

*Schedule agreed to.*

*Schedule 2 agreed to.*

Schedule 3

**MR KAFEERO SSEKITOLEKO:** Mr Chairman, the proposal is to insert a new schedule immediately after schedule 2 to provide for maximum width of road reserve for different classes of roads as section 14(2) as shown in the Table in the schedule. Do I proceed to read one by one?

**THE DEPUTY CHAIRPERSON:** Well, if you are proposing a new - because we do not have it on record, maybe you do not have to deal with the detail but you can deal with the type of road, class and reserve width from centre line of the road.

**MR KAFEERO SSEKITOLEKO:** Most obliged, so we are saying that in the class of road named national road, expressway, we propose 40 metres; national road A, 40 metres maximum width; national road B, maximum width 40 metres; national road C maximum width 40 metres; national road other maximum width 30 metres; district road I 20 metres as maximum width; district road II 20 metres maximum width; district road III, 20 metres as maximum width.

Now we have urban road U for municipal council 15 metres as maximum width; urban road U for town council 15 metres as maximum width. Park road P, 15 metres maximum width then community access road CAR 10 metres as the maximum width.

**GEN. KATUMBA WAMALA:** Mr Chairman, for clarification we propose that we insert the word “from the centre line” immediately after the word “reserve” in the title “maximum width of road reserve” in the fourth column to the right of the first row in the table.

The justification is that the maximum road reserve width specified in the table above if not measured from the centre line will lead to very narrow road corridors that would be insufficient for classes of the roads assigned to them. So it should read from the centre line.

**THE DEPUTY CHAIRPERSON:** We have only dealt with three columns, “class, type, reserve width” from centre line so you are saying that the tittle to the third clause should be “reserve width from the centre line” it is put here as CL, the full wording is centre line. Can I put the question to this amendment?

**MR NZOGHU:** Thank you, Mr Chairman, we would like to also propose an amendment-

**THE DEPUTY CHAIRPERSON:** Honourable members, can we go back to the other clause that we stood over? We stood over two clauses; clause 9 and clause 2 which is definition. Can we deal with clause 9 because that one is a bit long and we need -

**MR NANDALA-MAFABI:** Mr Chairman, I think clause 9 more or less has been dealt with because even the chairman said that URA will collect the money and send it to the consolidated fund.

If you look at 1 which was saying “a toll levied under this section will be collected by a relevant road authority and may with the approval of the minister and the minister responsible for Finance be retained by the road authority for purpose of meeting.”

I would like to say that; “(i) A toll levied under this ACT shall be collected by the relevant road authority and be deposited into the Consolidated Fund. (ii) Not withstanding sub section (1), the relevant authority may apply to the minister responsible for finance to retain some of the funds collected for purposes of maintaining-“

**THE DEPUTY CHAIRPERSON:** That is the correct spirit.

**MR NANDALA-MAFABI:** Thank you.

**THE DEPUTY CHAIRPERSON:** Sub-clause (2) now becomes sub clause (1). The first principle is stated in sub-clause (2). We need to redraft sub-clause (2) to accommodate that and then the current (1) becomes the exception you are creating, where you are saying, “subject to sub-section (1).” Is that clear now?

**MR NZOGHU:** Mr Chairperson, I would like us to evaluate whether it is fair to just leave it open. Considering the guidance that you gave and what hon. Nandala-Mafabi has given, I thought we should tag some percentage of the money that should be retained for maintenance so that it is not open because it might be abused.

**THE DEPUTY CHAIRPERSON:** Yes, but the problem you will have with that is that they will now make it a routine even when there is no need. Otherwise, this one is saying that when there is need they apply; when there is no need, they do not because it has to be approved by somebody. So, when you put that one it means that they will be coming back every time because they will have an avenue.

I think we will proceed with hon. Nandala-Mafabi’s amendment. Can I put a question to that?

**MS NAUWAT:** Mr Speaker, I am looking at the new table on the different –

**THE DEPUTY CHAIRPERSON:** No, we are not there; we are back on clause 9. Are we comfortable with the rest of the sub-clauses in clause 9, (3) and (4)? I think they are okay. Can I put the question to the amendment proposed by hon. Nandala-Mafabi now? I now put the question to the amendment as proposed by the hon. Nandala-Mafabi.

*(Question put and agreed to.)*

*Clause 9, as amended, agreed to.*

**THE DEPUTY CHAIRPERSON:** Are we in position to deal with clause 2 now? Are there any new terms we are anticipating from the schedules, because what is left now are the schedules.

**MR JONATHAN ODUR:** Mr Chairperson, I had a proposal that we re-define a “road reserve” and so we substitute for the definition the following: “A road reserve means an area of land acquired by a road authority and set aside for future road construction.”

The justification is that a road reserve should allow for flexibility in providing for different road reserves. It can be in the middle of the road for dual-carriage ways or on the sides of the road.

Secondly, from our discussions, we propose the word “private entity” and so, I propose that we define it in the interpretation because we substituted it for “private institution.”

**THE DEPUTY CHAIRPERSON:** Is it clear, honourable members?

**MR NZOGHU:** Mr Chairperson, there is also the issue of “public nuisance,” which we must define clearly for purposes of solving the ambiguity in the law.

**THE DEPUTY CHAIRPERSON:** Honourable members, we can still stand over clause 2. We have also stood over a proposed new schedule. Can we deal with the other schedules and leave only the proposed one? If there are others that have no issues, we can deal with them properly later.

Schedule 4

**THE DEPUTY CHAIRPERSON:** Does schedule 4 have an issue? Can I put the question that schedule 4 remains as a schedule to this Bill?

*(Question put and agreed to.)*

*Schedule 4, agreed to.*

*Schedule 5, agreed to.*

*Schedule 6, agreed to.*

**THE DEPUTY CHAIRPERSON:** Is the new insertion supposed to replace schedule two? We finished two and three. We now only have a proposal for a new insertion and the definition section. I do not remember us passing schedule 3.

**MR JONATHAN ODUR:** Mr Chairperson, schedule 3 as it is here was not called.

Schedule 3

**THE DEPUTY CHAIRPERSON:** I now put a question that schedule 3 remains a schedule to this Bill.

*(Question put and agreed to.)*

*Schedule 3, agreed to.*

**THE DEPUTY CHAIRPERSON:** Honourable members, I am pausing this because the graphics in the proposed road reserve width for various classes of roads is very elaborate and there are new terms introduced.

We might have to find a way of – because it talks about lanes, outer shoulder, inner shoulder, median, side barriers and pedestrian paths. It has all those things in this proposal.

I was hoping that we could have these properly presented so that we can have the whole of these text put in the Bill with the amendments that we will be proposing. That is why I am saying we cannot handle that now. We will have time to look at it.

Please circulate the copies on the *iPad* and we see if we can adopt it with the changes that will be proposed so that the whole framework can be in the Bill. That is where we are.

That means we have stood over a new schedule that is being proposed together with clause 2. For the rest of the Bill, we have passed all the clauses with amendments.

MOTION FOR THE HOUSE TO RESUME

6.55

**THE MINISTER OF STATE FOR WORKS AND TRANSPORT (Gen. Edward Katumba Wamala):** Thank you, Mr Chairperson. I beg to move that the House do resume and the Committee of the whole House reports thereto.

**THE DEPUTY CHAIRPERSON**: Honourable members, the motion is for resumption of the House to enable the Committee of the Whole House report. I put the question to that motion.

*(Question put and agreed to.)*

*(The House resumed, the Deputy Speaker, Mr Jacob Oulanyah presiding*\_)

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

6.56

**THE MINISTER OF STATE FOR WORKS AND TRANSPORT (Gen. Edward Katumba Wamala):** Mr Speaker, I beg to report that the committee of the Whole House has considered the Bill titled, “The Roads Bill, 2018” and passed it with amendments.

**THE DEPUTY SPEAKER:** No, we did not pass it. We stood over clause 2 and the proposed new schedule.

**GEN. KATUMBA WAMALA:** Okay, and stood over clause 2 and the proposed new schedule.

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

6.57

**THE MINISTER OF STATE FOR WORKS AND TRANSPORT (Gen. Edward Katumba Wamala):** Mr Speaker, I beg to move that the report from the Committee of the whole House be adopted.

**THE DEPUTY SPEAKER:** Honourable members, the motion is for the adoption of the Report of the Committee of the Whole House. I put a question to that motion.

*(Question put and agreed to.)*

*(Report adopted.)*

**THE DEPUTY SPEAKER:** Honourable members, we have done very well and we should congratulate ourselves. If I had the authority I would have hosted you to a big –*(Laughter)*– only those who have been here up to now.

However, we still have business to do but we will not be able to do that at the moment. Let us consult on the new schedule that is proposed, if possible, I think two honourable members have issues. If you could consult and harmonise so that we do not spend time on it because tomorrow we are expecting the Budget Committee to come back to Parliament so that we can harmonise and finish this quickly.

What is left is not much and if you have a discussion, it will not take us long and that is what I propose you should do honourable minister and the honourable members. Please find a way of consulting so that it is harmonised, concession is made, and we move.

Honourable members, House is adjourned until Wednesday, 15 May 2019 at 2 o’clock.

*(The House rose at 6.57 p.m. and adjourned until Wednesday, 15 May 2019 at 2.00p.m.)*