



# PARLIAMENTARY DEBATES

(HANSARD)

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OFFICIAL REPORT

FIFTH SESSION - FIRST MEETING

THURSDAY, 4 SEPTEMBER 2025



## IN THE PARLIAMENT OF UGANDA

### Official Report of the Proceedings of Parliament

#### FIFTH SESSION - 10TH SITTING - FIRST MEETING

Thursday, 4 September 2025

*Parliament met at 2.00 p.m. in the Parliament House, Kampala.*

#### PRAYERS

*(The Speaker, Ms Anita Among, in the Chair.)*

*The House was called to order.*

#### COMMUNICATION FROM THE CHAIR

**THE SPEAKER:** Honourable members, I welcome you to this afternoon's sitting. I also inform this House that on Tuesday, 2 September 2025, we had an Appointments Committee sitting.

We approved the Principal Judge and members of the Leadership Code Tribunal, pursuant to Article 142(1) and Article 235A of the Constitution of Republic of Uganda, respectively.

In furtherance to Rule 177 of the Rules of Procedure of Parliament, the committee has communicated to the President the decision of the Appointments Committee.

However, Rule 176 of the Rules of Procedure requires that we communicate to the House all the approvals that we have made because we act on behalf of the House. Those are the approvals that we made on that day.

Honourable members, I put the Public Accounts Committees on notice that on 9 September 2025, the House will only be considering reports

from accountability committees. Failure to do that, we will have to do an omnibus approval. Of course, acting Leader of the Opposition, that will be an indictment to your leadership and members of the committee.

Honourable members, you are also aware that we always have the East African Games, therefore, training has started. We will be having the East African Games at the end of the year. These games help us in widening, tightening and deepening the integration of East African communities. Therefore, if you are a participant, please go and train. The selection will be on merit regarding who is doing very well.

Honourable members, I will invoke Rule 26(1) of the Rules of Procedure and vary the Order Paper to accommodate the laying of two reports from the Auditor-General. I thank you again for coming. Have a fruitful debate.

Yes, Chairperson, Parliamentary Games and Sports?

2.06

**MR ASUMAN BASALIRWA (JEEMA, Bugiri Municipality, Bugiri):** Madam Speaker, I thank you in your capacity as the Patron of the Parliamentary Sports Club.

On the issue of the games, this is just to inform honourable colleagues that all the facilities where we are supposed to do training from have been availed to the parliamentary teams. I would like to request that Members do report.

Officially, we began training on the 1<sup>st</sup> day of September.

Madam Speaker, the honourable colleagues were asking whether, given the election cycle, there would be games. The games will take place. We have participated in these games before, even with the election cycle. I request honourable colleagues to train very seriously.

Madam Speaker, we have a challenge that at the last minute, Members come to the chairperson because they want to be included in the teams. The chairperson does not decide who gets there. It is merit, your training, your captains and the coaches. They also come to the patron reporting. Therefore, the time is now. People should report for training because we should be able to defend our trophies that we won in Mombasa last year. Thank you.

**THE SPEAKER:** Thank you. Yes, Hon. Gorreth – let us first have the minister.

2.08

**THE MINISTER OF STATE FOR EDUCATION AND SPORTS (SPORTS) (Mr Peter Ogwang):** Thank you, Madam Speaker. Maybe, before I say what I would like to say, let me take the opportunity, on behalf of the people of Ngariam, to congratulate you on having been elected as the Second National Vice-Chairperson (Female) of the National Resistance Movement (NRM). *(Applause)*

**THE SPEAKER:** Thank you.

**MR OGWANG:** Secondly, I also want to go on record and say that I thank Parliament, you, Madam Speaker, and the leadership. We have just concluded the African Nations Championship (CHAN 2024). It was the best competition ever in the history of CHAN, as far as the Confederation of African Football (CAF) is concerned. *(Applause)*

On the subject matter Hon. Asuman mentioned, I would like to give additional information. We did participate –

**THE SPEAKER:** Honourable minister, we also want you to bring a tribute motion on CHAN because it should be on record that it was something that was done perfectly and well organised. I happened to attend the closing ceremony. I was even given a present for the President for having such a game, so we need a motion from you.

**MR OGWANG:** Most obliged, Madam Speaker. I will request Hon. Asuman to second the motion. As the Government, I will bring it. I know why I am saying so; he is the Chairperson of the Parliamentary Sports Club.

The information I want to give him is that some of our honourable colleagues might be fearing to participate because it is a campaign season. I thank God, I have been here a bit longer; maybe with Hon. Mwijukye. We have participated in this competition and won. Therefore, it is just a matter of us encouraging honourable colleagues. It is God who makes us to be here. Do not fear to showcase your talent because you feel you must go and look for votes. The votes are there.

**THE SPEAKER:** Thank you. If you have been working for your voters, they will vote for you whether you are there or not.

2.10

**THE DEPUTY CHAIRPERSON, COMMITTEE ON PUBLIC ACCOUNTS (CENTRAL GOVERNMENT) (Ms Gorreth Namugga):** Thank you, Madam Speaker. In your communication, you requested that all the Public Accounts Committees (PAC) - Committee on Commissions, Statutory Authorities and State Enterprises (COSASE), PAC (Local Government and PAC (Central Government) have their reports ready by 9 September 2025.

Madam Speaker, I would like to confirm that we shall have the reports ready. We thank you for considering the extension of time. These reports were affected, number one, by the NRM primaries –

**THE SPEAKER:** Do not talk about NRM primaries. How?

**MS NAMUGGA:** Madam Speaker, that is the fact. You are the majority on these committees, and Members were on and off. I would like to appreciate you for extending the time.

**THE SPEAKER:** Okay, can I have the reports in my office?

**MS NAMUGGA:** Madam Speaker, as I conclude, the reports will be ready by the 9<sup>th</sup>. Thank you.

**THE SPEAKER:** Can I have them in my office because I also have to read them.

**MS NAMUGGA:** Madam Speaker, we shall submit in time.

**THE SPEAKER:** Thank you. Honourable members, in the public gallery this afternoon, we have students and teachers from Sonshine Christian Primary School from Koboko. All the way from Koboko? They are represented by Hon. Ayume and Hon. Sharifah Taban. *(Applause)* Join me in welcoming the youngsters from Koboko. Welcome, please sit. When you are going back, the teachers should not make our children move at night.

2.12

**MS SARAH OPENDI (NRM, Woman Representative, Tororo):** Thank you, Madam Speaker. You have talked about the issue of the children not moving at night and I recall -

**THE SPEAKER:** Honourable minister, I am saying that our children should not be transported in lorry trucks or packed like luggage.

**MS OPENDI:** Thank you very much, Madam Speaker. Before we closed, I had raised the issue, and the Ministry of Education and Sports issued new guidelines on organising children's visits and other social activities in schools. Despite having these guidelines in place, we have seen schools continuing to organise tours for children from far, and most of which are return journeys.

The minister then pledged to bring a statement to update this House on the new guidelines. I would also like to know why, even with these guidelines in place, the school tours - which are okay - but the long-distance tours have continued.

I would like to know why instructions are issued and guidelines are given, but we continue seeing these. Now that the year is about to end, you remember those lavish farewell parties for the senior fours and senior sixes, which were also given guidelines. Can we get an update from the education ministry on these things? The other day, we saw children involved in an accident somewhere in Mityana. Thank you.

**THE SPEAKER:** Honourable minister, there were guidelines issued on the travels of children on when and the time they should travel, and some schools seem not to respect that. You need to reprimand those that do not abide by the guidelines that have been issued by the ministry.

Yes, Hon. Rose, before the minister comes.

2.14

**MS ROSE OBIGAH (NRM, Woman Representative, Terego):** Thank you, Madam Speaker. I agree with you. Let me go back to what Hon. Sarah has just said, that children from far distances should not visit.

Most children get motivated to study harder when they come and see wonderful places like this. If you went to Terego District, where we do not even have tarmacked roads, and they come to Kampala, and see this kind of sophistication, they will be motivated to go to Makerere University. It would be good to say that children like mine who come from long distances -

**THE SPEAKER:** Did I say that they should not travel? I said they should travel during the day.

**MS ROSE OBIGAH:** Thank you. That is why I said that I totally agree with you.

**THE SPEAKER:** Why should we limit these children from coming all the way?

**MS ROSE OBIGAH:** Thank you, Madam Speaker. God bless you.

**THE SPEAKER:** Honourable minister?

2.17

**THE MINISTER OF STATE FOR EDUCATION AND SPORTS (SPORTS)**

**(Mr Peter Ogwang):** First of all, I would like to thank Hon. Sarah Opendi and Hon. Rose Obigah. It is true that the Ministry of Education and Sports issued a circular to all the districts in the country regarding study tours. In that circular, Madam Speaker, if you permit me, I will bring it here and lay it on the Table for all of us to help as the education ministry continues with this communication to that effect.

The circular was very clear on the kind of transport our children should use when going on study tours, and the kind of study tours. We gave approvals to be undertaken by the district education officers for the purposes of regulating these study tours. You are also aware that some schools are making it a business, which is why we said there must be the involvement of the District Education Officer in terms of clearing whether it is a study tour or entertainment.

I would like to reiterate to our countrymen and women out there, the Ministry of Education and Sports does not stop study tours but guides on how they should be conducted. For instance, Madam Speaker, like you said, which kind of transport and at what time should our children travel? It is one which we have all been able to categorically state in terms of the guidelines in the circular we issued.

We expect our children to move from morning to evening, and the study tour to be cognisant of the mode of accommodation where our children will be staying should be taken care of very well. Madam Speaker, I want to take up what is now happening in the countryside and also bring in the Uganda Police Force to look at the means and the category of transport which are being used for our children to move with.

For instance, you said, how can you carry children in an open truck to Kampala? How can you carry children on a vehicle in the Dangerous Mechanical Condition (DMC), which is not well-maintained? These are entirely things we appeal to all of us to be involved in. Honourable colleague, you wanted a clarification, let me give you - *(Hon. Zaaake rose\_)*

**THE SPEAKER:** Honourable minister, you will need to give us a copy of the circular so that each Member of Parliament will have it. You are the representatives of the people in your constituencies, and you should be able to give that information to your constituents.

**MR ZAAAKE:** Thank you, Madam Speaker, and honourable minister, for giving way. Some time back in the circular, we raised an issue of transporting children to schools in the morning. You find kids being picked up at 3.00 a.m. or 4.00 a.m.

However, when you visit schools at 8.00 a.m., you find children sleeping in classes. You then wonder why they would not be left to sleep and be picked up at 7.00 a.m. While clarifying on the circular and guidelines, you can also talk about the picking of children in the morning as early as 4.00 a.m. and taking them back late. Thank you.

**THE SPEAKER:** Honourable members, the people who pick these pupils are those doing business, whom you, the parents, hire. It is not the ministry that does it. It goes back to parenting. If you want your child to have a comfortable life, going to school at the time when you are supposed to, do not go for that. Go for the mode of transport that you are sure of. We cannot blame the ministry on that.

Yes, Leader of the Opposition? Members who have matters of national importance will come at Prime Minister's Time.

2.21

**THE LEADER OF THE OPPOSITION**

**(Mr Joel Ssenyonyi):** Thank you, Madam Speaker, for your communication. Number

one, to emphasise to honourable colleagues, because you mentioned the Public Accounts Committees, which we are in charge of. I am in touch with honourable colleagues, and they told me that they are expediting the work. My hope, just like you hope, is that they will finish the work soon.

The people offering leadership to these committees are very experienced Members of Parliament. In fact, all of them are serving their third term.

**THE SPEAKER:** No, more than three.

**MR SSENYONYI:** Yes, all the chairpersons of the Public Accounts Committees are serving their third term. There is a colleague saying “no” - and I say this with humility – but I am their supervisor, so I know.

Anyhow, the point -

**THE SPEAKER:** Anyway, it is not about how old you are in the committee but -

**MR SSENYONYI:** My point is that - Let me make the point. The point that I was making is that –

**THE SPEAKER:** Hon. Susan, leave the Leader of the Opposition (LOP) to speak.

**MR SSENYONYI:** We trust they are doing their work. I am glad that some of the deputy chairpersons are here supporting that process and we hope that work comes through very soon.

Madam Speaker, you did mention again in your communication, the Appointments Committee’s approval of the new Principal Judge. I saw the learned Deputy Attorney-General here. I do not know if he has - maybe he is around so that I can raise this and he gives us a bit of guidance.

The honourable Minister of State for Sports was at some point meant to join law school, so he can hold a brief for the Attorney-General and brief him. This is a serious matter, and

that is why I thought it would be good for the learned Deputy Attorney-General to be here.

**THE SPEAKER:** Honourable LOP, can I refer you to rule 176 of the Rules of Procedure?

**MR SSENYONYI:** Let me make use of the rules you gave me, Madam Speaker.

**THE SPEAKER:** I gave you a gift of the rules. It reads: “*The chairperson of the Committee on Appointments shall report to the House any appointment approved by the Committee, and the report shall not be subject to debate.*”

Now, those other issues you want to raise should not be subject to what I brought up. It should be something outside that.

**MR SSENYONYI:** Most obliged, Madam Speaker. Incidentally, I was not planning to open up debate at all. I just wanted to reiterate something that I mentioned yesterday, and you guided that the Attorney-General would be here to respond.

**THE SPEAKER:** He is coming back.

**MR SSENYONYI:** Maybe when he returns, you will give me a chance. I am not making reference to the work there so we can wait for him.

**THE SPEAKER:** Let us wait for him to come back. Thank you. Next item? There is a procedural matter.

**MR KATUSABE:** Thank you, Madam Speaker. I rise on a procedural matter. I am aware you have ruled that matters of national importance are going to be raised during the Prime Minister’s time but this is about life and death in a sense that my fear is that if I am to wait, I do not know what is going to happen between now and the Prime Minister’s Time.

When I took oath, I swore by the Constitution and the Bible, as a practicing Catholic, to protect, defend, and preserve the Constitution. Article 22 of the Constitution of the Republic of Uganda is crystal clear on the right to life



and Article 24 is also crystal clear in regard to the freedom from torture, inhumane and degrading treatment. Lastly, Article 23 is also clear on the freedom of personal liberty.

On 19 August 2025, the Resident District Commissioner (RDC) of Kasese summoned a joint committee of security to unleash terror on law-abiding and peace-loving citizens. As a matter of fact, on 22 August, a man or a fellow citizen was brutalised and ended up losing his life at St. Paul Hospital, Kasese.

The fact is very simple. The Government –

**THE SPEAKER:** What is the procedural matter? *(Laughter)*

**MR KATUSABE:** The procedural matter, Madam Speaker, is that the ministers representing the Government are in the House. These are citizens confronted with the challenge of forceful land evictions; they assembled peacefully at the RDC's courtyard but are being denied their constitutional rights in the sense that, while they are assembled in the RDC's compound, they have been denied access to food and medication.

The mothers who went to look for food for their children were stopped from even accessing that camp and as a result, the young babies are starving to death. This is something that this House cannot allow or tolerate to go on.

Therefore, procedurally, my prayer is that the Government - this is a known matter, even to the President. He sent and sanctioned the minister for lands, Hon. Sam Mayanja, to go and look into the matter. He met the people camped peacefully in their compound and promised to report back but nothing else happened.

The court made judgments to the effect that these people were to be compensated but nothing has happened. As a community, where I come from, that is - *(Member timed out.)*

**THE SPEAKER:** Let us give him a second.

**MR KATUSABE:** Yes, Madam Speaker, thank you. I do not know who was tampering with the system. *(Laughter)* Thank you for your kindness and generosity.

The people of Kasese are not asking for too much. They are asking for timely justice, and as fellow citizens, they deserve the right to live. You cannot walk into a camp and deprive somebody of their right to live. All lives matter, including the lives of the Kasese people and elsewhere - including - I can say, citizens of the world.

My prayers are:

1. Government, please fast-track this. We want this predicament and matter solved comprehensively.
2. Additionally, compensation be made to the family that lost a fellow citizen in the name of Mr Stephen Muhindo Esenge, now deceased.

Madam Speaker, you will allow me, if this is not handled, I will continue coming back to this House, raising the same matter until this is comprehensively solved by the Government. Thank you.

**THE SPEAKER:** Thank you. Honourable members, as community leaders, we need to show leadership in our communities. Hon. Atkins' procedural matter talks about land issues, abuse of human rights, illegal confinement and compensation. However, what have you done for those people? What have you advised them to do? They must seek redress from somewhere for them to be handled. Anyway, the Government is here.

2.29

**THE MINISTER OF INFORMATION, COMMUNICATIONS TECHNOLOGY AND NATIONAL GUIDANCE (Dr Chris Baryomunsi):** Thank you, Madam Speaker. I also thank Hon. Katusabe for raising an issue that affects the people of Kasese. I know there are people in Kasese who have been living in a camp and the Government has been trying

to resettle them. I do not know exactly what triggered what he is describing, but I undertake to get in touch with Hon. Katusabe and the RDC and establish the facts – (*Interjections*) - Hon. Opendi was helping me – (*Laughter*) - to get the information. As Parliament sits, I want to get in touch with Hon. Katusabe and the RDC of Kasese to establish the facts on what exactly triggered that action from the RDC.

The Government does not condone disturbing the peace of the people and appropriate measures will be taken. Then, we can update the House. If I get full information, I can even update the House before we conclude the sitting.

**THE SPEAKER:** Let him give you all the information then you can handle it. The Leader of the Opposition (LOP), the honourable Deputy Attorney-General is here.

2.31

**THE LEADER OF THE OPPOSITION (Mr Joel Ssenyonyi):** Madam Speaker, I am glad you have drawn my attention to the return of the learned Deputy Attorney-General. I raised something here yesterday and you asked me to raise it in the presence of the Attorney-General.

Yesterday, I did lay two rulings regarding two particular prisoners. One, Anthony Agaba v. State, also known as Bobi Young. Another, Yasin Ssekitoleko, also known as *Machete*, v. State. They applied for bail in the High Court and the court said, “Look, you are not properly before us. Why? Because your matters have not been transferred from the military courts to the civilian courts, as per the ruling of the Supreme Court on the 31<sup>st</sup> of 31 January of this year.”

Now, these people are in limbo. They are in abeyance and that is problematic for justice because the DPP has not formally preferred charges for the High Court to take over. The High Court is saying, “We do not know those people”.

Meanwhile, the military court is *functus officio* because the Supreme Court said, transfer all

those files. Therefore, we would like to know: what exactly is happening? Where should these people go?

Madam Speaker, they cannot go back to the military court which is *functus officio*. The High Court, which they are running to, is saying, “We do not know you. You have not been brought before us formally.” They are stuck. It is now coming to three-quarters of the year. What should they do?

I am saying that in light of the DPP having now been promoted to a Principal Judge. Hopefully, there will be another DPP soon. What should they do? Maybe guide us because they keep asking us and their lawyers but we do not know what to tell them.

Finally, Madam Speaker, now that the Deputy Attorney-General is here, he could respond to this as well. We passed The Political Parties and Organisations (Amendment) Act here. It was passed by this House. Many of us were, of course, bothered by the process. Stakeholder engagement did not happen as it should have. However, that law is now law. Even as we challenge it in court, wherever and so on, it is the existing law until we see what the court says.

Madam Speaker, that law created what you can call two departments. One, for parties that have no representation in Parliament, and the other for parties that are represented here in this House and they called it the Inter-Party Organisation for Dialogue (IPOD). By virtue of law, we are all conscripted into IPOD. We are there by force. That is the law anyway as it is now until whatever gets to happen to it.

The Ministry of Justice and Constitutional Affairs and the Attorney-General were meant to bring regulations, of course, in consultation with the stakeholders, including us, who are in IPOD by force because that is the law now. The regulations have not happened. We have not been consulted yet we hear there is a lot that is happening. There is meant to be a Memorandum of Understanding (MOU).



That MOU is meant to be done in consultation with all the stakeholders. The stakeholders are reached out to, to look at the regulations, the MOU, and either sign or not sign it. However, that has not happened. We do not know if things are happening secretly. By virtue of law, we are now there by conscription; by force, if you like. What is happening? Will those regulations come? Will that MOU draft be given to the stakeholders so that we can look at it and see whether this is something we want to be part of?

You see, Madam Speaker, we can all be part of something by conscription but then all stakeholders need to know what the regulations say. Are we okay with them? Are we okay with this MOU so we can choose to sign it or not? Otherwise, we hear a lot is happening surreptitiously. Even this House, which passed the law, is waiting for those regulations that are meant to give effect to that law. It has not happened. Stakeholders are in the dark. Learned Attorney-General, please offer some guidance.

**THE SPEAKER:** Thank you.

2.35

**THE DEPUTY ATTORNEY-GENERAL (Mr Jackson Kafuuzi):** Thank you, Madam Speaker. My brother, Hon. Ssenyonyi, today is shooting on all cylinders. First, the Leader of the Opposition has made reference to a ruling that he tabled yesterday, which I have not yet had the privilege of looking at. However, be that as it may, yes, the Supreme Court made a decision.

I have stood on the Floor of Parliament before and told you that there is a process ongoing. I do understand that they may not have moved at the pace that you require them to, but I did pledge here, when my brother, the Member from Kasese, raised the issue of Col (Rtd) Dr Besigye, I said, these files are moving, give us time. The office of the DPP is working. We pledge as Government and as a ministry because we are bound by the decision of the Supreme Court. We will meet it. Just give us time.

On the issue of IPOD, we are working on the regulations. Give us the necessary time. They will come. I beg to submit.

**THE SPEAKER:** Thank you. Next?

**MR SSENYONYI:** Learned Attorney-General, if you could offer some further clarification. You see, each time you have risen here on the Floor, you have said, "Give us time." It is coming to a year. These people are in jail. In fact, one can even say illegally, because the court that sent them to jail has no jurisdiction over them - the military court.

The High Court cannot receive them. How much time so that they plan? I do not know if you have been in jail. I know you have been in the Opposition before. I do not know if at that time they did incarcerate you. For those who have been to jail and do not know their fate, it is problematic. These people are requesting to know; at least a bit of an idea of the time.

Finally, Madam Speaker, on the question of IPOD, because you have also said, give a bit of time, maybe that should also be clarified otherwise, we hear a lot is happening surreptitiously. We have seen some people signing MOUs and we are saying as stakeholders -

**THE SPEAKER:** Which people?

**MR SSENYONYI:** We did see a political party -

**THE SPEAKER:** As a leader, tell us, we have seen DP, NUP -

**MR SSENYONYI:** The president and Secretary-General of our colleague party, the Forum for Democratic Change (FDC) went and signed an MOU. It was in the media and so on, which is okay. That is actually not the issue. The point is, can that be shared with all stakeholders so that they look at it and say, okay, I am happy to sign this or not? Otherwise, you have not given people an opportunity to know what is in this MOU and in the regulations.

As we speak, IPOD is no longer an NGO like it was. It is now a law in place, and we are all in it by conscription; by force. We are saying, let us look at those regulations and the MOU, so we can determine whether we can sign or not.

**THE SPEAKER:** Honourable members, IPOD has its headquarters. If you want to get information, please go and get that information. If it is in contradiction with the law, you can bring it to the House. Please, get that information from IPOD. If they are forcefully asking you to do it, then bring it back to the House. Next?

## BILLS FIRST READING

### THE NATIONAL DRUG AND HEALTH PRODUCTS AUTHORITY BILL, 2025

**THE SPEAKER:** Honourable members, Article 91 of the Constitution of the Republic of Uganda, 1995, and rule 134 of the Rules of Procedure give authority to the Government to bring a Bill. I now invite the Minister of Health to table the Bill for the first reading. Honourable minister?

2.40

**THE MINISTER OF STATE FOR HEALTH (GENERAL DUTIES) (Ms Anifa Kawooya):** Thank you very much, Madam Speaker. Before I table the Bill, allow me to join the rest who have congratulated you for having attained the highest position within our arrangement and our mighty party, the National Resistance Movement (NRM).

Also, allow me to congratulate your parents for the humble upbringing that has made you to achieve all your achievements so far and we expect more. *(Applause)* Thank you very much.

**THE SPEAKER:** Thank you. Do you have a Certificate of Financial Implication?

**MS KAWOoya:** Madam Speaker, I beg to move that the Bill entitled, “the National Drug and Health Products Authority Bill, 2025” be

read for the first time and the Certificate of Financial Implications is attached here. I beg to lay both the Bill and the Certificate. Thank you very much.

**THE SPEAKER:** Thank you, honourable minister. Honourable members, pursuant to rule 135 of the Rules of Procedure, the Bill stands referred to the Committee on Health, and I urge them to expedite its process and report back to the House within the parliamentary calendar time.

## LAYING OF PAPERS

### REPORTS OF THE AUDITOR-GENERAL

2.42

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (GENERAL DUTIES) (Mr Henry Musasizi):** Madam Speaker, I beg to lay on the Table a report by the Auditor-General on the special audit into the alleged misappropriation of funds for the construction of the Akii-Bua Olympic Memorial Stadium project in Lira District (Reference CID/PAC/21) of July 2025. I beg to lay.

**THE SPEAKER:** Thank you. The report is referred to the Public Accounts Committee on Commissions, Statutory Authorities, and State Enterprises (PAC-COSASE).

2.43

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (GENERAL DUTIES) (Mr Henry Musasizi):** Madam Speaker, I beg to lay a report by the Auditor-General on consolidated value for money audit on selected urban infrastructural projects implemented by the Uganda Support to Municipal Infrastructure Development Additional Financing Programme (USMID-AF) participating municipal councils and the cities in the Financial Year 2021/2022 to Financial Year 2024/2025. I beg to lay.

**THE SPEAKER:** Thank you. The report is referred to the Committee on Public Accounts (Central Government). Just a clarification; I

know people like picking things. The report on Akii-Bua Stadium is not on the current construction. It is on the previous one before the current contractor took over. I do not want anybody to go and say, you know there is already misappropriation in Akii-Bua.” No. This was before. Pardon?

**MR OGWANG:** Madam Speaker, was Akii-Bua Stadium even constructed at that time?

**THE SPEAKER:** Pardon?

**MR OGWANG:** I am saying, was Akii-Bua Stadium even constructed at that time?

**THE SPEAKER:** There was an attempt to construct, but the money was released. That is the money that has been audited. Yes?

#### ACTION-TAKEN REPORT

2.44

**THE MINISTER OF INFORMATION, COMMUNICATIONS TECHNOLOGY AND NATIONAL GUIDANCE (Dr Chris Baryomunsi):** Madam Speaker, on behalf of the Rt Hon. Prime Minister, I beg to lay the action-taken report on the resolutions of the House taken during the Fourth Session of the 11<sup>th</sup> Parliament. I beg to lay.

**THE SPEAKER:** Honourable members, Rule 229 of the Rules of Procedure requires that whatever is discussed in the House must come back as an action-taken report within 60 days.

That will be deposited in the library for us to see what has been done and what is not yet done. If nothing has taken place, we will revive the issue. Next item. Yes, point of procedure?

**MS NALUYIMA:** Thank you, Madam Speaker. As you communicated, you only told us that you are varying the Order Paper so that we could accommodate two additional items, which has been done.

On item four, I expected the Minister of Local Government to give us -

**THE SPEAKER:** Why do you want to do my work, Hon. Ethel?

**MS NALUYIMA:** It was number four and you told us you are only adding -

**THE SPEAKER:** Why are you doing what I am supposed to do?

**MS NALUYIMA:** Thank you, most obliged.

**THE SPEAKER:** Next item?

**DR BARYOMUNSI:** Madam Speaker, Hon. Katusabe had raised an issue. I do not know if you could allow me to -

**THE SPEAKER:** You will respond during Prime Minister’s Time. Next item?

#### STATEMENT ON THE PETITION OF UGANDA LOCAL GOVERNMENTS ASSOCIATION (ULGA) AND URBAN AUTHORITIES’ ASSOCIATION OF UGANDA ON THE STATUS OF SERVICE DELIVERY IN LOCAL GOVERNMENTS

**THE SPEAKER:** Government, do not go; we want your Minister of Local Government.

**DR BARYOMUNSI:** Madam Speaker, I was moving out to call the Minister of Local Government to be in the House, and I do not call when I am seated in here.

**THE SPEAKER:** Can we go to the next item as we wait for the minister? Tell him the ULGA people are here waiting. Yes, next item.

#### BILLS SECOND READING

##### THE VALUATION BILL, 2024

**THE SPEAKER:** Honourable members, the Valuation Bill, 2024 was read for the first time on 11 February 2025 and referred to the sectoral Committee on Physical Infrastructure. The committee is ready to report.

Pursuant to rule 136(1) of the Rules of Procedure, I invite the minister to move a motion for the second reading.

2.48

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (GENERAL DUTIES)**

**(Mr Henry Musasizi):** Madam Speaker, I beg to move the motion that the Bill entitled, “the Valuation Bill, 2024” be read for the second time. I beg to move.

**THE SPEAKER:** Is the motion seconded? *(Members rose\_)* It is seconded by Hon. Sarah Opendi, Hon. Amos, by the youth representative, Hon. Rugumayo, another Member called Amos, Member of Parliament for Buhweju, Member of Parliament for Isingiro, Hon. Okeyoh, Member for Rwampara, Hon. Chemonges, Hon. Isaac, Woman Member of Parliament for Isingiro Hon. Clare, Hon. Wilson, Hon. Penny, the vice-chairperson Hon. Anywar, Hon. Huda, Hon. Omara, Hon. Ibanda, Hon. Alanyo, Workers’ representative, Hon. Mwijukye, Hon. Driwaru, Hon. Emmanuel, Hon. Koluo, and another Hon. Emmanuel. Then we have Hon. Mohammad, Hon. Asaba, Hon. Rose, Hon. Emely, the Member representing Ntungamo, the Member representing Kalaki and the senior youth, Hon. Akumu.

Would you want to speak to it?

**MR MUSASIZI:** Madam Speaker, the object of the Valuation Bill is:

1. To provide for the Office of the Chief Government Valuer to undertake statutory valuations;
2. To establish the Institute of Certified Valuers of Uganda and the council as its governing body;
3. To provide for the membership of the institute;
4. To regulate practising valuation;
5. To provide for the professional code of ethics for certified valuers and practising valuers;
6. To provide for reconciliation of valuations;
7. To provide for offences and penalties relating to valuation;

8. To provide for general rules of valuation, including purposes of valuation and valuation standards;
9. To amend the Surveyors Registration Act, Cap 303; and
10. To provide for other related matters.

This Bill was presented to the committee, and to inform the debate, I beg that the committee be allowed to present their report in accordance with the rules.

**THE SPEAKER:** Thank you, honourable minister. Pursuant to rule 136(2), I invite the chairperson of the committee to give us his report on the Valuation Bill.

2.52

**THE CHAIRPERSON, COMMITTEE ON PHYSICAL INFRASTRUCTURE (Mr Tony Awany):**

Thank you, Madam Speaker, for giving me this opportunity to present the report of the Committee on Physical Infrastructure on the Valuation Bill, 2024.

I beg to lay on the Table a copy of the report and the minutes of the meetings that processed the report. I beg to lay.

**THE SPEAKER:** Thank you.

**MR AWANY:** Madam Speaker, the Valuation Bill, 2024, was read for the first time on 11 February 2025 and referred to the Committee on Physical Infrastructure for consideration and report to the House. The committee considered the Bill in accordance with rule 135 of the Rules of Procedure of Parliament, and hereby reports.

The valuations are used to inform decisions in both the private and public sectors, such as real estate and financial markets, infrastructure development, urban development, fiscal regimes, manufacturing and extractive industry, and international trade, among others.

Despite this critical role, the valuation function in Uganda is largely limited to land and land development, with an unstreamlined pre- and post-training curriculum, absence of

binding practice standards, and an unclear professionalisation framework.

The effect of this is evident in unreliable and unrealistic valuations and inadequate valuation professional practices, which have led to delayed implementation of public investments and infrastructure projects, financial loss, contestation of government valuations, increased litigation against Government and hefty court awards, as well as imperfect real estate markets and non-performing loans, among others.

The aforementioned problems imply that there is a need to properly regulate the valuation function for it to fully contribute to the socio-economic transformation of the country.

The object of the Bill is:

1. To provide for the Office of the Chief Government Valuer to undertake statutory valuations.
2. To establish the Institute of Certified Valuers of Uganda and the Council as its governing body.
3. To provide for membership of the institute.
4. To regulate the practice of valuation.
5. To provide for a professional code of ethics for certified valuers and practising valuers.
6. To provide for the reconciliation of valuations.

In the interest of time, I wish to invite Members to go through the methodology and the stakeholders that the committee engaged with in processing this report.

Madam Speaker, let me move straight to the committee analysis, observations, and recommendations.

#### 1. Interpretation

The Bill in Clause 1 defines an asset to mean a tangible asset or intangible asset owned or controlled by any person from which past, current, or future economic benefits are expected to flow to the person.

The Bill also defines property to mean a tangible asset or an intangible asset and includes the interest, rights and benefits of the tangible asset or intangible asset as the case may be.

The committee considered the proposals to define the words “Asset” and “Property” and it is of the considered opinion that the definitions do not reflect the way the words are used in the Bill. The use of the words “The person” in the definition of the word “Assets” leaves a lot of room for interpretation as to the person being referred to in the definition. The committee is concerned that the use of the words “The person” without specifying which person is being referred to in the definition will create a grey area in the law and will lead to misinterpretation of the provision.

The committee was also concerned that the use of the words “Tangible assets or an intangible asset” in the definition of the word “Asset” is redundant, considering that the words tangible asset or intangible asset have been clearly captured in the definition of the word asset.

The Bill further defines registrar to mean the chief executive officer of the institute. The committee was also concerned that the definition of the word “Registrar” is very restrictive, given the fact that the registrar has been given several roles in the Bill, including being the secretary to the council.

#### Committee recommendation

In light of the above, the committee recommends that clause 1 stands part of the Bill albeit with amendments to:

- a. Expand the definition of the word “Asset” to clarify the person referred to;
  - b. Harmonise the definition of the word “Property” with the definition of the word asset;
  - c. Broaden the definition of the word “Registrar.”
2. The Chief Government Valuer is to undertake statutory valuations.



Madam Speaker, clause 2 of the Bill proposes that the Office of the Chief Government Valuer in the Public Service shall undertake statutory valuations and advise the Government on all matters relating to the practice of valuation.

The clause further provides for the valuation for which statutory valuation shall be undertaken for the Ministries, Departments or Agencies of Government on the instruction of the Government and upon a court order.

Whereas the committee agrees to the provision, the committee is of the considered opinion that there is a need to clarify the orders of court for which statutory valuation shall be undertaken. To achieve clarity, only court orders that are specifically made to the Chief Government Valuer to carry out valuation should fall under the ambit of statutory valuation. Otherwise, it will be implied that all orders of court requiring valuation to be undertaken should be considered under statutory valuation.

#### Committee recommendation

In light of the above, the committee recommends that Clause 2 stands part of the Bill albeit with an amendment to clarify on orders of court, for which statutory valuation shall be undertaken.

### 3. Functions of the Institute

Clause 5 of the Bill proposes to make provision for the functions of the Institute of Certified Valuers of Uganda. The committee considered the provision. Whereas it is in agreement, the committee was concerned that the function of the institute to maintain the standard of the valuation profession in Uganda, and the conduct of certified valuers and practicing valuers, embody two separate functions of the institute into one, which will affect its effectiveness and implementation.

The committee noted the need to amend the clause to provide for the institute's function to regulate the conduct of certified valuers and practicing valuers, as opposed to maintaining the conduct of certified valuers and practicing valuers.

#### Committee recommendation

In light of the above, the committee recommends that clause 5 stands part of the Bill, albeit with the amendment to separately provide for the function of the institute to maintain the standard of the valuation profession in Uganda and the function of the institute to regulate the conduct of certified valuers and practicing valuers.

### 4. The Council of the Institute

Clause 7 of the Bill provides for the institute to have a governing body called a council, whose membership shall include four persons who shall be practicing valuers elected by members at a meeting of the institute.

The committee noted that the provision does not specify the years of experience in valuation practice for the four practicing valuers. There is a need to close this gap in the Bill by prescribing the four practicing valuers to have prior experience to being elected as members of the council, in order to ensure that the practicing valuers have credibility and considerable practical insights into matters concerning valuation practice.

The committee also noted that whereas the provision proposes that the four practicing valuers shall be elected at a meeting of the institute, there is no clarity on which meeting of the institute is being referred to in the provision. There is a need to clarify that the four persons shall be elected at the general meeting of the institute, which gives an opportunity to members of the institute to participate in the election of their representatives to the council.

Madam Speaker, the clause also mandates the minister to appoint the members of the council, including the president and vice-president, who shall be persons to whom subsection (3) (a) applies.

The committee further noted that this proposal raises interpretation issues as to whom the phrase, "who shall be persons" to whom subsection (3)(a) applies. For purposes of clarity, there is a need to specifically mandate



the minister to appoint the president and vice president, who shall be persons to whom subclause (3)(a) applies.

The clause further provides for a member who is reappointed, to be re-elected by the council. The committee observed that under the clause, the minister appoints the president and vice-president from the four practicing valuers elected by members, at a meeting of the institute. The appointment comes after the election.

Secondly, under the provision, the council does not elect members; it is only the four practicing valuers who are elected by members at a meeting of the institute. The proposals, hence, if maintained, will affect the implementation of the provision.

#### Recommendation

In light of the above, the committee recommends that clause 7 stands part of the Bill albeit with amendments to:

- a) Provide a minimum number of years of experience for the four practicing valuers who are elected by members at a meeting of the Institute;
- b) Provide for the four practicing valuers to be elected at the general meeting of the Institute;
- c) Provide for the president and vice president of the Institute to be appointed by the minister from among the four practicing valuers elected by the members of the general meeting of the Institute;
- d) Delete the requirements for a member who is reappointed to be re-elected by the council.

#### 5. Functions of the council

Madam Speaker, clause 8 of the Bill proposes to make provisions for functions of the council. The committee observed that the provision mandates the council to register certified valuers and practicing valuers. However, clause 41(2) of the Bill mandates the Institute

to have a register of practicing valuers and a register of valuation firms.

Under the Bill, certified valuers are persons who are entered on the roll of members, and only get registered when they become practicing valuers, implying that the Bill does not envisage registration of certified valuers. The committee was concerned that the proposal creates a contradiction in the law and will pose challenges in implementation.

#### Recommendation

Madam Speaker, in light of the above, the committee recommends that clause 8 stands part of the Bill, albeit with the amendment to provide for a register of practising valuers and a register of valuation firms.

#### 6. Seal of the Council

Clause 9 of the Bill proposes to make provision for a seal of the council to be in the custody of the secretary and affixed to any document of the Institute. The committee notes that the Bill in clause 4 proposes to establish the Institute of Certified Valuers of Uganda, which shall be a body corporate with perpetual succession and a common seal.

The committee was concerned that the corporate status is held by the institute and not the council, hence the proposal for the council to have the seal, and yet the Bill mandates the institute to have the seal. This is bound to create a conflict in the law and in the operations of the institute.

#### Recommendation

In light of the above, the committee recommends that clause 9 be deleted with the justification that the provision will result in conflict in the law.

#### 7. Termination of office of member of the council

Clause 10 of the Bill proposes to make provisions for circumstances where a member

of the council chooses to be a member of the council through removal from office or resignation. Whereas the committee is agreeable to the provision, it notes that the proposal for a member of the council being removed from office upon conviction of an offense involving moral turpitude is ambiguous. The phrase “moral turpitude” is incapable of exact definition; therefore, the proposal is subject to abuse.

The committee also noted that the provision does not include the circumstance where the member of the council chooses to hold office by virtue of which he or she is a member of the council.

The committee further observed that some proposed members of the council under clause 7 of the Bill are representatives of institutions including institutions of higher learning, the ministry responsible for education, and the Chief Government Valuer. Hence, in the event that the said representatives choose to hold their respective offices, they should choose to be members of the council.

The committee noted that the provision also includes any other reasonable ground, as a ground for which a member of the council shall be removed from office. The committee was concerned that this ground is ambiguous, subject to abuse, and may result in a miscarriage of justice.

#### Recommendation

In light of the above, the committee recommends that clause 10 stands part of the Bill albeit with the amendment to:

- a) Remove ambiguity caused by the use of the term “moral turpitude”;
- b) Provide for removal of a member of the council where the member of the council chooses to hold the office that he or she represents on the council;
- c) Delete paragraph (h) with the justification that the provision is ambiguous and hence subject to abuse.

#### 8. Registrar

Clause 14 of the Bill provides for the registrar who shall be the chief executive officer of the institute. The committee considered this provision, and whereas it is in agreement with the principle, the committee was concerned that the provision does not effectively provide for the appointment of the registrar, certain functions of the registrar are missing, and there is no provision for the registrar to resign his or her office.

The committee was also concerned that under the provision, the registrar may be removed from office by the council, where he or she is declared or becomes insolvent. This ground for removal of the registrar from office contradicts the Insolvency Act, Cap 108, which restricts insolvency proceedings to corporate entities and bankruptcy proceedings to natural persons. The committee noted the need to harmonise the provision with the Insolvency Act, Cap 108.

The committee further noted that one of the grounds for which a registrar may be removed from office is for inability to perform his or her functions arising from infirmity of body or mind. The committee was concerned that without clear standards or criteria to determine the infirmity of body or mind, this provision is subject to abuse.

The committee noted the need for the infirmity of body or mind to be determined by a medical practitioner appointed by the council, as this will allow for an independent medical report by an expert to be issued before a registrar is removed from office by the council, for inability to perform his or her functions arising from infirmity of body or mind.

#### Recommendation

The committee recommends that clause 14 stands part of the Bill, albeit with amendments to:

- a) Provide for the appointment of the registrar;

- b) Provide for additional functions of the registrar;
- c) Provide additional grounds under which the registrar shall cease to hold office;
- d) Harmonise the provision with the Insolvency Act Cap 108;
- e) Require the removal of a registrar for inability to perform the functions of the office of registrar to be determined by a medical practitioner appointed by the council.

#### 9. Funds of the institute

Clause 16 of the Bill provides for funds of the institute, including fees for certificate of licence for sole practitioners. The committee observed that this provision contradicts clause 24 of the Bill, which provides for a certificate of practice for sole practitioner and not a certificate of licence for sole practitioner as this clause proposes. The committee noted the need to harmonise this clause with clause 24 of the Bill in order to avoid contradiction in implementation of the Bill.

The committee further noted that among the funds of the institute, are fines for late application for renewal for a certificate of licence or a licence to practice. Whereas the committee agrees with the principle, the committee is concerned that the clause is limiting the fines that may be imposed by the institute, which will prevent the institute from imposing fines for any other reason if need arises.

#### Recommendation

In light of the above, the committee recommends that clause 16 stands part of the Bill albeit with the amendments to —

- (a) Align paragraph (a) with clause 24 of the Bill, which provides for a certificate of practice for sole practitioners and not a certificate of license as proposed in the provision;

- (b) Remove the restriction on fines.

#### 10. Eligibility for membership of the institute

Clause 20 of the Bill proposes the criteria for a person to become a member of the institute. The clause proposes the automatic enrolment of a person who is registered as a registered surveyor under the category of valuation under the Surveyors Registration Act, as a member of the institute.

The clause also proposes for person, other than a person referred to in subsection (1), who wishes to be enrolled as a member of the institute to apply to the registrar, for enrolment as a member of the institute.

Furthermore, the clause provides for the enrolment of the Chief Government Valuer and the valuers in the office of the Chief Government Valuer, as members of the institute, in accordance with the Bill.

The committee considered the provision and is of the considered opinion that whereas the provision may have intended for automatic enrolment of the Chief Government Valuer and the valuers in the office of the Chief Government Valuer as members of the institute, the use of the words “in accordance with this Act” causes confusion and implementation challenges. This is because according to the Act, different persons have different avenues to use for enrolment. There is need to explicitly provide for the automatic enrolment of the Chief Government Valuer and the valuers in the office of the Chief Government Valuer.

The committee further noted the need to provide for an application for enrolment by the Chief Government Valuer and the valuers in the office of the Chief Government Valuer who do not qualify for automatic enrolment; that is those who are not registered as registered surveyors under the category of valuation under the Surveyors Registration Act.

Currently, the clause proposes that a person who wishes to be enrolled as a member of the institute shall apply to the registrar,

for enrolment as a member of the institute. However, this proposal is not applicable to the Chief Government Valuer and the valuers in the office of the Chief Government Valuer, because by virtue of being in the office of the Chief Government Valuer, the valuer must be a member of the institute.

The clause also proposes for applications for enrolment to be made to the registrar. The committee noted that it is prudent to provide for applications to be made to the council as opposed to the registrar so that in the event that internal structures of the institute change and applications have to be made to a different officer, this provision does not hinder the effective implementation of the Bill.

Furthermore, the clause proposes that a person who applies for enrolment shall be eligible for enrolment if he or she has a degree in a discipline or field of valuation or an equivalent qualification recognised by the council. The committee noted that whereas this proposal is necessary, especially for persons who have acquired academic qualifications in valuation from institutions of learning outside Uganda, the mandate to recognise such qualifications should remain with the National Council for Higher Education, in line with Section 4 (1) of the Universities and Other Tertiary Institutions Act, Cap. 262 which provides as follows:

*“To determine the equivalence of all types of academic and professional qualifications of degrees, diplomas and certificates obtained elsewhere with those awarded by Ugandan institutions of higher education for recognition in Uganda.”*

#### Recommendation

In light of the above, the committee recommends that clause 20 stands part of the Bill albeit with the amendment to:

- (a) Grant automatic enrolment to the Chief Government Valuer, a valuer in the Office of Chief Government Valuer and any person who is registered as a registered surveyor under the category of valuation under

the Surveyors Registration Act;

- (b) Require the Chief Government Valuer and valuers in the Office of the Chief Government Valuer who are not registered under the Surveyors Registration Act, to apply for enrolment as members of the institute;
- (c) Require the National Council for Higher Education to equate the qualifications of a person who seeks to be enrolled by the council under subclause 4 (a).

#### 11. Enrolment of members of the institute

Clause 22 of the Bill provides for enrolment of members of institute. The committee observed that the provision does not specifically provide for an application process for a person who wishes to be enrolled as a member of the institute.

#### Recommendation

In light of the above, the committee recommends that clause 22 stands part of the Bill albeit with amendments to:

- (a) Specifically provide for an application process for persons who qualify for enrolment under clause 20(2) and (3);
- (b) Provide for the enrolment of persons who qualify for enrolment under clause 20(1);
- (c) Delete sub clause (5).

#### 12. Registration as practicing valuer

Clause 23 provides for registration of person, who is enrolled as a member of the institute and who wishes to practice valuation, as a practicing valuer.

#### Recommendation

In light of the above, the committee recommends that clause 23 stands part of the Bill, albeit with the amendment to provide for the person appealing the decision of the council to the High Court.

## 13. Certificate of practice for sole practitioner

Clause 24 of the Bill provides for a person who is registered as a practicing valuer to be granted a certificate of practice for each year of practice, on payment of fees prescribed by regulations made under the Act.

## Recommendation

In light of the above, the committee recommends that clause 24 stands part of the Bill, albeit with the amendment to:

- (a) Clearly provide for the process of applying for a certificate of practice for a sole practitioner;
- (b) Grant discretion to the council to grant or not to grant a certificate of practice;
- (c) Clarity on who appeals to the High Court;
- (d) Re-arrange the provision in order to enhance clarity;
- (e) Exempt the Chief Government Valuer or a valuer in the Office of the Chief Government Valuer from the application of clause 24.

## 14. Licence of practice for valuation firms

Clause 25 of the Bill provides for two or more persons who are registered valuers and seek to practice as a valuation firm to be granted a licence of practice for each year of practice on payment of fees.

## Recommendation

In light of the above, the committee recommends that clause 25 stands part of the Bill albeit with the amendments to:

- (a) Require the applicant to make an application to the council and to grant the council the discretion to grant or not to grant a license of practice;
- (b) Delete sub clause (3) as a consequential amendment to the proposed amendment in sub clause (1);

(c) Require that each applicant is possessed with a certificate of practice prior to applying for a license of practice;

(d) Clarify who makes the application since at the time of application for a licence of practice, the two or more persons applying for a licence of practice are not deemed to be a valuation firm;

(e) Specify the person who makes an appeal to the High Court.

## 15. Temporary certificate of practice

Clause 26 of the Bill provides for a temporary certificate of practice for a person who is not ordinarily resident in Uganda but intends to practice valuation in Uganda. The clause provides for a professional valuer not practicing in Uganda, however, intending to practice in Uganda to apply for a temporary certificate of practice within four months before arrival in Uganda.

## Recommendation

In light of the above, the committee recommends that clause 26 stands part of the Bill albeit with the amendments to:

- (a) Clarify the person being required to apply for or possess a temporary certificate of practice; and
- (b) Impose a charge of professional misconduct against a person who employs a professionally qualified valuer who does not possess a temporary certificate of practice.

## 16. Practising valuation

Clause 25 of the Bill proposes to make provision for a person who practises valuation in Uganda to be a person who has a certificate of practise or license of practise. Whereas the committee agrees with the principle, the committee observed that the provision leaves

out a temporary certificate of practice issued under clause 26 of the Bill.

A person who is issued with temporary certificate of practice under the proposed clause 26 of the Bill is also eligible to practise valuation in Uganda.

#### Recommendation

In this regard, Madam Speaker, the committee recommends that in light of the above, clause 27 stands part of the Bill albeit with amendments to:

- (a) Permit a person who has a temporary certificate of practice issued under clause 26 to practise valuation;
- (b) Exempt the application of subclause (2) to the Chief Government Valuer or a valuer in the Office of the Chief Government Valuer.
- (c) Enhance the penalty for the offence of practising valuation without a certificate of practice, temporary certificate of practice or licence of practice.

#### 17. Disciplinary Committee of the Council

Clause 30 of the Bill provides for the disciplinary committee of the council to hear complaints of professional misconduct brought against certified valuers and hear complaints against practising valuers.

The clause provides for the membership of the disciplinary committee which includes a member of the professional body who shall be a person of good repute.

#### Recommendation

In light of the above, the committee recommends that clause 30 stands part of the Bill albeit with amendments to include an advocate among the members of the disciplinary committee.

#### 18. Reconciliation of valuations

Clause 31 of the Bill provides for the council to appoint a value reconciliation committee to reconcile valuations where two or more practising valuers acting independent of each other render conclusion and evaluation of property with significant differences.

In light of this, the committee recommends that clause 31 stands part of the Bill albeit with amendments to:

- (a) Provide for an option of appealing the advice of the value reconciliation committee.
- (b) Empower the minister to define what amounts to a valuation of a property with significant differences.

#### 19. Valuation for tangible and intangible assets

Clause 32 proposes valuation to be undertaken to determine the value of tangible assets, including real property, development property and plant equipment and infrastructure, and intangible assets, including business interests, non-financial liabilities, inventories, and financial instruments.

Madam Speaker, in light of this, the committee recommends that clause 32 stands part of the Bill albeit with the amendment to:

- (a) Delete the listed tangible assets and intangible assets;
- (b) Include any other assets as may be specified by the national valuation standard.

#### 20. The valuation report

Clause 34 of the Bill proposes a valuation report to be made for every valuation undertaken and should include the name of the certified valuer or practising valuer who undertakes the valuation. The scope of work performed, the purpose of the valuation, the description of the asset valued, and the valuation date which shall be the effective date of the valuation.



In respect to this, the committee recommends that clause 34 stands part of the Bill albeit with amendments to:

- (a) Require a valuation report to indicate the name of the person for whom the valuation is undertaken;
- (b) Remove any reference to a certified valuer;
- (c) Include valuation principles applied to the valuation in the valuation report.

## 21. Period of validity of valuation

Clause 35 of the Bill proposes to make provision for a statutory valuation assessment made under the Land Acquisition Act for purposes of compulsory acquisition of land by the Government to be valid for a period of two years from the date of the valuation report.

The clause further proposes that except for the above-mentioned valuation, a valuation conducted under the Local Government Ratings Act, and valuations whose validity is provided for by the law, any other valuation undertaken shall be valid for the period prescribed by the minister in consultation with the council.

The committee, therefore, recommends that clause 35 stands part of the Bill albeit with the amendment to align sub clauses (1), (2) and (4), since the period of validity referred to in sub clause (4) only applies to sub clause (2).

## 22. Powers and obligations of certified valuer and practising valuer

Clause 36 of the Bill provides for the powers and obligations of the Chief Government Valuer, other certified valuers and practising valuers while undertaking valuation. In light of that, Madam Speaker, the committee recommends that clause 36 stands part of the Bill albeit with an amendment to delete the word “certified valuer.”

## 23. Practising valuer not to act as agents or unqualified persons

Clause 38 of the Bill proposes to prohibit a practising valuer from acting as an agent for

any other person other than a certified valuer or practising valuer in the performance of any act which may only be performed by a certified valuer or a practising valuer.

Madam Speaker, in light of that, the committee recommends that:

- (a) Clause 38 stands part of the Bill albeit with amendments to delete the word “certified valuer”; or
- (b) Provide a penalty for the offence.

## 24. Practising valuers not to employ a person removed from the role or suspended

Clause 39 of the Bill proposes an offence for a practising valuer who, in connection with his or her practise, employs or remunerates any person who, to his or her knowledge, is disqualified from practising as a practising valuer by reason of the fact that his or her name has been removed from the role as a result of disciplinary proceedings or because he or she has been suspended from the practising for a like cause. In light of the above, the committee recommends that clause 39 stands part of the Bill albeit with the amendment to provide a penalty for the offence.

## 25. Regulations

Clause 44 of the Bill provides for the minister, in consultation with the council, to make regulations for the management and use of land valuation management information system.

In light of that, the committee recommends that clause 44 stands part of the Bill albeit with the amendment to harmonise the provision with clause 3 of the Bill.

## 26. Amendment of Cap 303

Clause 45 of the Bill proposes to amend Section 1 of the Surveyors Registration Act, Cap 303, by deleting the term “valuation surveyors” appearing in paragraph (h) of that Section.

In light of that, the committee recommends that clause 45 stands part of the Bill albeit with

the amendment to make an accurate reference to the Surveyors Registration Act, Cap 303.

#### General observations

The committee made the following observations on matters that are missing in the Bill and yet they are needed to strengthen the Bill.

The committee observed that some of the words used in the Bill are incapable of exact definition if they are not specifically defined in the Bill. For instance, the words “valuation” and “valuer” are used in the Bill but are not defined therein. The failure to define clearly what these words mean will create ambiguity in the law.

#### Recommendations

The committee, therefore, recommends that a provision is made in the Bill for the definition of the words “valuation” and “valuer.”

Madam Speaker, I beg to report. (*Applause*)

**THE SPEAKER:** Thank you very much, committee chairperson. The Bill is straightforward, and the *Hansard* should capture the whole report of the Bill.

We will look at the Bill clause by clause, but in the meantime, in the public gallery this afternoon, we have members of the Uganda Local Governments Association (ULGA) and the Urban Authorities Association of Uganda (UAAU). Where are you? You are only two; the other ones are on nominations. They are here to observe the proceedings of the House concerning their matter. (*Applause*)

We also have a group of clerkship students who are attached to the Department of Legal and Compliance Services for the internship programme in the Parliament. Where are you? You are welcome. They are here to observe the proceedings. Thank you.

We also have students who I will introduce as we move on.

Honourable members, you have heard the report. We will be amending clause by clause.

Do you have something Hon. Rugumayo?

3.28

**MR EDSON RUGUMAYO (NRM, Youth Representative, Western):** Madam Speaker, I would like to take this opportunity to make a brief statement just before we go to considering the Bill clause by clause. On behalf of all engineers, architects, land valuers, urban planners, and all professions in the school of built environment, we wish to extend our gratitude to you and your leadership, the leadership of Government at large because the 11<sup>th</sup> Parliament has given unprecedented support to the school. (*Applause*)

**THE SPEAKER:** Thank you.

**MR RUGUMAYO:** Not so long ago, we had the Physical Planners’ Registration Act and the Engineers’ Act considered here. Yesterday, we had The Building Control Act. Today, we are discussing, The Valuation Bill, 2004. For that, we say, thank you, and we thank all Members of the 11<sup>th</sup> Parliament. (*Applause*)

However, I bring this to the attention of the whole House. Today, we are going to discuss the Valuation Bill. Considering that three professions were clustered under one act, that is, the Surveyors Registration Act, 1973 - today, we are going to discuss a Bill considering one profession.

Madam Speaker, already, the Surveyors Registration Act, 1973 is a very old and outdated law. Some of the clauses are outdated. This, therefore, calls for the Government to move quickly. Otherwise, by mere enacting of this Act, we are going to leave two professions unregulated since they will be left in the old act. I call upon the Government to move quickly and bring forward Bills considering the two professions, that is, the quantity surveyor and land surveyors’ professions. The situation will be worse because right now, there is some kind of confusion in Government. We have the office of the Chief Government Valuer domiciled in the works ministry yet the -

**THE SPEAKER:** Lands -

**MR RUGUMAYO:** The office of the Chief Government Quantity Surveyor is domiciled in works. Yet, the regulatory board is domiciled in lands. That causes some bit of confusion in Government. So, I call upon Government to quickly propose that Bill. I also implore the House that if the Bill is brought in time, we support it. Without which, it leaves us with no choice but to move under our rules that guide us to move as private Member's since the laws are urgently needed. Thank you very much.

**THE SPEAKER:** Thank you. Government, you have heard the concern of the Member.

3.32

**THE MINISTER OF INFORMATION, COMMUNICATIONS TECHNOLOGY AND NATIONAL GUIDANCE (Dr Chris Baryomunsi):** Thank you, Madam Speaker. Yes, I am a former minister in the Ministry of Lands, Housing and Urban Development. I know the ministry is reviewing all the laws that fall under it, including the law relating to the professionals the Member is referring to. So, the minister will be bringing Bill by Bill. Even those old Bills are being reviewed so that we can bring them up to date.

**THE SPEAKER:** Thank you. Where the ministry delays, you can still help it. We are still in one Government.

Honourable members, you have heard. I put the question that the Valuation Bill, 2024 be read the second time.

*(Question put and agreed to.)*

#### BILLS COMMITTEE STAGE

#### THE VALUATION BILL, 2024

**THE CHAIRPERSON:** Honourable members, we are happy to have the president of the Ecological Party of Uganda. *(Laughter)* You are most welcome.

3.34

**MR MUHAMMAD NSEREKO (Independent, Kampala Central Division, Kampala):** Thank you, Madam Chairperson. I can see Hon. Dr Baryomunsi full of smiles - *(Interjection)* - yes, I look ecological and that is true because I am organic. Do not cause me to make statements that are not good on this Floor of the House.

Madam Chairperson, I would like to congratulate you and many others that went through the various elections for primaries and different appointments from their various parties. Now that puts us on a platform where we are all party leaders.

I would like to also congratulate Hon. Dr Baryomunsi, for having conceded that the elections were tough. The other statements, I did not hear, *(Laughter)* – having said that he had never seen that kind of money.

Madam Chairperson, from this side, we are also worried whether the issue of communication has been made to the Electoral Commission officially about the crossing of Members and capturing the data in our records. This is because from the secretariat of Inter Party Organisation for Dialogue (IPOD), we got a communication that they await the official statement from you, as the presiding officer and the Electoral Commission.

However, as far as I am concerned, from the sitting arrangement - I can see Hon. Kagabo already donned in yellow and very smartly dressed - *(Applause)* - though, I am still willing to persuade him to join the Ecological Party of Uganda because he says he is willing. I would like to also congratulate those that went through the primaries. Those that did not succeed, the father's home here in Ecological Party still has many rooms. *(Laughter)* You are welcome.

Clause 1

**THE CHAIRPERSON:** Chairperson, clause 1 is on the interpretation.

**MR AWANY:** Madam Chairperson, clause 1 is amended-

- (a) In the definition of “assets”, by adding the following words at the end of the definition –  
“who owns or controls the tangible assets or the intangible assets”;
- (b) by substituting for the definition of “property” the following:  
“property means an asset and includes the interest, rights or benefits in the asset”;
- (c) by substituting for the definition of “registrar” the following:  
“registrar means the registrar appointed by the council under Section 14”;
- (d) by inserting the following definitions immediately after the definition of “tangible assets”  
“valuation” means the process of determining the value and asset;  
“Valuer” means a certified valuer or a practicing valuer”

#### Justification

- i) To harmonise the definition of the word “asset” and “property” in the context they are used in the Bill;
- ii) To broaden the definition of “Registrar” since the definition proposed in the Bill is restrictive.
- iii) To define the words “valuation” and “valuer” since they are used numerously in the Bill.

**THE CHAIRPERSON:** Yes, honourable minister.

**MR MAGYEZI:** The amendments are meant to improve the interpretation clause, so, we totally agree with the committee.

**THE CHAIRPERSON:** I put the question that clause 1 be amended.

*(Question put and agreed to.)*

*Clause 1, as amended, agreed to.*

#### Clause 2

**THE CHAIRPERSON:** Yes, committee chairperson.

**MR AWANY:** Clause 2: Chief Government Valuer to undertake statutory evaluations - Clause 2 is amended in sub clause (2)(c), by inserting, immediately after the word “court” the following: “(c) to the Chief Government Valuer”

The justification is to achieve clarity on orders of court for which statutory evaluation shall be undertaken.

**MR MAGYEZI:** Madam Speaker, the chairperson of the committee has made a correct amendment. I wish, however, to insert a new clause that “the persons aggrieved by the evaluation opinion of the Chief Government Valuer may appeal for review in a manner prescribed by regulation to this Act”.

#### Justification

To provide an appeal mechanism in case one is not satisfied with the position of the Government Valuer.

**THE CHAIRPERSON:** Are you okay with the committee?

**MR MAGYEZI:** We are okay.

**MR OTIMGIW:** Madam Chairperson, I am proposing a new clause 2(8) so that we try to empower the Government Valuer, so that the Office of the Chief Government Valuer becomes responsible for all Government Valuers and officers, undertaking statutory evaluations in the ministries, departments, and also the agencies.

**MR MAGYEZI:** Madam Chairperson, that is a useful addition, we agree with the Member. That is insert number 8, that “the Chief Government Valuer shall be the person responsible for all Government land valuation affairs.

**MR OTIMGIW:** Madam Chairperson, it reads that under a new subsection in clause 2, we will put subsection 8, and it says: “under this Act, the office of the Chief Government Valuer shall be responsible for all Government valuers and officers undertaking statutory evaluations in the ministries, departments, and agencies”.

**THE CHAIRPERSON:** That is a good addition.

**DR BARYOMUNSI:** Thank you, Madam Chairperson. I think the amendment is harmless, but I am wondering whether 2(5) does not cover it, which says, “where the Chief Government Valuer is not able to undertake the statutory evaluation” - because statutory evaluation means evaluation of the Government - “the Chief Government Valuer shall inform the concerned ministry, department, or agency of Government –

**THE CHAIRPERSON:** They are not the same.

**DR BARYOMUNSI:** I thought this presupposes that all evaluation is the Government -

**THE CHAIRPERSON:** They are not even related.

**DR BARYOMUNSI:** No, they are –

**THE CHAIRPERSON:** Rephrase your amendment so that we compare.

**MR OTIMGIW:** The amendment says that under this Act, the office of the Chief Government Valuer shall be responsible for all Government valuers and officers undertaking statutory valuations in ministries, departments, and agencies. It is mainly to avoid governmental departments from hiring private valuers to do assessments or valuation, yet there is an appointed Government valuer to do that.

**THE CHAIRPERSON:** Five is on assignment that the Chief Government Valuer can assign, just like accountants, where you find the Auditor-General assigning another audit firm to

audit on their behalf. Then, (8) is talking about giving supremacy to the Chief Government Valuer.

**DR BARYOMUNSI:** I think his amendment is okay, but I was looking at 2.1, which says that the office of the Chief Government Valuer in existence in the public service shall undertake the statutory evaluations. I thought this means that all valuations in the Government shall be undertaken by the Chief Government Valuer. The way the Auditor-General does it, but maybe for clarity, we can adopt it. Otherwise, I thought it is the same as number one.

**THE CHAIRPERSON:** One does not give him the supremacy; one gives advice, “shall give advice.”

**DR BARYOMUNSI:** No, it says, “shall undertake the statutory evaluation” -

**THE CHAIRPERSON:** Evaluation and shall advise the Government. That is one. The amendment is useful to a certain extent.

**MR MAGYEZI:** Madam Chairperson, we are okay with the amendment. It is only that the last clause in ministries, departments and agencies may not be necessary because statutory evaluations are adequate, meaning that they occur in the Government.

**THE CHAIRPERSON:** I put the question that clause 2 be amended as proposed by the committee and further amended by Hon. Isaac Otingiw and the minister, Hon. Magyezi.

*(Question put and agreed to.)*

*Clause 2, as amended, agreed to.*

*Clause 3, agreed to.*

Clause 4

**MR KAFUUZI:** Madam Chairperson, there is a proposal to insert a clause to deal with the appeal mechanisms for statutory evaluations –

**THE CHAIRPERSON:** Go ahead.



**MR KAFUZI:** The proposal is: “persons aggrieved by the valuation opinion of the Chief Government Valuer may appeal for review in a manner prescribed in the regulations to this Act.”

**THE CHAIRPERSON:** The justification?

**MR MAGYEZI:** Madam Chairperson, I understand the Deputy Attorney-General’s concern, but I thought I brought it under clause 2. That is where it fits because clause 4 is about the Institute of Certified Valuers.

**THE CHAIRPERSON:** It will come before clause 4. It is the new insertion that he is talking about.

**MR KAFUZI:** Madam Chairperson, the justification is that no appeal mechanism for statutory valuations had been provided.

**THE CHAIRPERSON:** I put the question that the new insertion stands part of the Bill.

*(Question put and agreed to.)*

*Clause 4, agreed to.*

Clause 5

**MR AWANY:** Madam Chairperson, Clause 5 is amended—

- 1) in paragraph (a), by deleting the words “and the conduct of certified valuers and practising valuers”.
- 2) by inserting immediately after paragraph (a), the following—  
“Regulate the conduct of certified valuers and practising valuers.”

Justification

To split paragraph (a) into two provisions in order to separately provide for the functions of maintaining the standard of valuation and the regulation of the conduct of certified valuers and practising valuers.

**MR MAGYEZI:** Madam Chairperson, we agree with the amendment.

**THE CHAIRPERSON:** I put the question that clause 5 be amended as proposed.

*(Question put and agreed to.)*

*Clause 5, as amended, agreed to.*

*Clause 6, agreed to.*

New clause

**MR AWANY:** Insertion of a new clause immediately after clause 6—

The Bill is amended by inserting immediately, after clause 6, the following:

“Seal of Institute

- 1) The Institute shall have a seal, which shall be in the custody of the Secretary to the Council and which shall, by the order of the Council, be affixed to any document of the Institute;
- 2) The seal of the Institute shall be authenticated-
  - a) by the signature of the President and the Secretary to the Council,
  - b) in the absence of the President, by the signature of the Vice-President and the Secretary to the Council, and
  - c) in the absence of the Vice-President, by the signature of the Member acting as President and the Secretary to the Council.”

The justification is to harmonise clause 4 subsection (2) and clause 9 of the Bill since the corporate status is heard by the Institute and not by the Council.

**THE CHAIRPERSON:** Honourable minister?

**MR MAGYEZI:** Madam Chairperson, the proposed amendment is in line with the best practise of having the seal with the Institute instead of the Council; we agree with the Member.



**THE CHAIRPERSON:** Deputy Attorney-General?

**MR KAFUZI:** Madam Chairperson, I am in agreement.

**THE CHAIRPERSON:** I put the question that the proposed new clause stands part of the Bill.

*(Question put and agreed to.)*

*New clause, agreed to.*

Clause 7

**MR AWANY:** Madam Chairperson, clause 7 is amended -

a) in subclause (3), by substituting for paragraph (a) the following:

Four persons who shall be practicing valuers with at least seven years of experience in valuation practise, elected by members of the Institute at a general meeting of the Institute.

(b) by substituting for sub-clause (5) the following:

“The minister shall appoint the President and the Vice-President from among persons elected under subsection (3)(a).

(c) by deleting sub clause (7)

Justification

- i) The amendment proposed to paragraph (a) is to require the members of the Council to have experience in valuation practise and to provide for the election of members of the Council to be done at a general meeting of the Institute;
- ii) The amendment of sub clause (5) is to achieve clarity; and
- iii) The deletion of sub clause (7) is to remove a redundant provision.

**THE CHAIRPERSON:** Thank you. Are you saying that in sub clause (5), the minister shall appoint a member of the Council, including

the President and Vice-President? Are you retaining that? Why are you giving the minister too much power to appoint the president and the vice president? Why don't you be like other professional bodies, like accountants, whereby they get their leader?

**MR AWANY:** Madam Chairperson, we concede to that.

**THE CHAIRPERSON:** Redraft for me, Hon. Musasizi.

**MR MUSASIZI:** Madam Chairperson, I want to – *(Ms Opendi rose)* – through the chair.

**THE CHAIRPERSON:** Let us first have an amendment to my proposal.

**MS OPENDI:** Madam Chairperson, I am a member of this committee. What the committee chairperson is saying is that the minister shall appoint the President and the Vice-President from among persons elected. Already, the persons have been elected and the minister is only appointing afterwards.

**THE CHAIRPERSON:** Why don't they elect themselves? Why are you saying the minister should appoint?

**MS OPENDI:** No, he is appointing after the election.

**MR MUSASIZI:** Let me give you some information on that. Madam Chairperson, In the Accountants Act, 2013, we drafted it like this:

*“The President and the Vice-President shall be elected by members of the Council from among themselves in accordance with regulations made under this Act.”*

This is a very good proposal, which can replace subsection (5).

**THE CHAIRPERSON:** Thank you. I put the question that clause 7 be amended as proposed by the committee and further by Hon. Musasizi.

*(Question put and agreed to.)*

*Clause 7, as amended, agreed to.*

## Clause 8

**MR AWANY:** Madam Chairperson, clause 8 is amended by substituting for paragraph (b) the following: “Registered practicing valuers and valuation firms.”

The justification is to align the provision with clause 41(2) of the Bill, which provides for a register of practicing valuers and a register of valuation firms only. The Bill does not provide for a register of certified valuers, making the reference to such a register in paragraph (b) redundant.

**THE CHAIRPERSON:** Honourable minister?

**MR MAGYEZI:** Madam Chairperson, we beg to retain the Bill as it is, that is, “Register certified valuers, practicing valuers” and I beg to add, “Valuation firms” to cater for the committee’s concern. This is because you get a certificate, enrol under the first phase, get a practicing certificate and then you also have the firms. You can practise as an individual or as a firm. We beg that we retain the clause as it is, but enhance it in order to bring on board the committee’s proposal; that is, “Register certified valuers, practicing valuers and the valuation firms.”

**THE CHAIRPERSON:** So you want it to remain as it is in the Bill, with the addition of valuation firms.

**MR MAGYEZI:** Yes, Madam Chairperson.

**THE CHAIRPERSON:** Yes, committee chairperson.

**MR AWANY:** Madam Chairperson, we agree and concede to that.

**THE CHAIRPERSON:** Certification is done by the professional body, so it must be there. Deputy Attorney-General.

**MR KAFUZI:** Madam Chairperson, I am in agreement with the minister’s position.

**THE CHAIRPERSON:** Thank you. I put the question that clause 8 be amended as proposed by the minister.

*(Question put and agreed to.)*

*Clause 8, as amended, agreed to.*

## Clause 9

**MR AWANY:** The committee proposes the deletion of clause 9.

The justification is a consequential amendment arising from the insertion of a new clause immediately after clause 6, providing for a seal of the Institute as required in clause 4(2).

**THE CHAIRPERSON:** Yes, minister?

**MR MAGYEZI:** We agree with the committee.

**THE CHAIRPERSON:** Thank you. I put the question that clause 9 be deleted as proposed.

*(Question put and agreed to.)*

*Clause 9, deleted.*

## Clause 10

**MR AWANY:** Madam Chairperson, clause 10 is amended in sub-clause (2) as follows:

- a) by substituting for paragraph (f) the following. “Upon conviction for an offence by a competent court in Uganda or elsewhere and sentenced to a term of imprisonment for six months or more without the option of a fine.”
- b) by inserting immediately after paragraph (g) the following: “Where the member of the council chooses to hold the office by virtue of which he or she is a member of the council.
- c) by deleting paragraph (h).

## Justifications

1. To remove ambiguity caused by the use of the term “moral turpitude”, since the word is incapable of exact definition;
2. To provide for where a member of the council chooses to hold the office that he or she represents on the council; and
3. Paragraph (h) is ambiguous and subject to abuse.

**MR MAGYEZI:** Madam Chairperson, we agree with the committee.

**MR KAFUZI:** I am in agreement, Madam Chairperson.

**THE CHAIRPERSON:** I put the question that clause 10 be amended as proposed.

*(Question put and agreed to.)*

*Clause 10, as amended, agreed to.*

*Clause 11, agreed to.*

*Clause 12, agreed to.*

*Clause 13, agreed to.*

**THE CHAIRPERSON:** I was going to tell you to go away.

## Clause 14

**MR AWANY:** Madam Chairperson, the committee propose that clause 14 be substituted for the following:  
“14. Registrar-

- (1) The Registrar shall be appointed by the Council and shall hold office in accordance with the terms and conditions as the Council shall determine;
- (2) The Registrar shall be the chief executive officer of the Institute and a full-time employee of the Institute;

(3) The Registrar shall be the Registrar of Certified Valuers, Practicing Valuers and Valuation Firms and shall-

- a) Keep and maintain a roll of members of the Institute who are enrolled under section 22, a Register of practicing valuers, and a register of valuation firms.
- b) Make necessary alterations and corrections in the roll of members of the Institute and any register kept and maintained under this Act, in relation to any entry as may be directed by the Council.
- c) Remove from the roll of members of the Institute and any register kept and maintained under this Act-
  - (i) the name of any person ordered to be removed from the roll or register under this Act;
  - (ii) the name of a certified valuer or practicing valuer who is deceased;
  - (iii) Any entry which may have been incorrectly or fraudulently made in the roll of members of the Institute or any register, or the name of the practicing valuer who chooses to practise;

(4) The Registrar shall be the Secretary to the Council and shall be responsible for

- (a) recording the minutes of meetings of the council and its committees; and
- (b) keeping custody of all records and documents of the Council;

(5) That the Registrar shall choose to hold office -

- (a) If the Registrar resigns from his or her office;
- (b) If the registrar is removed from the office by the council-

- (i) for abuse of office;
- (ii) for inability to perform his or her functions arising from infirmity of body or mind as determined by a medical practitioner appointed by the Council;
- (iii) for incompetence,
- (iv) for misbehaviour or misconduct,
- (v) where the Registrar is declared bankrupt or has made an arrangement with his or her creditors, or;
- (vi) where the Registrar is convicted of an offence and sentenced to imprisonment for six months or more without the option of a fine.”

#### Justifications

- i) To clarify on the appointment of the registrar;
- ii) To provide for additional functions of the registrar;
- iii) To provide additional grounds under which the registrar shall choose to hold office;
- iv) To harmonise the provision with the Insolvency Act, Cap. 108, which restricts insolvency proceedings to corporate entities and bankruptcy proceedings to natural persons;
- v) To require the removal of a registrar for inability to perform the functions of the office of the registrar; and
- vi) To be determined by a medical practitioner appointed by the Council.

**THE CHAIRPERSON:** Committee chairperson, on 3(c)(ii), which says that the name of a certified valuer or a practicing valuer who is deceased, wouldn't it be good for us to add an evaluation firm that has ceased to exist?

**MR AWANY:** Madam Chairperson, I entirely agree with that.

**MR MAGYEZI:** Thank you, Madam Chairperson. I fully agree with the committee and your improvement to that.

**THE CHAIRPERSON:** No, it is yours; you have to own it.

**MR MAGYEZI:** Madam Chairperson, we beg under (c)(ii), the name of the certified valuer or practicing valuer who is deceased and the firm that has also ceased to exist.

**THE CHAIRPERSON:** Because you have introduced an evaluation firm.

**DR BHOKA:** Thank you, Madam Chairperson. I would like to propose an amendment in that clause that talk about the Council appointing a medical practitioner in cases where there is a problem with the registrar having an infirmity. If you look at the Constitution, there is a provision for the Director-General of Health Services.

Therefore, the Council, in consultation with the Director-General of Health Services because there is no medical specialist in the composition of the Council. Thank you.

**THE CHAIRPERSON:** Under which clause?

**DR BHOKA:** It is under the grounds for removal of the registrar on a medical basis in clause 14. The clause says that it is the council that appoints the medical practitioner. I would like to amend that so that it is done in consultation with the Director-General of Health Services, consistent with the constitutional provision for removal of - in collaboration with because the Council cannot constitute or appoint a medical practitioner; it does not have the professional competence in collaboration with -

**MR MAGYEZI:** Madam Chairperson, the honourable member makes a very useful amendment or proposal, but I am wondering whether constitutionally, it is not the mandate of the Director-General. We should have

actually said as determined by the Director-General of Medical Services.

**THE CHAIRPERSON:** Yes, but not appointed by the council. We will make that amendment.

**MR MAGYEZI:** By the Director-General of Medical Services, or his/her representative.

**THE CHAIRPERSON:** Yes, I put the question that clause 14 be amended as proposed by the committee and further amended by the minister and Dr Bhoka.

*(Question put and agreed to.)*

*Clause 14, as amended, agreed to.*

*Clause 15, agreed to.*

Clause 16

**MR AWANY:** Madam Chairperson. Clause 16 is amended -

- (a) In paragraph (a) by substituting for the words “certificate of licence”, the words “certificate of practise”.
- (b) In paragraph (b) by deleting the words “for late application for renewal for a certificate of licence or a licence to practise”.

Justifications

- i) To align paragraph (a) with clause 24 of the Bill, which provides for certificate of practise for sole practitioners and not a certificate of licence as proposed in the provision; and
- ii) To remove the restriction on fines under paragraph (b) since the institute can impose other fines for which the fees arising from such fines constitute fund of the institute.

**THE CHAIRPERSON:** Minister?

**MR MAGYEZI:** Thank you, Madam Chairperson. We beg to leave it as is, with the justification that the firms require a licence, whereas the practitioner requires a certificate

of practise. So, it is important that we leave this clear, as provided in the Bill.

**THE CHAIRPERSON:** Deputy Attorney-General?

**MR KAFUZI:** Madam Chairperson, I take the position of the honourable minister.

**THE CHAIRPERSON:** Concede?

**MR AWANY:** Madam Chairperson, I concede.

**THE CHAIRPERSON:** I put the question that clause 16 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 17, agreed to.*

*Clause 18, agreed to.*

*Clause 19, agreed to.*

Clause 20

**THE CHAIRPERSON:** Yes, clause 20?

**MR AWANY:** Madam Chairperson, clause 20 is amended-

- a) in sub clause (1) by-
  - (i) inserting immediately before the words “a person”, the words, “The Chief Government Valuer, a valuer in the Office of the Chief Government Valuer, and”
  - (ii) by substituting for the words “shall be enrolled as a member of the Institute under this Act”, the words “is enrolled as a member of the Institute.”;
  - iii) (iii) in sub clause (2), by substituting for the word “Registrar”, the word “Council”;
  - iv) (iv) by substituting for sub clause (3), the following –  
“The Chief Government Valuer or

- a valuer in the Office of the Chief Government Valuer, who does not qualify for enrolment as a member of the institute under subsection (1), shall apply to the council for enrolment as a member of the institute”;
- v) (v)in sub clause (4)–
- i) (i)by substituting for the phrase “subsection (2)”, the phrase “subsections (2) and (3);
- ii) (ii) in paragraph (a), by substituting for the words “recognised by the council”, the words “as may be determined by the National Council for Higher Education”;
- vi) (vi) by substituting for sub clause (5), the following –
- “A person shall before, applying for enrolment under this section-
- a) (a) work under the supervision of a practising valuer for at least one year; and
- (b) undertake professional qualification training and pass the professional qualification training examinations conducted by the institute.”
- (vii) by substituting for sub clause (6), the following–
- “(6) Notwithstanding subsection (5) the council may upon satisfactory evaluation of the academic qualifications and experience of a person referred to in subsection (4)(b), exempt the person from undertaking the professional qualification training and examinations referred to in subsection (5).”
- surveyor under the category of valuation under the Surveyor’s Registration Act;
- ii) To require the Chief Government Valuer and valuers in the Office of the Chief Government Valuer who are not registered under the Surveyor’s Registration Act, to apply for enrolment as members of the Institute;
- iii) To require the National Council for Higher Education to equate the qualifications of a person who seeks to be enrolled by the Council under sub clause 4(a), since it is the national body responsible for equating academic qualifications;
- iv) For clarity, to require the conditions set out in sub clause (5) to be complied with before a person applies for enrolment as a member of the institute; and
- v) To remove the exemption granted to a person who is employed in the public service as a valuation officer from undertaking professional qualifications training and exams, since the exams are necessary to determine the competence of a person to offer valuation services.

**THE CHAIRPERSON:** Yes, honourable member?

**MR GAFABUSA:** Madam Chairperson, I need more clarification on the proposed amendment on clause 24. When they say that the Chief Government Valuer or valuer of the office of the Chief Government Valuer who does not qualify for enrolment as a member of the institute under sub section (1) shall apply to the Council for enrolment. I think that this statement is self-defeating because if you do not qualify, then you do not qualify.

So, what is the point of applying again to the council if you do not qualify under sub section (1)?

**THE CHAIRPERSON:** Yes, can you first clarify on that? [*Hon. Rugumayo rose*] No, let him first clarify on that.

#### Justifications

- i) To grant automatic enrolment to the Chief Government Valuer, a valuer in the Office of the Chief Government Valuer and any person who is registered as a registered



**MR AWANY:** Madam Chairperson, like the honourable member noted, in our amendment we had stated here that “the Chief Government Valuer or a valuer in the Office of the Chief Government Valuer who does not qualify for enrolment as a member of the institute under sub section (1) shall apply to the Council for enrolment as a member of the institute”. I think given his point, he has made a critical submission and we need to consider his proposal for amendment.

**THE CHAIRPERSON:** Committee chairperson, why are we removing the original section (3) of the Bill? Because what you are removing is not the same. This one says: “notwithstanding section (2) of the Chief Government Valuer and the valuers in the office of the Chief Government Valuer shall be enrolled as members of the institute in accordance with this Act”. You are removing that, right?

**MR MAGYEZI:** Madam Chairperson, the Committee seems to be putting us in a difficult situation. If the Chief Government Valuer or a valuer in the office of the Chief Government Valuer does not qualify, then how can you say you apply to the Council for enrolment?

**THE CHAIRPERSON:** They should not even apply.

**MR MAGYEZI:** So, I beg that we retain the original version.

**THE CHAIRPERSON:** We do not need an equivalent in this profession.

**MR KAFUZI:** Madam Chairperson, I concur with the honourable Minister of Local Government that we are opening a Pandora’s box and distorting this clause. I humbly pray that we maintain the clause as is.

**THE CHAIRPERSON:** Yes, MP for the Youth, is it okay?

**MR RUGUMAYO:** Madam Chairperson, I would also like to support the Deputy Attorney-General’s proposal because the several

amendments that the Committee intended to propose are already catered for by the clauses that are in here. For example, where they proposed “before a person” ... to add there “the Chief Government Valuer and the valuer in the Government...”, it is already catered for all round. At the commencement of this Act, when they say all people who are already registered under the Surveyor’s Registration Act should automatically be certified valuers.

Now, when you go back and add those details, you are just attempting to rephrase and paraphrase but the clause already caters for all the gaps that the Committee had envisioned. Thank you.

**THE CHAIRPERSON:** Thank you. Honourable minister, are you okay with all the other amendments apart from that?

**MR MAGYEZI:** Madam Chairperson, I am okay with the Bill as it was except where the Committee points out, under sub clause 4(a), that a person to whom subsection (2) applies shall be eligible for enrolment if he/she: (a) has a degree in a discipline or field of valuation or an equivalent qualification recognised by the council. I think he is right; it should be by the National Council for Higher Education. The rest, I beg, remain as it was.

**THE CHAIRPERSON:** The rest remain as it is in the Bill with the amendment that you have moved. I put the question that clause 20 be amended as proposed by the honourable minister.

*(Question put and agreed to.)*

*Clause 20, as amended, agreed to.*

**THE CHAIRPERSON:** Honourable members, in the public gallery we have pupils and teachers from Forest View Primary School in Bukwo. Stand up and we see you. You are most welcome. They are represented by Hon. Solomon Alinga Chelengat and Hon. Everlyn Chemutai.

In their absence, Hon. Chemonges, stand up and wave at the kids. You are most welcome. Thank you for coming. They are here to observe the proceedings. Thank you.

Clause 21

**THE CHAIRPERSON:** I put the question that clause 21 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 21, agreed to.*

Clause 22

**THE CHAIRPERSON:** Clause 22?

**MR AWANY:** Madam Chairperson, clause 22 is amended -

- a) by substituting for sub clause (1), the following: "A person who qualifies for enrolment as a member of the Institute under section 20(2) and (3), shall, upon payment of the enrolment fees and in a manner prescribed by regulations made under this Act, apply to the Council to have his or her name entered on the roll of members of the Institute."
- b) by inserting immediately after sub clause (1), the following: "A person who qualifies for enrolment as a member of the Institute under section 21 shall have his or her name entered on the roll of members of the Institute without application for enrolment and shall be issued with a certificate of enrolment by the Registrar."
- c) by substituting for sub clause (2) the following: "The Council shall, if satisfied that the person who makes an application for enrolment under subsection (1) is eligible for enrolment as a member of the Institute, enter the person's name on the roll of members of the Institute and issue a certificate of enrolment to the person."
- d) by deleting sub clause (5).

The justifications are:

1. To specifically provide for an application process for persons who qualify for enrolment under section 20(2) and (3).
2. To provide for the enrolment of persons who qualify for enrolment under clause 21.
3. The deletion of sub clause (5) is for the purpose of removing a redundant provision.

**THE CHAIRPERSON:** Can you be enrolled without having an application for enrolment? Read this: "A person who qualifies for enrolment as a member of the Institute under section 21 shall have his or her name entered on the roll of members of the Institute without application for enrolment and shall be issued with a certificate of enrolment by the Registrar."

Accountants, if I have not applied, how do you give me a certificate?

**MR MUSASIZI:** Madam Chairperson, after going through the professional qualification and you are fully qualified, you are supposed to enter another stage of becoming a member.

If you want to be a member, you apply and then they assess you and admit you as a member. It should not be automatic. You have seen even those who have been practicing before this Act comes into force, this law carries them. We are also defining their status. Therefore, I want to invite the committee chairperson to reconsider his position.

**THE CHAIRPERSON:** It is just like if, after going to law school, you think you are an advocate.

**MR MUSASIZI:** Also, Madam Chairperson, since I am on the Floor, sub clause, which say: (5): "A person appointed in the service of the Office of the Chief Government Valuer shall be a certified valuer in accordance with this Act."

Madam Chairperson, there is an intention for this sub clause, so I want to plead with the committee chairperson that this sub clause be maintained. There is a reason why it is there. You cannot just say delete it.

**THE CHAIRPERSON:** Yes, Hon. Rugumayo.

**MR RUGUMAYO:** Madam Chairperson, in support of the honourable minister's submission –

**THE CHAIRPERSON:** Or in support of mine?

**MR RUGUMAYO:** In support of yours, Madam Chairperson. The proposal by the committee is self-defeating in a way that in the previous clause 20, we had already provided for the application and application process.

In clause 22, even though subsection (1) says that a person shall be entered on the roll, the one who drafted already had in mind that, in the previous clause, application had been catered for. I do not think there is any professional body that would allow someone to automatically be part of the system without going through an assessment system. Thank you.

**THE CHAIRPERSON:** But you know, this is always a source of revenue for such a body or the Institute. When you apply, you pay a fee, and you are registered. Can we retain clause 22 as it is? Yes, committee chairperson.

**MR AWANY:** Madam Chairperson, we appreciate the need for an application to be made at the second level. So, we concede to that.

**THE CHAIRPERSON:** Thank you. I put the question that clause 22 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 22, agreed to.*

Clause 23

**THE CHAIRPERSON:** Committee chairperson?

**MR AWANY:** Clause 23 is amended by substituting for sub clause (5) the following: "A person who is not registered by the Council in subsection (4) may, within 21 days after receipt of the decision of the Council, appeal to the High Court."

Justification

The amendment to sub clause (5) is for clarity and better drafting.

**THE CHAIRPERSON:** What is the difference with what we have in the Bill? Deputy Attorney-General, what is the difference because it says that an appeal to the High Court shall be made within 21 days after receipt of the decision of the Council?

**MR KAFUZI:** Madam Chairperson, we have created an insertion in clause 4 to provide for an appeal. There is an insertion in clause 4, which says that a person aggrieved by a valuation opinion -

**THE CHAIRPERSON:** That was on valuation. This is on registration. They are different.

**MR KAFUZI:** Okay.

**MR RUGUMAYO:** Madam Chairperson, maybe to elaborate more on what principles are exposed in this Bill, one is that 23(4) says, as the council communicates its rejection, it informs the member of his or her right to appeal. Sub clause 5 goes ahead to say that an appeal should be made within 21 days. I do not see anything new.

**THE CHAIRPERSON:** Why don't we keep it as is?

**MR RUGUMAYO:** It should remain as is.

**MR MAGYEZI:** Madam Chairperson, look at the sub heading of that section. It is about registration. We are saying that an appeal to the High Court shall be made within 21 days after receipt of the decision. So, I do not see what the committee is adding.

**THE CHAIRPERSON:** I put the question that clause 23 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 23, agreed to.*

Clause 24

**MR AWANY:** Madam Chairperson, in clause 24, we substitute the following -

Certificate of practise for sole practitioner

(1) A person who is registered as a practicing valuer shall, upon payment of fees, and in a manner prescribed by regulations made under this Act, annually apply to the council for a certificate of practise.

(2) The Council -

**THE CHAIRPERSON:** You can now see the contradiction we have here with what you had before.

**MR AWANY:** Yes, and (2) says that the Council may upon receipt of the application under subsection (1), grant or refuse to grant the applicant a certificate of practise.

(3) Where the council refuses to grant the applicant a certificate of practise, the council shall, within 30 days, inform the applicant of the decision and the reason.

(4) An applicant who is not granted a certificate of practise may, within 21 days after receipt of the decision of the council appeal to the High Court.

(5) A certificate of practise shall be valid for the year of issue and shall in all cases expire on the 31<sup>st</sup> day of December of the year in which it was issued.

(6) A practicing valuer who wishes to renew his or her certificate of practise shall, by the 31<sup>st</sup> day of October of the year of issue, on payment of fees for renewal, as may be prescribed by regulations made under this Act, apply to the Council for renewal of the certificate of practise.

(7) A practicing valuer who makes an application under subsection (7) shall accumulate the hours of continuous professional development as may be prescribed by regulations made under the Act.

(8) A practicing valuer who is issued with a certificate of practise shall have a practise stamp with his or her name on the trade name and his or her profession, and shall affix the stamp to all documents signed by him or her.

(9) This section shall not apply to the chief valuer or valuer in the office of the Chief Government Valuer.

The justifications are:

1. To clearly provide for the process of applying for a certificate of practise for a sole practitioner;
2. To grant discretion to the council to grant or not to grant a certificate of practise;
3. To clarify who appeals to the High Court;
4. To re-arrange the provision in order to enhance clarity, and
5. The exemption of the Chief Government Valuer or a valuer in the office of the Chief Government Valuer from the application of clause 24 is to harmonise the provision with clause 2, which mandates the office of the Chief Government Valuer to undertake statutory valuations.

**THE CHAIRPERSON:** Are you replacing the whole of clause 24?

**MR MAGYEZI:** Madam Chairperson, we have looked at the proposed amendments. The only addition seems to be details, which are supposed to be in the regulations. I really request that the chairperson allows us to maintain.

**THE CHAIRPERSON:** The title even says, "...a certificate of practise for a sole practitioner." It is self-speaking.

**MR KAFUZI:** Madam Chairperson, the proposal made by the chairperson of the committee is in a way, a redraft of the same clause but in a different way. I pray that we maintain the clause as is.

**THE CHAIRPERSON:** Chairperson -

**MR AWANY:** Madam Chairperson, we concede.

**THE CHAIRPERSON:** I put the question that clause 24 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 24, agreed to.*

**THE CHAIRPERSON:** Honourable members, when you are drafting these Bills, please consider the intention of the whole Bill.

Clause 25

**THE CHAIRPERSON:** Yes, committee chairperson.

**MR AWANY:** Madam Chairperson, clause 25 is amended-

a) by substituting for clause (1), the following-  
(1) Where two or more persons who are registered as practicing valuers under section (23) seek to practise as a valuation firm, the persons for each year of practise on payment of fees as may be prescribed by regulations made under this Act, apply to the council for allowances of practise for the valuation firm.

(b) by deleting sub clause (3); and

(c) by substituting for subclause (4), the following: "(4) Each of the persons who seek to practise as a valuation firm shall, before making an application under subsection (1)..."

**THE CHAIRPERSON:** Did you say, you are deleting subsection (3)? First, read what you are deleting.

**MR AWANY:** That is (b) - by deleting sub clause (3).

**THE CHAIRPERSON:** Read sub clause (3) that you are proposing to delete. It says, "For purposes of subsection (1), the valuation firm shall make an application for a license of practise to the registrar." Why are you deleting it?

**MR AWANY:** Madam Chairperson, for sub-clause (3) I think we maintain it as is.

Justification

Amendment to sub-clause (1) are intended to require the applicant to make an application to the Council to grant the council the discretion to grant or not to grant.

**THE CHAIRPERSON:** Let us first go back to (4). You are saying that by substituting sub clause (4), the following - the original sub clause (4) of the Bill says, "For avoidance of doubt, "each of the partners of the valuation firm shall have a certificate of practise granted under section 24".

Committee chairperson, do not substitute (4); leave it as is.

**MR MUSASIZI:** Madam Chairperson, if it pleases the House, the chairperson of the committee and members, clause 25 is well intentioned and drafted - I want to persuade the chairperson to withdraw his proposed amendment to this clause so we maintain what is in the original Act.

**THE CHAIRPERSON:** Chairperson of the committee, not I.

**MR AWANY:** I concede.

**THE CHAIRPERSON:** Thank you. I put the question that clause 25 stands part of the Bill.

*(Question put and agreed to.)*



*Clause 25, agreed to.*

**THE CHAIRPERSON:** I think you had a very lazy legal person who drafted the Bill. I need to know that legal person. Chairperson, have you heard?

Clause 26

**MR AWANY:** Madam Chairperson, clause 26 is amended -

- a) by substituting for sub clause (6) the following: “the person referred to in sub-section (1) shall apply to the Council for a temporary certificate of practise within four months before arriving in Uganda.”
- b) by substituting for sub-clause (7) the following: “a firm, entity or organisation, private or public, shall not recruit a person referred to in sub-section (1) unless the person has obtained a temporary certificate of practise issued in accordance with this section.”
- c) by inserting, immediately after sub-clause (7), the following: “a firm, entity or organisation, private or public, which contravenes sub-section (7) commits an offence of professional misconduct and shall be subject to disciplinary measures imposed under the professional code of ethics for certified valuers and practising valuers.”

The justifications are:

1. Sub clauses (6) and (7) are amended to enhance the clarity as to the person being required to apply for or possess a temporary certificate of practise; and
2. To enhance compliance with the provisions of the section by imposing a charge of professional misconduct against a person who employs a professionally qualified valuer who does not possess a temporary certificate of practise.

**THE CHAIRPERSON:** By substituting sub clause (6) – please read for sub-clause (6). Read

what sub-clause (6) is in the Bill. Sub-section (1): “A professional valuer not practising in Uganda, however, intending to practise in Uganda, shall apply for a temporary certificate of practise within four months before their arrival in Uganda”. Yes, Deputy Attorney-General?

**MR KAFUZI:** Madam Chairperson, I want to strongly differ from the committee chairperson’s position and propose that we maintain sub-clause (6) with a small amendment, removing the words “before arrival.”

**THE CHAIRPERSON:** Yes, “before arrival.”

**MR KAFUZI:** This person, the valuer, could have travelled here and is doing A, B, C, D, then he files his application. If we maintain sub-clause (6) as it is, saying “before”, it means he cannot land in our country until he has applied. *(Mr Aogon rose\_)*

**THE CHAIRPERSON:** Deputy Attorney-General, do you want to remove the word, “before”?

**MR KAFUZI:** Madam Chairperson, I wanted to remove the two words, “before arrival”.

**THE CHAIRPERSON:** What is the harm of keeping them?

**MR KAFUZI:** If we keep it as it is, it means this person intending to practise in Uganda must only apply when he is out of the country. When he is here, he cannot apply. Yet he could be here; he is a foreigner here doing other businesses, but when they wish to practise as a valuer.

**DR BARYOMUNSI:** Madam Chairperson, I agree with the Deputy Attorney-General because when you look at the person we are referring to, it could even be a Ugandan who lives in the UK and is a valuer and intends to come back and practise valuation. Why would you block him to remain there until he gets a certificate? He could come and the application

is processed. It is only when it is issued that he starts practising.

Otherwise, the way it is drafted, it means you lock somebody out for four months until he arrives. Yet he could be in the country doing other things; I agree with the Deputy Attorney-General.

**THE CHAIRPERSON:** Yes, minister.

**MR MAGYEZI:** Madam Chairperson, we should take this section in its entirety. We are talking about under (1) where a person satisfies Council that he or she is not ordinarily resident in Uganda. It already defines that. That is why under (6), we say "...subject to subsection (1)."

For me, if we say we do not need four months before arrival in Uganda, then delete the whole thing of "within four months". Just say, "you apply for a temporary certificate". That would be adequate.

**THE CHAIRPERSON:** Thank you. I put the question that clause 26 be amended as proposed by the minister, Hon. Magyezi.

*(Question put and agreed to.)*

*Clause 26, as amended, agreed to.*

Clause 27

**MR AWANY:** Madam Chairperson, clause 27 is amended -

- 1) by substituting for sub-clause (1) the following: "a person shall not practise valuation unless the person has a certificate of practise issued under Section 24, a licence of practise for valuation firms issued under Section 25, or a temporary certificate of practise issued under Section 26."
- 2) in sub clause (2), by inserting the words, "other than the Chief Government Valuer or a valuer in the Office of the Chief Government Valuer" immediately after the word "person".

- 3) in sub clause (4), by substituting for the words, "500 currency points", the words, "5,000 currency points".

The justifications are:

1. Sub clause (1) is amended to include a temporary certificate of practise issued under Clause 26 since the holder of a temporary certificate of practise is eligible to practise valuation in Uganda;
2. The amendment to sub clause (2) is intended to exempt the application of the provision to the Chief Government Valuer or a valuer in the Office of the Chief Government Valuer since they cannot undertake contractual valuation; and
3. To ensure compliance by enhancing the penalty for the offence of practising without a certificate of practise, temporary certificate of practise, or a licence of practise.

**MR KAFUZI:** Madam Chairperson, I am sorry, but I think the committee is engaging in semantics. The committee has simply redrafted clause 27(1); it means the same. I would propose that we maintain it as it is in its original position.

**THE CHAIRPERSON:** Thank you. I put the question that clause 27 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 27, agreed to.*

*Clause 28, agreed to.*

*Clause 29, agreed to.*

Clause 30

**MR AWANY:** Madam Chairperson, clause 30 is amended in sub-clause (2) by substituting for paragraph (d) the following: "(d) An advocate recommended by Uganda Law Society".

Justification

To enhance compliance with laws, regulations and principles of fairness, equity and a fair trial, by including an advocate among the members of the disciplinary committee.

**THE CHAIRPERSON:** Why are you limiting it to a lawyer?

**MR KAFUZI:** Madam Speaker, the clause as it is leaves leeway based on the circumstances of each case. It can be either an advocate or any other person.

**THE CHAIRPERSON:** Any other person of good repute.

**MR KAFUZI:** Yes, so (d) as it is, is properly constructed.

**THE CHAIRPERSON:** Okay, so do we maintain it?

**MR KAFUZI:** Madam Chairperson, I propose that we maintain (d) as it is.

**MR RUGUMAYO:** Madam Chairperson, I also differ a little bit from what the chairperson and the committee had proposed, especially on making sure it is a lawyer. In the profession of construction, we have people who might not be lawyers, but are well-versed with construction law, who are arbiters and all that. Therefore, (d) as it is constructed - as long as they are a member of the professional body, there may be other credit score points that add to the reputation of this person, qualifying him to be a member of this disciplinary committee. He does not have to be a lawyer. Thank you.

**THE CHAIRPERSON:** Good repute, yes.

**MR MAGYEZI:** Thank you, Madam Chairperson.

Madam Chairperson, we are talking about the composition of the disciplinary committee of the council. The committee has failed to move a justification to restrict this membership to a lawyer. We should leave it as it was drafted in the Bill.

**THE CHAIRPERSON:** I put the question that clause 30 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 30, agreed to.*

**MR MWIJUKYE:** Madam Chairperson, I am a member of the committee. We spent a lot of time doing a very good job. We gave all our defences to the chairperson. The chairperson is just standing up to say, "I concede, we concede." He is not even attempting to defend anything. As a member of the committee, I feel bad that my chairperson is only standing up to say, "we concede."

**THE CHAIRPERSON:** As a member of the committee, you can stand up and say, we do not agree with that. You present your argument. If it is substantial enough and it carries weight, then we can adopt what you are saying; it is open to everybody.

**MR MWIJUKYE:** Madam Chairperson, that is why I got concerned, and said that maybe I need to start defending the committee because the chairperson has given up. *(Laughter)*

Clause 31

**MR AWANY:** Madam Chairperson, clause 31 is amended -

a) by inserting immediately, after sub clause 2, the following: "A party to proceedings before the valuation reconciliation committee who is aggrieved by the advice of the valuation reconciliation committee -

**THE CHAIRPERSON:** Hon. Mwijukye, first come back. I have just checked the minutes of the meeting and noticed that you did not attend the meeting. *(Laughter)*

**MR AWANY:** Madam Chairperson, I did not want to get into that, but at least the records are there; they speak for themselves. *(Member rose)* He did not even sign the report.

Clause 31 is amended -

a) by inserting immediately after sub clause (2) the following:

“A party to proceedings before the valuation reconciliation committee who is aggrieved by the advice of the valuation reconciliation committee in subsection (2) may, within 30 days after being notified of the advice of the valuation reconciliation committee or within such further time as the High Court may allow, appeal to the High Court.”;

b) by inserting immediately after sub clause (4) the following:

“For purposes of subsection (1), the minister shall, in consultation with the council, by statutory instrument, prescribe the valuation of property with significant differences referred to in subsection (1).”

The justifications are:

- 1) To provide for an option of appealing the advice of the value reconciliation committee; and
- 2) To empower the minister to define what amounts to significant differences.

**MR KAFUZI:** Madam Chairperson, another insertion is proposed. I want the Committee of the whole House to understand that there are two valuations. One is statutory and the other is not. We proposed an insertion of clause 4 for appeals to address statutory insertions.

We propose that it is captured that this valuation reconciliation committee shall not apply to statutory valuations. We wanted to be clear on that.

**THE CHAIRPERSON:** Thank you. We are okay with the insertion. What about the amendment of the committee?

You see, that committee is already for reconciliation. However, when you look at what the committee report says, you notice that it says: “a party to the proceedings before the value reconciliation committee, who is aggrieved by the advice of the value reconciliation committee in subsection (2), may within 30 days after being notified of the

advice of the value reconciliation committee, or within such further time as the High Court may allow, appeal to High Court.” This is already the reconciliation committee. Why are you advising the party to go to the High Court?

First, when you look at clause 31(2), you notice that it says that before you bring in the addition, the value reconciliation committee appointed under section 1 shall, within respect to the valuation, review the report of each of the valuers in accordance with the national valuation standards, and shall provide advice on how the value of the property should be determined with reason for the advice. Yes, minister?

**MR MAGYEZI:** Madam Chairperson, I have looked at the spirit of the Bill. You have got an evaluation, you are not satisfied, there is a committee for reconciliation, you are putting your case there, and the committee is constituted by the Council, why are we now watering down the role of this reconciliation committee? I beg that the amendment be dropped.

**THE CHAIRPERSON:** Do we only keep the insertion?

**MR MAGYEZI:** I beg that we allow one of the Deputy Attorney-General, which is to the effect that this number four does not apply to statutory evaluation; the Deputy Attorney-General is correct.

**THE CHAIRPERSON:** Thank you. I put the question that clause 31 be amended as proposed by the Deputy Attorney-General.

*(Question put and agreed to.)*

*Clause 31, as amended, agreed to.*

**MR RUGUMAYO:** Just before you pass that, in the same spirit that the honourable minister is raising it, and in regard to the proposal by the Deputy Attorney-General. I am looking at it in the spirit of, why should the statutory valuation be exempted from the reconciliation committee? I am looking at this from the angle

of the Government wanting to use part of the property, maybe for construction of a road and I am not content with the values that the Government's Valuer has given me or maybe, my private valuer has given me this value and the Government Valuer is giving me another value.

Why should it be that we exempt the statutory valuation from going to the reconciliation committee? Shouldn't the House debate it more and understand because that way, we shall be giving the office much more powers. Thank you.

**THE CHAIRPERSON:** How can you ease the avenues for the Government to acquire land? For instance, if you want to construct a road and then somebody is saying, do not - It is a polite way of compulsory accession.

**MR RUGUMAYO:** Madam Chairperson, what if we somehow indicated that the decision of the reconciliation committee is final? We would avoid the part of where the committee was suggesting we go to high court -

**THE CHAIRPERSON:** It is based on standards; there are already standards that are set. The national valuation standards are already set.

I put the question that clause 31 stand part of the Bill.

*(Question put and agreed to.)*

*Clause 31, as amended, agreed to.*

Clause 32

**MR AWANY:** Madam Chairperson for clause 32, there is substituted the following: Valuation for tangible assets and intangible assets. For the purposes of this Act, valuation shall be undertaken to determine the value of:

- a. Tangible assets, intangible assets, and any other assets as may be specified by the national valuation standards.

Justification

- a. Tangible assets and intangible assets are already broadly defined under clause 1 of the Bill, making the current provision restrictive and contradictory.
- b. To address the evolving nature of assets that can be valued based on economic cycles.

**THE CHAIRPERSON:** Honourable chairperson, what amendment are you making? This is basically to show you what a tangible asset and what an intangible asset is. What is your amendment meant to correct?

**MR BASALIRWA:** Madam Chairperson, this time around, I am with the chairperson of the committee. He says, once you define tangible and intangible and you come to this clause and try to provide examples then you are being restrictive. The proposal by the committee -

**THE CHAIRPERSON:** The statement is saying: tangible assets including - it is not restricted. Including, among others -

**MR BASALIRWA:** Madam Chairperson, again, in legislative drafting, this in itself is self-limiting. I do not know why they would even go ahead to do this. Including but not limited to what? This, in itself, is a problem. Hon. Mwijukye and my old boy (OB) Tony, the proposal - I invite the minister -

**THE CHAIRPERSON:** Could we have this in the regulations; to spell out what a tangible asset and intangible asset mean, because it is already defined.

**MR BASALIRWA:** Yes, they are defined.

**DR BARYOMUNSI:** Madam Chairperson, I would have no problem with the way it is drafted because it has already been an issue that the Chief Government Valuer, for instance, should have the capacity to carry out valuation for the intangible assets. I propose that we keep it the way it is and then we put "c". We have (a) the way it is, (b), and then (c) becomes,



“any other assets as may be specified in the regulations”. This will cover everything.

I do not agree with the committee that the national valuation standards will define those assets. It is the regulations. It will then accommodate the interest of all of us.

**THE CHAIRPERSON:** Yes, Hon. Richard.

**MR GAFABUSA:** Madam Chairperson, I agree with the proposal by the committee this time. In clause 1, we have defined the tangible asset to mean an asset with a physical manifestation and that includes land, plant, machinery, fixtures, tools and equipment, or any other asset of a physical nature.

Therefore, by limiting us in the way (32) is drafted, we are being restrictive and ignoring the definition we have provided in clause 1. I agree that we go with the proposal by the committee so that we do not restrict the tangible assets because we have already defined them in clause 1.

**MR MAGYEZI:** Madam Chairperson, we agree with the committee but we wish to request you, the Chairperson, to agree to, “any other assets as shall be specified in the regulations”, instead of this national valuation standards. Let us leave this to the minister to develop in the detailed regulations. Thank you.

**THE CHAIRPERSON:** I think the committee is right on the national valuation standards, because you cannot just say, “as defined by the regulations”. You check what the valuation standards are reading. It is not defined, per se. Yes, youth.

**MR RUGUMAYO:** Madam Chairperson, I agree with the proposal by the minister. You see, the valuation standards are developed after there is a need for a particular property, which can be either intangible or tangible to be valued. It is the regulations, if so provided, that can cause standards to be put in place.

It would not be good for us to say that the standards are the ones that prescribe or

describe what an asset should be. I propose that we go with the proposal by the minister that regulations are the ones that cause standards to be developed. Thank you.

**THE CHAIRPERSON:** Okay, we take the regulations. I put the question that clause 32 be amended as proposed by the minister.

*(Question put and agreed to.)*

*Clause 32, as amended, agreed to.*

*Clause 33, agreed to.*

Clause 34

**THE CHAIRPERSON:** Clause 34?

**MR AWANY:** Madam Chairperson, clause 34 is amended in sub clause (1) -

(a) by substituting for paragraph (a), the following -

“(a) the name of the person for whom the valuation is undertaken, the name of the practising valuer who undertakes the valuation, the scope of work performed, the purpose of the valuation, the description of the asset valued, and the valuation date which shall be the effective date of the valuation;”

(b) in paragraph (b), by inserting immediately after the word “valuation” the words “principles and valuation”.

Justification

i) Sub clause (1)(a) is amended to require a valuation report to indicate the name of the person for whom the valuation is undertaken and to remove any reference to a certified valuer since a certified valuer is not entitled to practice valuation.

ii) To include valuation principles applied to the valuation in the valuation report.

**THE CHAIRPERSON:** Yes, Deputy Attorney-General?

**MR KAFUZI:** Madam Chairperson, if I have understood my colleague, the committee chairperson, his proposal is or the committee proposes to delete the term “certified valuer” and it would also be proposing to retain the term “practising valuer”. Our proposal, as Government, is that the term “certified valuer” and “practising valuer” be maintained since all enrolled valuers are referred to as certified valuers of Uganda under clause 22 (4).

The justification is that all valuers must follow the national valuation standards referred to in clause 8(d) and (e) of the Bill.

As I conclude, I would like to remind you that you did not remind Hon. Mwijukye to concede.

**THE CHAIRPERSON:** Hon. Mwijukye?

**MR MWIJUKYE:** Madam Chairperson, first of all, I would like to put it on record that I participated fully but you remember, you sent me to Italy. Therefore, the time they were signing, I was not around but when I returned, I agreed with the report. Therefore, it is not true that I did not participate.

**THE CHAIRPERSON:** Stop blackmailing the presiding officer.

**MR MWIJUKYE:** I concede.

**THE CHAIRPERSON:** Do you concede with what the Deputy Attorney-General is saying?

**MR MWIJUKYE:** Yes.

**THE CHAIRPERSON:** Good. (*Hon. Rugumayo rose*) On the same? By the way, we need to move faster. We still have two Bills and we have Local Government. Do not repeat the same thing. I put the question that clause 34 be amended as proposed by the Deputy Attorney-General.

*(Question put and agreed to.)*

*Clause 34, as amended, agreed to.*

**THE CHAIRPERSON:** There were two amendments. The amendment is by the Deputy Attorney-General.

Clause 35

**MR AWANY:** Madam Chairperson, clause 35 is amended in sub clause (4) by substituting for the words “for the avoidance of doubt” the words “for purposes of subsection (2)”.

Justification

To align sub clauses (1), (2) and (4) since the period of validity referred to in sub clause (4) only applies to sub clause (2).

**THE CHAIRPERSON:** Yes, Hon. Isaac.

**MR OTIMGIW:** Madam Chairperson, I think the same issue applies in clause 34 whereby the terms “certified valuer” and “practising valuer” are all to be maintained. They are proposing to delete it again.

So, since we adopted it in clause 34, I think we should also maintain both terms in clause 36.

**THE CHAIRPERSON:** We are on clause 35. Honourable minister, are you okay with what they are proposing?

**MR MAGYEZI:** We agree, Madam Chairperson.

**THE CHAIRPERSON:** He says, for the purposes of sub section (2) and he wants to remove “for avoidance of doubt”. The period of validity of the valuation shall start from the day of the last inspection. Committee chairperson, you are restricting yourself on sub section (2) but even (3) is speaking to the same valuation.

**DR BARYOMUNSI:** Madam Chairperson, I suggest we maintain the original formulation because it is clearer. We are saying, “For avoidance of doubt, the period of validity of a valuation shall start on the date of the last inspection of the property under valuation”. I think that this is clearer than what the committee is suggesting - instead of limiting it.

**THE CHAIRPERSON:** I put the question that clause 35 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 35, agreed to.*

Clause 36

**MR AWANY:** Madam Chairperson, clause 36 is amended by deleting the words “certified valuer” wherever the words appear in the clause.

Justification

To avoid ambiguity since the valuers in the Office of the Chief Government Valuer are also practising valuers under the Bill.

**THE CHAIRPERSON:** I think this one has a consequential amendment from what the Deputy Attorney-General talked about in clause (34); that the certified valuers and practising valuers should be maintained since they are the enrolled valuers. It is consequential. Therefore, do we have to leave it, Deputy Attorney-General?

**MR KAFUZI:** Madam Chairperson, it is a consequential amendment.

**THE CHAIRPERSON:** I put the question that clause 36 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 36, agreed to.*

*Clause 37, agreed to.*

Clause 38

**THE CHAIRPERSON:** Clause 38?

**MR AWANY:** Madam Chairperson, clause 38 is amended -

(a) in sub clause (1) by deleting the words “a certified valuer” -

**THE CHAIRPERSON:** It still has a consequential -

**MR AWANY:** Yes.

**THE CHAIRPERSON:** I put the question that clause 38 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 38, agreed to.*

Clause 39

**THE CHAIRPERSON:** Clause 39?

**MR AWANY:** Madam Chairperson, clause 39 is amended in sub clause (2) by adding the following words at the end of the provision: “and is liable, on conviction, to a fine not exceeding five thousand currency points or imprisonment not exceeding two years or both” immediately after the word “offence”.

Justification

To provide a penalty for the offence.

**THE CHAIRPERSON:** Thank you. Minister?

**MR MAGYEZI:** Madam Chairperson, it is okay to provide a penalty, but five thousand currency points, honourable colleagues, times twenty thousand, that sounds like 100 million. Is it possible to scale it down, to be a little more realistic?

**THE CHAIRPERSON:** How much are you proposing?

**MR MAGYEZI:** I would propose - *(Interruptions)* Not a half of it. I am looking at Shs 10 million if that can be put into currency points. Five hundred currency points.

**THE CHAIRPERSON:** Five hundred currency points as a new insertion. Deputy Attorney-General?

**MR KAFUZI:** Madam Chairperson -

**THE CHAIRPERSON:** The gravity is less than the building one.

**MR KAFUZI:** Madam Chairperson, it is difficult to assess, at this level, because we do

not know the gravity. We do not have a basis. Maybe one thousand currency points would suffice. The problem with us speculating that either one thousand or five hundred or five thousand is that the effect of this problem may be so huge, it may be in billions, and yet the fine is only going to be either Shs 5 million or Shs 10 million.

**THE CHAIRPERSON:** What the chairperson is raising is very valid. The gravity is high. If you have been removed from practising because of malpractice, then why should you continue practising?

**MR KAFUZI:** Madam Chairperson, the wording would save us if we say, “not exceeding five thousand” so that whoever sits in judgement takes into consideration the gravity and makes the necessary adjustments.

**THE CHAIRPERSON:** That is what the committee is saying; not exceeding five thousand currency points, so we go by the committee’s -

**DR BARYOMUNSI:** Madam Chairperson, there is a law that relates the currency points to the period of confinement. I do not know whether the committee tried to look at that comparison.

**THE CHAIRPERSON:** One currency point to two months in jail.

**MR BASALIRWA:** Yes, it was very specific but if we want to create these severe punishments, then there is absolutely nothing for us to provide for in that way. The wording would change and say, “without prejudice to the other legislation,” if that is what we prefer, to make it so deterrent.

**THE CHAIRPERSON:** What are you proposing?

**MR BASALIRWA:** No, I have no problem with the position of the committee.

**THE CHAIRPERSON:** I put a question that clause 39 be amended as proposed by the committee.

*(Question put and agreed to.)*

*Clause 39, as amended, agreed to.*

*Clause 40, agreed to.*

*Clause 41, agreed to.*

*Clause 42, agreed to.*

*Clause 43, agreed to.*

Clause 44

**THE CHAIRPERSON:** Chairperson?

**MR AWANY:** Clause 44 is amended in sub clause (2)(a) by substituting for the words “Land Valuation Management Information System”, the words “National Valuation Information System”.

Justification

To achieve consistency with clause 3, which creates a National Valuation Information System.

**THE CHAIRPERSON:** Yes, Hon. Allan?

**MR MAYANJA:** Thank you, Madam Chairperson, for the opportunity. I am the acting Leader of the Opposition (LOP) - *(Laughter)*

Normally, regulations of various Acts are tabled or laid before Parliament notifying the honourable Members. For this to be anchored in the Bill, I therefore propose we amend clause 44 by inserting sub clause (4) to read as follows: “Regulations made under this section shall be tabled or laid before Parliament by the minister responsible.”

Justification

For notification purposes to the House. I beg to submit.

**THE CHAIRPERSON:** The timeline is within three months from the adoption of this report. I am giving him - we need a timeline.

You cannot make a law, sleep over it, and we do not have the regulations.

**MR MAYANJA:** Madam Chairperson, I did not give the timeline to give the minister room, at any time when he should come in –

**THE CHAIRPERSON:** Let us not give them an open –

**MS NALUYIMA:** You have proposed three months. It is up to them to tell us that we can do it in six months, rather than leaving it open.

**MS OPENDI:** Madam Chairperson, it has been a challenge that we pass laws and it takes forever for the Executive to have the regulations in place which makes implementation problematic.

Therefore, Madam Chairperson, I want to propose that we give a six-month time limit that the minister shall lay regulations within six months.

**THE CHAIRPERSON:** Six months of what formulation?

**MS OPENDI:** No, from the date of assent because the President is the one who assents to these Bills. Once he has assented, then the minister should, within six months, have regulations worked on and then brought and laid before this House.

**DR BARYOMUNSI:** Madam Chairperson, the way the law is coached is saying the minister may make regulations, so, I thought you were compelling the minister to lay the regulations once they have been gazetted. Once the minister makes regulations and they are gazetted, that is when you compel the minister within three months to lay. *(Interjections)*

**THE CHAIRPERSON:** Why are we saying “may”? We are making an adjustment that the minister “shall”. Let us not have people who do not want to work. Honourable minister, let us adopt “shall”.

**DR BARYOMUNSI:** No - *(Inaudible)*- because the minister implementing this law –

**THE CHAIRPERSON:** This is the House that is making this law. We need to know what is happening. Honourable minister, let us have respect for the House.

**MR GAFABUSA:** I want to emphasise, because, honourable minister, we referred to clause 32 where we were arguing about the tangible and intangible assets and we left it to the regulations to define and give details. Now, imagine we leave you to make regulations forever. How are we going to implement this? Therefore, it should read, “The minister shall”. We are removing “may” because we have already provided for regulations in the Bill.

**MR BASALIRWA:** When you look at the pieces of legislation that we make, usually they are made in different circumstances and situations. You do not condition them on specific times. Hon. Dr Baryomunsi was trying to raise the issue but I do not know why he ran away from the microphone –

**THE CHAIRPERSON:** Honourable member, the “shall” is for tabling it in the House. Let us make it mandatory that it should be tabled in the House.

**MR BASALIRWA:** Madam Chairperson, by the way, the Rules of Procedure of Parliament say so. We do not have to belabour it into these regulations. Our Rules of Procedure require that they are tabled for information purposes, not even debate.

**THE CHAIRPERSON:** Yes. So, what is wrong with that?

**MR AOGON:** Madam Chairperson, from the side of Independents – *(Laughter)* - we are giving that “shall” because we have seen the problems before. This is the House, which is responsible for legislation. Madam Chairperson, I want to agree with you that we have decided to compel ministers by “shall” to bring the regulations here and it should be within six months –

**THE CHAIRPERSON:** To table.



**MR AOGON:** It should be tabled within six months from the date of assent.

**MR BASALIRWA:** Madam Chairperson, let us educate honourable colleagues on the word “shall.” By the way, “shall” does not mean “mandatory” neither does “may” mean discretion. The Supreme Court has guided on this issue several times. I know the honourable colleagues want to get excited that we use the word “shall.” The “shall” –

**THE CHAIRPERSON:** Honourable members, can we have the amendment. Are we in agreement with an insertion that the regulations “shall” be laid on the Table?

**MR MAGYEZI:** Thank you, Madam Chairperson. “The regulations made under this section shall be tabled before Parliament within six months of gazettelement”.

**THE CHAIRPERSON:** Thank you. I put the question that clause 44 be amended as proposed by the Leader of the Opposition and amended by the minister.

*(Question put and agreed to.)*

*Clause 44, as amended, agreed to.*

Clause 45

**MR AWANY:** Madam Chairperson, substitute for clause 45 the following:

“45. Amendment of Cap. 303

The Surveyors’ Registration Act is amended in section 1 (1) by repealing the term ‘valuation surveyors’ appearing in the definition of ‘surveyor.’”

Justification

For accurate reference.

**MR MAGYEZI:** Madam Chairperson, I agree with the committee chairperson. However, when you look at the way it is proposed, “... by repealing the term ‘valuation surveyors’ in Section 1(1), you do not have to put, ‘which

is appearing in the definition.’” That is the interpretation clause. We can leave out the final clause section, which is saying, “appearing in the definition of ‘surveyor’”. That is not necessary. The rest is okay.

**THE CHAIRPERSON:** I put the question that clause 45 be amended as proposed by the committee and further amended by the minister.

*(Question put and agreed to.)*

*Clause 45, as amended, agreed to.*

*Schedule 1, agreed to.*

*Schedule 2, agreed to.*

*The Title, agreed to.*

MOTION FOR THE HOUSE TO RESUME

**THE CHAIRPERSON:** Honourable minister – there is re-committal. Which section?

**MR RUGUMAYO:** Madam Chairperson, when we amended clause 8, there was a consequential amendment that we missed. I think it was clause 8(b). We said that the council shall register certified valuers, practicing valuers and added valuation firms.

**THE CHAIRPERSON:** Yes, that is a consequential amendment. It will be included when they are cleaning. You do not need to do a re-committal.

**MR RUGUMAYO:** Okay. Madam Chairperson, at a certain point of interpretation of this law, sometimes they would require to consult our *Hansard*. We insisted that we maintain “certified valuers” without justifying. I felt that we provide spirit to that principle because the committee already grappled with interpretation - certified valuers and practicing valuers. In future, it could be a problem.

**THE CHAIRPERSON:** Did you want it to be defined under interpretation?

**MR RUGUMAYO:** No, not defined but justification be made to it. In future, in case anyone ever consults our *Hansard*, they should be able to understand why.

**THE CHAIRPERSON:** Do you want to explain it?

**MR RUGUMAYO:** Yes, I want to explain why. For example –

**THE CHAIRPERSON:** Okay, for the good flow of the *Hansard*, can we first resume the House? You will explain that when we have finished, and you are thanking us.

5.35

**THE MINISTER OF LOCAL GOVERNMENT (Mr Raphael Magyezi):** Madam Chairperson, I beg to move that the House do resume and the Committee of the whole House reports thereto.

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

*(Question put and agreed to.)*

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

#### REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

**THE SPEAKER:** Honourable minister -

5.36

**THE MINISTER OF LOCAL GOVERNMENT (Mr Raphael Magyezi):** Madam Speaker, I beg to report that the Committee of the whole House has considered the Bill entitled, “The Valuation Bill, 2024” and passed it with amendments.

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

**THE SPEAKER:** Honourable minister -

5.36

**THE MINISTER OF LOCAL GOVERNMENT (Mr Raphael Magyezi):** Madam Speaker, I beg to move a motion that the report of the Committee of the whole House be adopted.

**THE SPEAKER:** I put the question that a report of the Committee of the Whole House be adopted by this House

*(Question put and agreed to.)*

*Report adopted.*

#### BILLS THIRD READING

#### THE VALUATION BILL, 2024

5.37

**THE MINISTER OF LOCAL GOVERNMENT (Mr Raphael Magyezi):** Thank you, Madam Speaker. I beg to move that the Bill entitled, “The Valuation Bill, 2024” be read the third time and do pass. I beg to move.

**THE SPEAKER:** I put the question that the Valuation Bill, 2024, be read the third time and do pass.

*(Question put and agreed to.)*

#### A BILL FOR AN ACT ENTITLED, “THE VALUATION ACT, 2025”

**THE SPEAKER:** Title settled and the Bill passed. Hon. Rugumayo?

**MR MAGYEZI:** Thank you, Madam Speaker and the House for doing a very good job. It has been a lengthy report and Bill, marathonly handled, but it has been well done.

**THE SPEAKER:** Thank you. The youth have something. Hon. Kafuuzi, we still have another Bill; the mortgage financing. We need you.

5.38

**MR EDSON RUGUMAYO (NRM, Youth Representative, Western):** Madam Speaker, on behalf of the professions in the world in the sphere of built environment, I wish to extend our sincere gratitude to you, the entire House, and the minister, for the resilience you have shown in ensuring that this Bill is discussed and passed.

I would like to extend extraordinary gratitude to the Speaker for exuding extraordinary knowledge because she made unique contributions, showing how she has evolved in the professional world.

**THE SPEAKER:** Our friends from the Uganda Local Governments Association (ULGA), we suggest that we discuss this issue of local governments when the House is full on Tuesday, so that we have everybody participating in the debate. These members represent people who are at the lower level. So, we want to have a thorough discussion on your report, and I am happy the minister has a response to all the issues that you raised. Kindly bear with us. We will discuss your report on Tuesday, *Insha'Allah*.

**MR RUGUMAYO:** Madam Speaker, thank you once again. I was trying to explain earlier at the level of recommittal on the issue of certified valuers and practising valuers. I would like to draw a small distinction. All valuers under the Office of the Chief Government Valuer are supposed to be certified, but they are not practising valuers because they are not allowed to enter into contractual obligations or valuation.

However, they do Government work and produce valuation reports. That is why we maintained the word "certified valuers" - even when they are not practising, they are also allowed to produce valuation reports. Thank you, Madam Speaker.

**THE SPEAKER:** Thank you. Next item?

## BILLS SECOND READING

### THE MORTGAGE REFINANCE INSTITUTIONS BILL, 2025

**THE SPEAKER:** Honourable members, the Mortgage Refinance Institutions Bill, 2025 was read for the first time on 12 March 2025 and referred to the sectoral Committee on Finance, Planning and Economic Development. Pursuant to Rule 136(1) of the Rules of Procedure, I invite the Minister of Finance, Planning and Economic Development to move a motion for the second reading. Honourable minister? Yes?

**MR KATUSABE:** Thank you, Madam Speaker, for your leadership and guidance. I do not intend, in any way, to interrupt the proceedings of the House, but only to appeal - as your representative, to bring to your attention that the arts teachers have sounded and sent a clear warning and signal that they are not going to report back to school next week.

Madam Speaker, I would rather that we prioritise this item because we do not want any interruption in our school system. The minister for finance is here.

**THE SPEAKER:** Hon. Atkins, can we first move, then you will bring those issues.

**MR KATUSABE:** It is going to be today, Madam Speaker, because your teachers want to strike next week, and we want no interruption in our school system. The minister is here.

**THE SPEAKER:** Honourable minister, can you first move a motion. That will come after our Bill.

5.43

### THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (GENERAL DUTIES)

**(Mr Henry Musasizi):** Thank you, Madam Speaker. I beg to move a motion that the Bill entitled, "The Mortgage Refinance Institutions Bill, 2025" be read for the second time.

**THE SPEAKER:** Is it seconded? Seconded by Hon. Omara, Hon. Silas, Hon. Ibanda, Hon. Tom, Lt Col Alanyo, Dr Baryomunsi, Hon. Ogwang, Hon. Kafuuzi, Hon. Kankunda, Hon. Oulanyah, Hon. Chemonges, Hon. Isaac Ssejjoba, Hon. Basil, Hon. Isaac Etuka, Hon. Goli and Hon. Sarah - she is here pretending - Hon. Acora and Hon. Emmanuel. Speak to your motion.

5.44

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (GENERAL DUTIES)**

**(Mr Henry Musasizi):** Madam Speaker, the Mortgage Refinance Institutions Bill seeks to empower Bank of Uganda to licence and oversee mortgage refinance institutions, including those offering Islamic financing, to provide for stable long-term capital for mortgage lending.

The key objectives include enabling primary lenders to offer long-term tenures and lower interest rates and ultimately making home ownership more accessible, particularly for middle and low-income Ugandans.

Madam Speaker, we presented this Bill to the committee and I am reliably aware that the committee has made a good report which will inform the debate of this Bill, and without wasting the time of Parliament, I want to end here. Much more justification will come in the committee report.

**THE SPEAKER:** Thank you, honourable minister. Pursuant to Rule 136(2) of the Rules of Procedure, I want to invite the Chairperson of the Committee on Finance, Planning and Economic Development to present a report. We will have this report on the *Hansard*, but you can give us a summary.

5.46

**THE CHAIRPERSON, COMMITTEE ON FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (Mr Amos Kankunda):**

Thank you, Madam Speaker. As stated by my minister, this Bill was brought to Parliament on 12 March 2025, and the committee was

assigned the responsibility, and I hereby report. Allow me to lay the minutes, attendance and the relevant documents that the committee handled. I hereby lay the relevant documents that the committee handled.

Madam Speaker, the objects of the Bill have been ably re-echoed by the minister. Therefore, allow me to just highlight a few justifications for the Bill.

The findings of the National Population and Housing Census, 2024 revealed that 60 per cent of Ugandans still live in informal settlements or inadequate housing conditions. The gap is driven by rapid urbanisation, population growth and economic disparities. Closing this housing gap, therefore, is a big investment opportunity under the Tenfold Growth Strategy.

Annually, over one million Ugandans are born, putting pressure on the country's housing sector, with a population growth of 2.9 per cent coupled with an urbanisation growth rate of 5.4 per cent. The country must therefore build 300,000 housing units annually to bridge the gap of 2.4 million housing deficits, which is projected to reach three million units by 2030, if not addressed.

It is against that background that this Bill, honourable colleagues, is very important. The methodology that was handled by the committee included a review and made reference to the following documents:

- a) The Constitution of the Republic of Uganda
- b) The Mortgage Act, Cap. 239
- c) The Ugandan National Housing Policy, 2016
- d) The National Development Plan IV
- e) The Central Bank of Kenya Act, Cap. 491
- f) The Mortgage Refinance Company Regulations, 2019 (Kenya)
- g) Central Bank of Nigeria, Regulatory and Supervisory Framework for the Operations of Mortgage Refinance Company
- h) The Banking and Financial Institutions Act, Cap. 342 (Tanzania)
- i) The Banking and Financial Institutions

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|--|--|
| <p>Mortgage Refinance Company Regulations, 2022 (Tanzania)</p> <p>j) The National Population and Housing Census 2024 Final Report.</p> | <p>18 March 2024, addressed to the Deputy Head of Public Service/Deputy Secretary to the Cabinet. The letter indicated the approval of the drafting of the Bill without prior reference to Cabinet for approval of the principles of drafting of the Bill.</p> |
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We had meetings with the following:

- |   |   |
|---|---|
| <p>i) The Ministry of Finance, Planning and Economic Development</p> <p>ii) The Attorney General</p> <p>iii) Bank of Uganda</p> <p>iv) Uganda Bankers Association</p> <p>v) The Private Sector Foundation Uganda</p> <p>vi) Uganda National Housing and Construction Company Limited</p> <p>vii) The National Social Security Fund</p> <p>viii) The National Planning Authority</p> <p>ix) Ortus Advocates (submitted a memorandum)</p> | <p>The letter also indicated special circumstances as urgent need to provide for licensing of the Mortgage Refinance Institutions to carry out mortgage refinance business for purposes of refinancing or pre-financing of portfolios or mortgages to enable primary mortgage lenders access long-term funding and be able to offer mortgages at low interest rates.</p> <p>The committee further observed that the minister for finance and the Attorney-General did not provide an elaborate explanation of the urgency that warranted drafting of the legislation without prior approval of the Cabinet.</p> |
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And allow me, Madam Speaker, to go straight to the National Development Plan IV that highlights the housing deficit in the country, as earlier said - allow me to skip that since it came in the introductory remarks. Let me to go straight to the findings, observations and recommendations of the committee.

The Attorney-General waiver of the Cabinet approval

The committee was informed by the minister for finance that the Attorney-General granted a waiver under Section (Q-B) Paragraph 2(c) of the Uganda Public Service Standing Orders, 2021, for the requirement of the Cabinet approval of principles of drafting of the Mortgage Refinance Institutions Bill, 2025. This was confirmed by the Attorney-General when he appeared before the committee. The principles of the Bill were therefore not referred to the Cabinet for approval.

The minister for finance informed the committee that given the urgency of the Bill at the time, the Attorney-General granted the waiver for Cabinet approval of the principles for drafting of the Bill.

The Attorney-General, during the meeting with the committee, presented a letter dated

The committee recommends, therefore, that the minister for finance and other ministries should plan legislation ahead of time to ensure that the duly approved procedure before a Bill is tabled in Parliament and is followed.

The absence of Regulatory Impact Assessment (RIA)

The committee noted that the Regulatory Impact Assessment was not conducted for the Mortgage Refinancing Bill. The committee requested that minister for finance provide reasons as to why the RIA was not carried out.

In response to the enquiry, the ministry cited the urgency of the Bill then caused the circumstances to be so. The committee noted that the letter granting the waiver of the Cabinet approval of the principles for the drafting of the Bill was dated 18 March 2024 and received by the Bank of Uganda on 20 March 2024. The Bill was read for the first time on the floor of Parliament on 12 March 2025.

The committee observes that the need to provide for an RIA enables the Cabinet to propose legislation guided by evidence and



cost-benefit analysis and facilitates stakeholder consultation. The committee recommends that the ministry should conduct a RIA for mortgage refinance institutions for further guidance.

#### Provision for Islamic Banking

Clause 2 provides that Islamic Mortgage Refinance Business means mortgage refinance business conducted in accordance with the Sharia principles through an Islamic window. Clause 6 of the Bill provides for licencing of an Islamic mortgage refinance business. An Islamic window is defined under the Bill to mean part of a mortgage refinance institution which conducts Islamic mortgage refinance business/institution.

The committee observed that the Bill does not include a fully-fledged Islamic mortgage refinance business/institution. This was affirmed by the Uganda Bankers Association. The committee enquired from the ministry about the non-inclusion of a fully-fledged Islamic mortgage refinance institution and the minister for finance informed the committee that the Bill recognises the fact that some primary mortgage lenders may either be Islamic financial institutions or providers of Sharia-compliant mortgages as part of their portfolios.

The committee was concerned that the maintenance of the provision on Islamic finance, as it is in the Bill, would undermine the full operationalisation of a fully-fledged Islamic mortgage refinance business or institution.

The committee recommends, therefore, that a provision of a fully-fledged Islamic mortgage refinance institution or business should be included in the Bill. I would like to appreciate some of our colleagues on the committee who are within the Islamic discipline, particularly Hon. Karim Masaba and the rest of the Members, who gave enough information.

#### Licencing of Mortgage Refinance Institutions

##### Suspension of licence

The committee observed that clause 10(3) of the Bill provides for revocation or suspension of a licence. The grounds for revocation are clearly spelled out under clause 11. However, no grounds of suspension were indicated. In the interaction with the committee, the sponsor of the Bill informed the committee that the Bill did not intend to provide for suspension of licences of the Mortgage Refinance Institutions and the use of the word “suspended” was in error.

The ministry for finance explained to the committee that given the sensitivity of the financial sector, they only intended to revoke licences as opposed to suspension.

##### Recommendation

The committee recommends that a provision be amended to only provide for revocation.

##### Revocation of licence

Clause 11(2)(f) of the Bill provides that the Central Bank may revoke the licence of the Mortgage Refinance Business within 12 months from the date of issue of a licence if satisfied that the licensee obtained the licence through unlawful means.

The committee observed that the use of the words “unlawful means” is ambiguous. The clause should specifically provide for fraud and misrepresentation as some of the actions which it is intended to present.

##### Recommendation

The committee recommends that the provision should specify that the words “unlawful means” include fraud and misrepresentation.

##### Minimum capital

Clause 14 of the Bill provides for minimum capital for the mortgage refinance institutions.

The minimum paid-up capital required for the establishment of mortgage refinance institutions shall be 1,750,000 currency points, equivalent to Shs 35 billion, invested initially in such liquid assets as the Central Bank may approve. The provision states that the minimum capital fund requirements for the mortgage refinance institutions unimpaired by losses shall, at all times, not be less than the minimum paid-up capital prescribed in sub section (1). The provision also allows the Central Bank, by statutory instrument, to revise the minimum paid-up capital.

The committee observed that the minimum paid-up capital of Shs 35 billion compares well with other countries within the region.

The committee recommends that the provision on minimum capital of 1,750,000 currency points be maintained as it is in the Bill.

#### Defaults on obligations to Mortgage Refinance Institutions

Clause 20 of the Bill provides that the collateral pledged by a primary mortgage lender to a Mortgage Refinance Institution shall not be attached, assigned, or transferred for purposes of satisfying any debt or claim.

The committee interacted with the National Social Security Fund, which also observed that the Bill does not provide for recovery of loans and defaults on loans by primary mortgage lenders.

The committee observes that there is no procedure outlined under this clause in the event of default by the primary mortgage lender. It cannot be expected that the primary mortgage lender will default on its obligation to the Mortgage Refinance Institution.

#### Recommendation

The committee recommends that a provision to remedy default by the primary mortgage lender be included in the Bill.

#### Limit on shareholding in the Mortgage Refinance Institution (MRI)

Clause 24 provides for a 25 per cent limit on shareholding in an MRI. Remember, an MRI is a Mortgage Refinance Institution. This limit applies to a person, body corporate controlled by one person, group of related persons, or body corporate owned or controlled directly or indirectly by a group of related persons.

However, this limit shall not apply to the Government of Uganda, agency, or parastatal of the Government of Uganda.

The Uganda Bankers Association informed the committee that there is need to allow reputable institutions or strategic investors to hold beyond the 25 per cent limit under this provision for the first five to seven years, subject to sunset clauses and the Central Bank oversight.

The National Planning Authority (NPA) also informed the committee that the Government should not be exempted from the 25 per cent limit in order to catalyse private financials.

NPA further stated that there is need to provide for regulatory approval in the event of the acquisition of a significant stake by an individual or institution.

The committee also observes that:

- i. The clause aims at preventing a single person or group from gaining undue influence or control by owning more than a 25 per cent stake, and this will promote a more diversified and stable financial system.
- ii. The provision does not provide for regulatory approval in the event of the acquisition of a significant stake, for example, 10 per cent or more, by an individual or institution.

The committee therefore recommends that the Central Bank should provide approval for an individual or institution to acquire more than 10 per cent of the share capital of the MRI.

## Cost of mortgages

The Minister of Finance, Planning and Economic Development informed the committee that the Mortgage Refinance Institutions Bill intends to address unfavourable mortgage terms, high default rate on repayment of mortgages by providing long-term funding to the primary mortgage lenders in order for them to offer mortgages to the public at more affordable interest rates, manageable payment instalments, and long-term payment durations.

The committee was informed by NPA that there could be a possibility of a primary mortgage lender accessing favourable financing from the MRIs and then channelling it to expensive private capital or investment in Government papers, thereby leading to limited growth in the mortgage sector.

The committee observed that given that there is no direct relationship set out in the Bill between the MRI and persons with mortgage portfolios under the primary mortgage lenders, there is no guarantee that the intention of the Bill will be met.

The committee further observed that the forces of demand and supply will affect primary mortgage lenders and this may further curtail the intentions of the Bill.

## Recommendations

The committee recommends that the Central Bank, in consultation with the minister, should cap interest rates on mortgages under the mortgage refinance arrangements.

## Affordable Housing

The committee was informed by the Minister of Finance, Planning and Economic Development that the Bill will address the housing deficit in the country by providing financing for primary mortgage lenders, which in the long term will have an effect of facilitating affordable housing in Uganda.

The committee was informed by the ministry that, according to recent reports from the Ministry of Land, Housing and Urban Development, the current housing deficit is 2.4 million housing units as at 2023, projected to reach 3 million units by 2030 if not addressed.

The committee was informed by NPA that the Bill would benefit from more detailed provisions on consumer protection, affordable housing targets, market incentives and integration with broader housing frameworks.

The committee observes that in the Sustainable Urbanisation and Housing Programme in NDP IV, the Government prioritises well-planned and productive urban centres with affordable housing. The specific initiatives include:

- i) Capitalising Housing Finance Bank and National Housing and Construction Company by extending credit lines targeting mortgage funding to low-income earners;
- ii) Fast-tracking establishment of a mortgage refinance facility;
- iii) Increasing access to non-bank housing financing such as housing SACCOs, savings schemes and shelter microfinance facilities; and
- iv) Developing and implementing slum upgrading programmes in urban areas through PPPs.

The committee therefore recommends that in order to attain affordable housing, the Government of Uganda should expedite implementation of the measures under the Sustainable Urbanisation and Housing Programme under NDP IV.

In conclusion, Madam Speaker, the Mortgage Refinance Institutions Bill, 2025, will help solve the problem of loan mismatch, where financial institutions use short-term deposits by customers to lend to mortgages. I submit, Madam Speaker.

**THE SPEAKER:** Thank you for the report, it is very comprehensive. We can now go to the Committee Stage where we will be looking at clause by clause. I put the question that the Mortgage Refinance Institutions Bill, 2025 be read the second time.

*(Question put and agreed to.)*

## BILLS COMMITTEE STAGE

### THE MORTGAGE REFINANCE INSTITUTIONS BILL, 2025

6.07

Clause 1

**THE CHAIRPERSON:** I put the question that clause 1 stands part of the Bill.

*(Question put and agreed to.)*

Clause 2

**THE CHAIRPERSON, COMMITTEE ON FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (Mr Amos Kankunda):** Madam Chairperson, we propose that clause 2 be amended -

- (a) by substituting for the definition of the words “Islamic mortgage refinance business”, the following -  
“Islamic mortgage refinance business” means mortgage refinance business conducted -  
(a) in accordance with Sharia principles; or  
(b) through Islamic window;”

(b) By inserting immediately after the definition “mortgage”, the following -  
“mortgage portfolio” means a collection or grouping of mortgages held by a primary mortgage lender each representing a loan made to a borrower to purchase or refinance a property and includes mortgages over land used for residential, commercial, industrial, or agricultural purposes;

(c) In the definition of the words “mortgage refinance business” in paragraph (c), by inserting the words “for the purposes of

mortgage refinance business” immediately after the words “financial instruments;”

- (d) By inserting immediately after the definition of “mortgage refinance business” the following -  
“pre-financing” means the extension of credit by a mortgage refinance institution to a primary mortgage lender against qualifying collateral other than a mortgage portfolio to enable the primary mortgage lender to create mortgage portfolio;
- (e) By inserting immediately after the definition of “primary mortgage lender” the following -  
“re-financing” means the extension of credit by a mortgage refinance institution to a primary mortgage lender against a mortgage portfolio already created by the primary mortgage lender.

#### Justification

1. To provide for the operation of a fully-fledged Islamic mortgage refinance business.
2. To provide for a definition of the words “mortgage portfolio” as it is used in the Bill severally but not defined.
3. To specify that bonds, notes and other financial instruments are particularly for purposes of mortgage refinance business.
4. The words “pre-financing” or “refinancing” as used in the definition of mortgage refinance business are technical terms and thus should be defined. I submit.

**THE CHAIRPERSON:** Thank you. Honourable minister?

**MR MUSASIZI:** Thank you, Madam Chairperson. I agree with the committee chairperson on the definitions of Islamic Finance Mortgage Portfolio and Mortgage Refinancing Business. I also agree that we define pre-financing and refinancing. However, I have a shorter version.

**THE CHAIRPERSON:** What do you have?

**MR MUSASIZI:** A shorter version of the definition of pre-financing. I propose it reads as follows:

“Pre-financing means the prior grant of funds by a mortgage refinance institution to a primary mortgage lender for purposes of on lending.

Refinancing means a tool used to revise debt, consolidate debt, obtain lower interest rate and access equity.” I submit.

**THE CHAIRPERSON:** That is on pre-financing?

**MR MUSASIZI:** Paragraphs (c) and (d) to avoid a lot of wording.

**MR KANKUNDA:** Madam Chairperson, the minister said that he prefers a shorter version, but I have one area of disagreement or maybe something to add. It should not be on lending but onward lending.

**THE CHAIRPERSON:** Onward lending. I put the question that clause 2 be amended as proposed by the committee and further amended by the minister.

*(Question put and agreed to.)*

*Clause 2, as amended, agreed to.*

Clause 6

**MR KANKUNDA:** Madam Chairperson, clause 6 is about Islamic Mortgage Refinance Business. Clause 6 is amended in sub clause (1) by deleting the words “through an Islamic window.”

Justification

This is a consequential omission of the words “Islamic mortgage refinance business” that have been defined to include fully fledged Islamic mortgage refinance business.

**THE CHAIRPERSON:** Minister, consequential amendment. I put the question that clause 6 be amended as proposed.

*(Question put and agreed to.)*

*Clause 6, as amended, agreed to.*

*Clause 7, agreed to.*

*Clause 8, agreed to.*

*Clause 9, agreed to.*

Clause 10

**THE CHAIRPERSON:** Clause 10?

**MR KANKUNDA:** Madam Chairperson, clause 10 is about grant of license. Clause 10(3) is amended by deleting the words “or suspended”.

Justification

The Bill provides for grounds of revocation of the license but not the grounds for suspension of the license. Therefore, the word “suspended” was placed under this provision in error and should thus be deleted.

**THE CHAIRPERSON:** Honourable minister?

**MR MUSASIZI:** It is a harmonised position and I agree.

**THE CHAIRPERSON:** I put the question that clause 10 be amended as proposed.

*(Question put and agreed to.)*

*Clause 10, as amended, agreed to.*

Clause 11

**MR KANKUNDA:** Madam Chair, clause 11 is amended,

a) In sub clause (2)(c) by inserting immediately after the word “proceedings”, the words, “in accordance with the Insolvency Act”.

b) In sub clause(2)(f) by inserting immediately after the words “unlawful means”, the words, “including fraud or misrepresentation”.



c) By inserting immediately after sub clause(2)(i) the following: “(j) has conducted Islamic mortgage refinance business in contravention of the Sharia principles”.

#### Justification

1. To provide clarity that the insolvency proceedings are as set out in the Insolvency Act, Cap 108.
2. To specify that the words “unlawful means” as used under the provisions includes fraud or misrepresentation.
3. To provide for revocation of licence where an MRI conducts Islamic mortgage refinance business in contravention of the Sharia principles.

**THE CHAIRPERSON:** Honourable minister?

**MR MUSASIZI:** Madam Chair, from our harmonised position, the Chair has added (c) to provide for Islamic finance business - and since we have defined it already in the interpretation, the intention is good. I, therefore, agree with the Chair.

**THE CHAIRPERSON:** Thank you. I put the question that Clause 11 be amended as proposed.

*(Question put and agreed to.)*

*Clause 11, as amended, agreed to.*

*Clause 12, agreed to.*

*Clause 13, agreed to.*

*Clause 14, agreed to.*

Clause 15

**MR KANKUNDA:** Clause 15 is about limit on investments. Clause 15 is amended,

- (a) in sub clause(1)(b) by substituting for the word, “and” the word, “or/and”

(b) by inserting immediately after sub clause(1) (b) the following, “(c) investments, which comply with Sharia principles as approved by the Central Bank”.

#### Justification

- a. The intention of the provision is for the mortgage refinance institutions to invest in any of the investments but not in all investments listed in the provision.
- b. To provide for investments which comply with the Sharia principles which are not provided for under the provision.

**MR KIRUMIRA:** Madam Chair, I am very suspicious of clause 15(1)(a) Treasury securities or equivalent instruments issued by the Government of Uganda. The whole idea here is for these companies to trade in mortgages but again, giving them a leeway to trade in securities might congest our local market. I suggest that we delete that clause(1) (a). Thank you.

**THE CHAIRPERSON:** Yes, Chair?

**MR KANKUNDA:** I want to appreciate my colleague’s observation. This is a matter that we also observed as a committee but taking his proposal would be more speculative than actual. That is why we ignored it.

**THE CHAIRPERSON:** Yes?

**MR MAYANJA:** Thank you, Chair, for the opportunity. I wanted clarification from chairperson of the committee. When you look at the Bill (1)(b), it has a repetition of the word “and”.

**THE CHAIRPERSON:** The committee has already amended that.

**MR MAYANJA:** Okay. When you look at (b), it says, by inserting. There is already a (c), meaning you are substituting. When you look at the Bill, there is already a (c) yet in the amendment, it says “by inserting immediately after 1(b)”.

**THE CHAIRPERSON:** Immediately after 1(b). You are inserting - you do renumbering during the cleaning process.

**MR MAYANJA:** Chair, there is already a (c) –

**THE CHAIRPERSON:** Honourable, after we have done what we are doing, they are going to do the renumbering.

**MR MAYANJA:** Thank you.

**THE CHAIRPERSON:** Yes?

**MR KIRUMIRA:** I appreciate –

**THE CHAIRPERSON:** Limit on investments. You do not want (a) –

**MR KIRUMIRA:** Yes, because –

**THE CHAIRPERSON:** A mortgage refinance institution may invest in treasury securities. Not so? So you are saying it should not invest on treasury securities?

**MR KIRUMIRA:** Madam Chair, when these companies come here, they might find these securities more attractive and more profitable compared to the mortgage business, and end up channelling all their resources in our security market knowing that it is very competitive. And that is why I do not see any reason as to why we leave that clause here. We legislate for the future as well. Thank you.

**THE CHAIRPERSON:** Yes, honourable minister. I see the honourable member is speculative.

**MR MUSASIZI:** He is now trying to take us into the unknown. However, I do not see any harm, because this is related business. It is not something outside the normal business mortgage refinancing institutions do –

**THE CHAIRPERSON:** We can actually set in the regulations on the percentage of investment.

**MR MUSASIZI:** Yes, we can define the asset classes in the regulations.

**THE CHAIRPERSON:** We will put it in the regulations on percentage. That it should not exceed this amount.

**MR MUSASIZI:** I persuade you to agree with us and we move forward.

**THE CHAIRPERSON:** Hon. Hassan?

**MR KIRUMIRA:** Madam Chair, if it is going to be capped, then I concede.

**THE CHAIRPERSON:** We will for sure.

**MR OMARA:** Madam Chair, there is no way the mortgage refinance institution would not invest in the treasury bills or bonds. Why? Because they would be receiving the funds first –

**THE CHAIRPERSON:** We have already made a ruling to that effect.

**MR OMARA:** Yes, they would be receiving the money first before they provide it to the financial institutions that would be providing mortgages.

**THE CHAIRPERSON:** Thank you. I put the question that Clause 15 be amended as proposed.

*(Question put and agreed to.)*

*Clause 15, as amended, agreed to.*

*Clause 16, agreed to.*

Clause 17

**MR KANKUNDA:** Madam Chair, clause 17 is about prohibited activities. Clause 17 is amended in sub clause(1)(c) by inserting immediately after the words, “Central Bank”, the words, “and in accordance with the Capital Markets Authority Act”.

The justification is that the Capital Markets Authority was established under the Capital Markets Authority Act Cap. 64 to promote and facilitate the development of an orderly, fair and

efficient capital markets industry in Uganda. As such, mortgage refinance institutions should conform to the law on capital markets. I submit.

**THE CHAIRPERSON:** Minister -

**MR MUSASIZI:** I agree with the committee chairperson. We are already harmonised on this.

**THE CHAIRPERSON:** I put the question that clause 17 be amended as proposed and stands part of the Bill.

*(Question put and agreed to.)*

*Clause 17, as amended, agreed to.*

Clause 18

**MR KANKUNDA:** Madam Chairperson, clause 18 is about lending to primary mortgage lenders.

Clause 18 is amended -

- a) in sub clause (1), by deleting the words “credit accommodation or”; and
- b) by substituting for sub clause (3)(e) the following - “(e) meets any other conditions set by the Central Bank and the underwriting standard set by the mortgage refinance institution under sub section (5)”.

Justification

1. The words “credit accommodation” are used to define the words “credit facility”. As such, the use of the words “credit facility” in the provision caters for the words “credit accommodation”.
2. To specify that the standards set by the mortgage refinance institution are the underwriting standards provided for under clause 4(2)(d) and clause 18(5) of the Bill.

**THE CHAIRPERSON:** Minister -

**MR MUSASIZI:** Madam Chairperson, I agree with the committee position.

**THE CHAIRPERSON:** I put the question that clause 18 be amended as proposed and stands part of the Bill.

*(Question put and agreed to.)*

*Clause 18, as amended, agreed to.*

*Clause 19, agreed to.*

Clause 20

**MR KANKUNDA:** Madam Chairperson, clause 20 is about protection of collateral pledged to the mortgage refinance institution.

Clause 20 is amended by inserting immediately after sub clause (3), the following -

“(4) where a primary mortgage lender defaults on its obligation to the mortgage refinance institution, the mortgage refinance institution shall attach, assign, or transfer the collateral pledged by the primary mortgage lender.

(5) Subsection (4) shall apply where the collateral pledged is owned by the primary mortgage lender.

(6) The Central Bank shall prescribe, in regulations, the procedure for attachment, assignment, or transfer under subsection (3).”

The justification is that the Bill does not provide for the procedure of dealing with the collateral pledged where a primary mortgage lender defaults on its obligations.

**MR MUSASIZI:** Madam Chairperson, I agree with the committee position.

**THE CHAIRPERSON:** I put the question that clause 20 be amended as proposed and stands part of the Bill.

*(Question put and agreed to.)*

*Clause 20, as amended, agreed to.*

*Clause 21, agreed to.*

*Clause 22, agreed to.*

*Clause 23, agreed to.*

Clause 24

**MR KANKUNDA:** Madam Chairperson, clause 24 is on limit on shareholding.

Clause 24 is amended by inserting immediately after sub clause (1), the following -

“(2) A person, body corporate controlled by one person, group of related persons, or body corporate owned or controlled directly or indirectly by a group of related persons who intend to hold more than 10 per cent of the shares of a mortgage refinance institution shall apply to the Central Bank for approval.”

The justification is to require the approval of the Central Bank once a person intends to hold more than 10 per cent of the shares of a mortgage refinance institution.

**THE CHAIRPERSON:** Finance -

**MR MUSASIZI:** I agree.

**THE CHAIRPERSON:** I put the question that clause 24 be amended as proposed and stands part of the Bill.

*(Question put and agreed to.)*

*Clause 24, as amended, agreed to.*

Clause 25

**MR KANKUNDA:** Madam Chairperson, clause 25 is about power of the Central Bank to issue directives.

Clause 25 is amended by substituting for sub clause 2(a)(ii), the following -

“(ii) to put a limit on the nature of a mortgage refinance business which a licensed mortgage refinance institution can offer.”

Justification is to provide clarity that a limit will be placed on the nature of the mortgage refinance business.

**THE CHAIRPERSON:** Minister -

**MR MUSASIZI:** I agree, Madam Chairperson.

**THE CHAIRPERSON:** I put the question that clause 25 be amended as proposed and stands part of the Bill.

*(Question put and agreed to.)*

*Clause 25, as amended, agreed to.*

*Clause 26, agreed to.*

Clause 27

**MR KANKUNDA:** Madam Chairperson, clause 27 is about cessation of mortgage refinance business.

Clause 27 is amended by inserting immediately after sub clause (1), the following -

“(2) A mortgage refinance institution which intends to cease to conduct mortgage refinance business or Islamic mortgage refinance business shall, in writing, request for the approval of the Central Bank.”

Justification is to provide for a manner of request for approval of a Central Bank for cessation of mortgage refinance business by the mortgage refinance institution, which was not provided for under clause 27.

**THE CHAIRPERSON:** Minister.

**MR MUSASIZI:** Agreed.

**THE CHAIRPERSON:** I put the question that clause 27 be amended as proposed and stands part of the Bill.

*(Question put and agreed to.)*

*Clause 27, as amended, agreed to.*

Clause 28

**MR KANKUNDA:** Madam Chairperson, clause 28 is about insolvency of a mortgage refinance institution.

Clause 28 is amended in sub clause (2) by substituting for the words, "its agent" the words, "person appointed".

Justification is that clause 26(3) provides that the Central Bank may take over management of a mortgage refinance institution or appoint a person suitably qualified and competent and does not provide for an agent.

**MR KIRUMIRA:** Madam Chairperson, in my little commerce, entities are governed by a company, not individuals. Individuals cannot be liable when a business is collapsing because they are protected.

**THE CHAIRPERSON:** You can lift the veil. You do not hide behind a company. If you want to hide behind the company, you lift the veil to go to individual owners. If you are a shareholder and we fail to get what we want from the company, we will go for your personal belongings, even in banking - Greenland Bank.

**MR KIRUMIRA:** I concede.

**THE CHAIRPERSON:** Thank you.

**MR MUSASIZI:** Madam Chairperson, this is a harmonised position of the committee.

**THE CHAIRPERSON:** Thank you. I put the question that clause 28 be amended as proposed.

*(Question put and agreed to.)*

*Clause 28, as amended, agreed to.*

*Clause 29, agreed to.*

*Clause 30, agreed to.*

*Clause 31, agreed to.*

*Clause 32, agreed to.*

*Clause 33, agreed to.*

*Clause 34, agreed to.*

Clause 35

**MR MAYANJA:** Madam Chairperson, clause 35 is on power to make regulations. I propose that we make amendments and insert sub clause (4) to state that regulations made under this section should be laid before Parliament by the minister responsible after gazettelement. It should be anchored. It could be in rules but it should be anchored in the Act or the Bill.

**MR MUSASIZI:** I agree.

**THE CHAIRPERSON:** The rules are subordinate to the Act. What he is suggesting is correct. Yes.

**MS OPENDI:** Thank you very much, Madam Chairperson. The challenge with his proposal is that it be laid before this House after gazettelement. Suppose they take forever to gazette them? So, it also becomes a problem.

It is better to state that they should be laid in this House within six months after assent so that the moment the President has assented, the minister works on the regulations and ensures that the gazettelement and all that is done, but they must be laid in the House within six months. Thank you.

**MR MAYANJA:** I concur, Madam Chairperson.

**THE CHAIRPERSON:** I put the question that clause 35 be amended as proposed by the acting Leader of the Opposition and amended by the Minister of Finance, Planning and Economic Development.

*(Question put and agreed to.)*

*Clause 35, as amended, agreed to.*

*Clause 36, agreed to.*



*The First Schedule, agreed to.*REPORT FROM THE COMMITTEE OF  
THE WHOLE HOUSE

## Schedule 2

**MR KANKUNDA:** Madam Chairperson, Schedule 2 is about criteria for determining whether a person is a fit and proper person to manage, control, become a director or substantial shareholder in a mortgage refinance institution. We propose that we delete paragraph 1(d).

## Justification

Mortgage refinance institutions are barred from taking deposits under clause 17(1)(a). As such, the provision is redundant.

**THE CHAIRPERSON:** Honourable minister.

**MR MUSASIZI:** Madam Chairperson, this is a straightforward proposal. I, therefore, agree.

**THE CHAIRPERSON:** I put the question that the Second Schedule be amended as proposed.

*(Question put and agreed to.)*

*The Second Schedule, as amended, agreed to.*

*The Title, agreed to.*

## MOTION FOR THE HOUSE TO RESUME

6.42

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (GENERAL DUTIES) (Mr Henry Musasizi):** Madam Chairperson, I beg to move that the House do resume and the Committee of the whole House reports thereto.

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

*(Question put and agreed to.)*

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

6.42

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (GENERAL DUTIES) (Mr Henry Musasizi):** Madam Speaker, I beg to report that the Committee of the whole House has considered, "The Mortgage Refinancing Bill, 2025" and passed it with amendments.

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

6.43

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (GENERAL DUTIES) (Mr Henry Musasizi):** Madam Speaker, I beg to move a motion that the report from the Committee of the whole House be adopted.

**THE SPEAKER:** I put the question that the report of the Committee of the whole House be adopted by this House.

*(Question put and agreed to.)*

*Report adopted.*

BILLS  
THIRD READINGTHE MORTGAGE REFINANCE  
INSTITUTIONS BILL, 2025

6.43

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (GENERAL DUTIES) (Mr Henry Musasizi):** Madam Speaker, I beg to move a motion that the Bill entitled, "The Mortgage Refinance Institutions Bill, 2025" be read for the third time and do pass.

**THE SPEAKER:** I put the question that "The Mortgage Refinance Institutions Bill, 2025" be read a third time and do pass.

*(Question put and agreed to.)*

A BILL FOR AN ACT ENTITLED, “THE  
MORTGAGE REFINANCE INSTITUTIONS  
ACT, 2025”

**THE SPEAKER:** Title settled and the Bill has been passed (*Applause*)

Congratulations, honourable minister. First, I thank the Chairperson of the Committee on Finance, Planning and Economic Development. You have not disturbed us with your Bill. When we give you Bills, do not go and re-draft and put your own language in the Bill. First understand the motive; the object of the Bill. You have done a good job. Thank you. (*Applause*)

I want the legal person who worked on the Valuation Bill, in my office.

6.45

**MRAMOS KANKUNDA (NRM, Rwampara County, Rwampara):** Madam Speaker, on behalf of the committee, I thank you for the observation and recommendation you have made to the committee. I thank my colleagues, the members of the Finance Committee and the technical team for a job well done. Thank you so much. (*Applause*)

**THE SPEAKER:** You also thank me for using this stick on you.

6.46

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (GENERAL DUTIES) (Mr Henry Musasizi):** Madam Speaker, on behalf of the Ministry of Finance, Planning and Economic Development, I want to thank you for expeditiously considering this Bill. I also thank the Committee on Finance, Planning and Economic Development for making a lot of effort and for understanding our persuasion.

Madam Speaker, I wish to note that the Bill we are considering is a new area which requires all of us to take time to appreciate and understand. The committee was able to give us an enabling environment for us to move and I appreciate them.

Lastly, in thanking you and the committee, from our side as the Ministry of Finance, Planning and Economic Development, we do not have pending business with the Committee on Finance, Planning and Economic Development. They have cleared all the business we have brought and I really appreciate them for that.

**THE SPEAKER:** Thank you so much, Committee on Finance, Planning and Economic Development. I urge all the committees that have pending business to bring it on the Floor. Honourable Minister of Local Government, we will handle your document/paper first thing on Tuesday. The House is adjourned to 2.00 p.m. on Tuesday.

*(The House rose at 6.47 p.m. and adjourned until Tuesday, 9 September 2025 at 2.00 p.m.)*