

**PARLIAMENT OF UGANDA**

**Tuesday, 1 February 2022**

*Parliament met at 2.02 p.m. in Parliament House, Kampala.*

PRAYERS

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

*The House was called to order.*

COMMUNICATION FROM THE CHAIR

**THE DEPUTY SPEAKER:** Honourable members, I sincerely welcome you to today’s sitting. As you may recall, this House passed the East African Crude Oil Pipeline Act, 2021 on 9 December 2021. We also amended the Public Finance Management Act on 14 December 2021, to pave way for the investment decision for Uganda in the oil industry.

I am glad to announce to you today that the long-awaited final investment decision has been communicated during a ceremony at Kololo, and the agreement has finally been signed.

In the VIP gallery today, we have a delegation from the National Assembly of Zambia - I do not see them - it has come for benchmarking. We have both the First and the Second Deputy Speakers and then other staff of Parliament of Zambia. I think they will join us in due course. However, in absentia, they are most welcome.

On a sad note, again, as we recover from the tragedy of losing the Governor of Bank of Uganda, and hon. Gordon Arinda, we have again lost hon. Fr Simon Lokodo.

Fr Lokodo was with us here in the 10th Parliament and was a Minister of Ethics and Integrity. He died in Geneva, Switzerland. He was a nice and humorous person. Can we observe a moment of silence in his honour?

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

**THE DEPUTY SPEAKER:** Thank you. Can we have matters of national importance?

2.07

**MR SOLOMON SILWANY (NRM, Bukooli County Central, Bugiri):** Madam Speaker, I stand on procedure from your communication. As we are all aware, we lost our colleague who was a Member of this Parliament, a minister in this country and a very good colleague, indeed; may his soul rest in eternal peace.

However, Madam Speaker, ever since Fr Lokodo was pronounced dead on Friday, it is now five days. The family is calling some of us because it is not clear when the remains of the Father will be brought back to the country.

Uganda Human Rights Commission was running up and down, but up to now, they do not have a clear way - I think maybe it is because of issues that are beyond them or us. So, wouldn’t it be procedurally right for the minister to tell us when the remains of the late Fr Lokodo will be brought back so that we pay our last respects to him?

**THE DEPUTY SPEAKER:** Fr Lokodo was in Switzerland on official duty. That is why we need to understand from Government when the body will be here.

2.08

**THE MINISTER OF STATE FOR TRADE, INDUSTRY AND COOPERATIVES (INDUSTRY) (Mr David Bahati):** Thank you, Madam Speaker. The Government is working with the Uganda Human Rights Commission to ensure that the body of our dear friend, Fr Lokodo, comes back home and the details will be out by tomorrow.

**THE DEPUTY SPEAKER:**  Thank you. We wait to hear from Government by tomorrow on when the remains of Fr Lokodo will be brought back. Thank you.

**MR NAMBESHE:** Thank you, Madam Speaker. The country received good news as the first month of the New Year was concluding with the amicable resolution of the border impasse between Rwanda and Uganda. However, there is a challenge; the communication that we are getting from there is confusing.

Though people would want to travel across the border, there are again restrictions. We do not know whether it is partially opened or whether it is only restricted to cargo as the essentials. In addition, as they categorise the essential and non-essential, still there is no clear communication. So, could you please use your Chair to have the minister clearly make a communication on what is obtaining?

**MR MACHO:** Madam Speaker, I want to thank very much the two presidents for having silent meetings, and thank Gen. Muhoozi Kainerugaba for being a good spokesman.

However, I request that East African leaders and the messengers they send should put all the discussions in writing so that we do not stay in a guessing state. We are having challenges because they are allowing some people to enter and not the others or goods because all the discussions are not on pen and paper.

Therefore, I still say that we would be proceeding well if the Minister of East African Community Affairs is involved in these matters; she should come to the House and give a statement. This has been so for a long time. Many times, Kenya has been having such agreements with Uganda, but not in pen and on paper, and it has brought challenges at the borders. That is my prayer.

**THE DEPUTY SPEAKER:** By the way, just out of respect, Muhoozi is called Gen. Muhoozi - he has a title. Can we have a statement from you?

2.12

**THE MINISTER OF STATE FOR TRADE, INDUSTRY AND COOPERATIVES (INDUSTRY) (Mr David Bahati):** Thank you, Madam Speaker. It is true that the Katuna border - and Gatuna on the other side - is now open. The border was opened yesterday.

## *Madam Speaker, His Excellency the President briefed us during a Cabinet meeting. On the side of Rwanda, that the border is open for only cargo because all their borders are still observing COVID-19 procedures and it is good news to us that it has opened peacefully.*

## *Therefore, we would like to thank the two presidents - President Paul Kagame and President Yoweri Kaguta Museveni - for handling this matter amicably. Thank you.*

**THE DEPUTY SPEAKER:** I think that the minister should give a clear picture to the country on the realities on the ground. Otherwise, what we are hearing is hearsay. Let us have a comprehensive statement on that.

**MR BAHATI:** We will ask the Minister of East African Community Affairs to issue a statement, although that is the situation.

**THE DEPUTY SPEAKER:** Thank you.

**MR SSEMUJJU:** Thank you very much, Madam Speaker. The Fourth Schedule of our Constitution has a number of oaths that leaders are supposed to take, when they assume office. They include the Oath of Member of Parliament, which everyone of us took.

Madam Speaker, if you would allow me - because the procedural issue I am raising relates to this oath. We all took the oath, which reads *“I, \_\_\_, swear in the name of the Almighty God/solemnly affirm that I will give faithful service to this Parliament and support and uphold the Constitution of the Republic of Uganda, as by law established. [So help me God.]”.*

My procedural issue is on upholding the Constitution of the Republic of Uganda. Madam Speaker, this week, there are festivities to remember the day a rebel group attacked a military barracks at Kabamba, when the Uganda People’s Congress Government was in power. I can see my friend, hon. Betty Amongi, – a rebel group attacked a barracks of Uganda. As a result, this week, we have the military remembering.

Under Articles 208, 209 and 210 of the Constitution of the Republic of Uganda, the makers of the Constitution did not want to be reminded of that bitter history and, therefore, created an army called the Uganda Peoples’ Defence Forces, which started after the promulgation of the 1995 Constitution. Today, we have an army created by this Constitution, celebrating and remembering, when an illegal militia raided a barracks.

Secondly, under this Constitution, in 2005, a referendum was held and multi-party democracy was restored. The National Resistance Movement (NRM) was the second party to register. I remember hon. Jaberi Bidandi Ssali and Hajji Kigongo went to register the NRM.

Last week, there was a group claiming that the NRM is 36 years old and they spent taxpayers’ money to remember the day the NRM was born yet under this Constitution, the NRM was born in 2005. Therefore, there is no other NRM party that is legal under our Constitution.

The procedural issue I am raising is: since we took an oath to uphold the Constitution - because everybody who went to those functions went there illegally, can the Attorney-General and the Speaker guide this Parliament on whether it will not be breaking this Constitution, for a national army that was formed under this Constitution, to organise and participate in activities to remember an illegal act of invading a barracks of Uganda?

In addition, can you guide whether taxpayers’ money can be spent on celebrating a day of a non-existing entity? This is because the NRM was born in 2005 and registered by Hajji Moses Kigongo and hon. Jaberi Bidandi Ssali? The other one is not registered anywhere in the official books of Uganda.

**THE DEPUTY SPEAKER:** Hon. Ssemujju, which illegal army is celebrating?

**MR SSEMUJJU:** Madam Speaker, I said the Uganda Peoples’ Defence Forces created under this Constitution and the Uganda People’s Defence Forces Act, 2005. I have seen them and they are in high gear, remembering the National Resistance Movement, which was outlawed by the Constitution.

**THE DEPUTY SPEAKER:** Do you appreciate that the celebrations are being headed by the UPDF, which is a legal entity.

**MR SSEMUJJU:** Yes, Madam Speaker, UPDF is a Ugandan army –

**THE DEPUTY SPEAKER:** Yes, UPDF is legal.

**MR SSEMUJJU:** They are now participating in remembering an illegal activity.

**THE DEPUTY SPEAKER:** They are celebrating their origin; where they came from just like you always celebrate your birthday. Therefore, they are celebrating their birthday.

Hon. Ssemujju, this has not started today when I am in this Chair; it has always been there. I think it was even there before I was born. Members, be brief with your matters of national importance. Hon. Akol Anthony.

2.19

**MR ANTHONY AKOL (FDC, Kilak North County, Amuru):** Madam Speaker, I rise on a matter of urgent national importance. On 18 January 2022, a group of people attacked the people of Apaa when they were clearing the roads. In the process, they looted some food items and killed some animals. In the process of fighting, many people were injured. I also read in the newspapers that two people were killed.

I raised this insecurity issue in Apaa on 4 August 2021, when you were Chairing the House and you directed the Minister of Security to go on the ground to handle it. Unfortunately, on the 2nd of November, the minister came on the Floor of the House and you again directed the Minister of Security to go on the ground. At that time, over 150 people had attacked the people of Apaa.

As I talk, since 2017, there have been several attacks on the people of Apaa and those who come to attack people are either arrested or released, or they are never arrested at all. It is unfortunate that the people who have been attacked for the last four days are being witch hunted, arrested from their homes in different places and they are targeting people with big chunks of land as well as those who are influential or in leadership positions in the village.

My prayers are:

1. That this matter be investigated and the people who attacked the people of Apaa should be arrested. I do not condone killing in this country but I also do not accept or agree to penalise people who are attacked and leave people who come and attack the people in their own homesteads *–[*Member: *“Information.”]* Madam Speaker, I do not need anyone to inform me. I have the information. *(Laughter)*
2. That you direct again Government – I know this country has a government – to make sure that this issue is handled with seriousness. I am personally tired of coming to the Floor of Parliament all the time to raise the issue of Apaa when there is an existing Government in this country. The people, who are attacking the people, are being protected by Government. I beg to move.

**THE DEPUTY SPEAKER:** Thank you. Two Members wanted to raise the same issue about Apaa; hon. Ababiku and hon. Akol. I would like us to resolve that as a House, we have failed to handle the Apaa issue; let Cabinet handle it. We cannot continue having fights in the House. Cabinet should solve the issue of Apaa.

2.23

**THE MINISTER OF STATE FOR TRADE, INDUSTRY AND COOPERATIVES (INDUSTRY) (Mr David Bahati):** Madam Speaker, if you can –*(Member rose\_)-*

**THE DEPUTY SPEAKER:** Honourable chairperson, I thought you had a slot to speak.

**MR BAHATI:** We request for a week so that we come to the Floor of the House and tell you the final conclusion on this matter.

**THE DEPUTY SPEAKER:** [Mr Macho: *Order.*”] Thank you. Whom are you raising the point of order against?

**MR MACHO:** Madam Speaker, I was raising the point of order against the minister, for giving the august House a week, moreover this matter has been on the Floor. In the last Parliament, they used to say “seven days”, “three days” and now he has asked for a week.

2.24

**MS JESCA ABABIKU (NRM, Woman Representative, Adjumani):** Thank you, Madam Speaker, for this opportunity. The matter I request to raise is on the attacks, specifically on the 19th of last month –

**THE DEPUTY SPEAKER:** His was on the 18th and yours was on the 19th?

**MS ABABIKU:** Yes. Four people were attacked in their gardens in Aliwara Village, Mungula Parish in Itirikwa Subcounty. Out of the four, two were killed in cold blood and two seriously injured.

This is my 11th year in Parliament. My life has been characterised by mourning people who are killed in cold blood, under the watch of the Government that I serve.

These are my prayers:

1. Government should tell us when, exactly, it is going to resolve this matter. We are ready to receive any response, whether in our support or not. We are not asking for a favour.
2. We are requesting His Excellency, the President of the Republic of Uganda, to visit the scenes of the massacres. This is because last year when we met him, he promised that in December, he was going to sort out these things. We have been losing people. He is the President that I support. This is the Government that I support. My people are in tears.

Those are the two prayers I have.

**THE DEPUTY SPEAKER:** Thank you, hon. Jesca. It is really bad that people are killing themselves. These are people who have intermarried. They are neighbours. We need to resolve this issue. It is basically the issue of a boundary.

That is what was happening in Tororo. We are happy that in the case of Tororo, we got a report. We are only waiting for a report to be tabled in this House and a decision taken. Government, give us the same response in one week’s time on the two prayers.

**MR BAHATI:** Madam Speaker, as you have heard hon. Ababiku, this matter has been handled at the highest level of leadership of this country. As I said, give us one week. We will be able to come and brief this House on our final direction about this matter. So, next week on Tuesday, we will come to respond. Thank you.

**THE DEPUTY SPEAKER:** Members, let us not continue lamenting in this House on the same issue. Let us have this issue resolved. Whether it hurts one side or the other, we will accept the results. However, this business of people killing each other must stop.

Members, I had announced that we have a delegation from the National Assembly of Zambia, which has come to visit our mighty Parliament. They are here for benchmarking and to share experiences from their Parliament.

We have;

1. The First Deputy Speaker, Rt hon. Attractor Malungo.
2. The Second Deputy Speaker, Rt hon. Moses Frank Moyo.
3. Ms Cecilia Sikatele, the Deputy Clerk.
4. Mr Jimmy Sabi, Deputy Principal Clerk.
5. Mr Andrew Makupa, the Protocol Officer.

You are all most welcome. This is the Parliament of Uganda. Thank you for joining us. *(Applause)*

2.29

**MS BEATRICE AKELLO (NRM, Woman Representative, Agago):** Thank you very much, Madam Speaker. I would like to raise a matter of national importance, aware that I represent the people of Agago in this august House, I stand before you with great pain because of the insecurity that is taking place in Agago District as a result of atrocities caused by Karimojong warriors –

**THE DEPUTY SPEAKER:** Can you correct your statement? They are not “Karimojong warriors”, but “cattle rustlers” because you might not even know whether they are Karimojong. *(Laughter)*

**MS AKELLO:** Okay, Madam Speaker.

**THE DEPUTY SPEAKER:** Honourable members, order in this House. We have Karimojong. I do not want to harm anybody.

**MS AKELLO:** As a result of cattle rustlers in Agago, we have lost three lives in the past three months. As I stand before you today, one person was shot this morning but we thank God that he survived and is in the hospital. He would have made the fourth person.

Some people have been displaced to IDP camps because of these cattle rustlers who are moving with guns, terrorising them from their villages.

Most of the subcounties bordering Karamoja subregion have lost almost all their cattle due to these rustlers and it is becoming a very big concern in the district.

Madam Speaker, I can give you some few incidences. For the past three months, we have lost 180 cows. Out of these, only 35 have been recovered.

On the 24 January, we lost a 42-year-old man called Mr Ocaya Hensius from Omia Pachwa Subcounty. On 7th of last month, we lost Mr Oboke Benjamin and Mr Oyaro Charles from Kato Subcounty in Lira District, making three people who have so far lost their lives to these rustlers. We have an Internally Displaced Persons (IDP) camp in Lapono Subcounty in Amyel Parish -

**THE DEPUTY SPEAKER:** What are your prayers?

**MS AKELLO:** I pray that the Ministry of Works and Transport opens up security roads linking Kotido and Agago districts to Labwor dwong, Longo, Kacheri and Kotido. We are also praying that a security road from -

**THE DEPUTY SPEAKER:** Minister of Works, there is a prayer to you. So, hon. Mutembuli should not take your time. Can you repeat your prayer to the Ministry of Works and Transport?

**MS AKELLO:** First, we pray that security roads, linking Agago and Kotido districts to Labwor-dwong Trading Centre, Longo, Kacheri, and another security road from Odom, Kato, Kulugwe to Orom, and one from Abim to Kakao via Longo, be opened up.

The second is that we request the Ministry of ICT and National Guidance to provide us with a telecommunication network because whenever these rustlers come to raid, it is very difficult to give information to the soldiers for rapid response.

Further, we pray that the Ministry of ICT and National Guidance considers putting up telecommunication masts in the areas surrounding Karamoja.

And to the Office of the Prime Minster, we pray that relief items for the people living in the IDP camps be provided.

Additionally, we pray that Government considers compensating families of those who lost their lives to the cattle rustlers since it is the responsibility of Government to protect people and their property.

We further pray that the Office of the Prime Minister organises a peace dialogue between the people in the districts of Kitgum, Agago, Otuke, Abim and the people in the Karamoja districts, to help us to coexist.

Government should also consider putting a border market at -

**THE DEPUTY SPEAKER:** Hon. Acon, can you let the honourable member complete her submission before you can come with what you want to say?

**MS AKELLO:** The President pledged this in 2012 when he went for NRM victory celebrations in Agago -

**THE DEPUTY SPEAKER:** Honourable member, that is not a matter of national importance.

**MS AKELLO:** Okay, Madam Speaker. Lastly, we pray that Ministry of Defence and Veterans Affairs creates more military detaches in the affected areas. Thank you.

**THE DEPUTY SPEAKER:** Thank you. We agreed that you do not ask to speak when the microphone is on. Daudi, let hon. Acon first speak out on his issue. I am not going to allow firefighting because I have seen somebody from Karamoja standing up; now Members from Acholi and Lango are also standing up.

2.36

**MR JULIUS ACON (NRM, Otuke East County, Otuke):** Thank you, Madam Speaker. The issue burning me up so hard, and if I had not spoken it would hurt me so much, is that last night - we border Abim – the cattle rustlers - it is hard to avoid the word “Karimojong” because they come from that angle and not Acholi or Teso and so, by all means one has to mention that word. Yesterday, they raided for five hours -

**THE DEPUTY SPEAKER:** Hon. Acon, I ruled that there should be no use of the word “Karimojong.” They are called cattle rustlers.

**MR ACON:** Yes, and I withdraw the statement. However, as I was saying, yesterday, they raided for five hours and unfortunately killed a pregnant woman who was supposed to give birth next month. Security responded five hours after they had raided a lot of animals.

Madam Speaker, my appeal is that Government should deploy enough security in all the border regions. We should not be killing one another as just stated. Thank you.

**THE DEPUTY SPEAKER:** Thank you. That is a very serious matter that is affecting all border areas including my own district. Even Sebei Subregion is about to stand up but I am telling them that response will soon be there.

2.38

**THE MINISTER FOR TRADE, INDUSTRY AND COOPERATIVES (INDUSTRY) (Mr David Bahati)**: Thank you, Madam Speaker. I also thank my honourable colleagues, for raising this matter. The ministers for defence and for internal affairs will follow-up this issue to make sure it is handled and if need be, they will brief Cabinet.

**THE DEPUTY SPEAKER:** Can we have a response on this matter on Thursday; it is about people’s lives and cattle.

**MR BAHATI:** Madam Speaker, we will make a statement to that effect.

**THE DEPUTY SPEAKER:** Come make a statement on this matter, on Thursday to give us details about the actions you have taken to protect people’s lives, as Government.

2.39

**MR TWAHA KAGABO (NUP, Bukoto County South, Lwengo):** Madam Speaker, I rise on a matter of national importance. With the outbreak of COVID-19 the President of Uganda, guided by the Ministry of Health, announced Standard Operating Procedures (SOPs) and one of them was the institution of curfew, which among other things, restricted people’s movements.

However, as you are aware majority of Ugandans were naive and little did they know anything about curfew and other restrictions in the country.

It is true the economy has been opened up and curfew lifted. However, there are many of our relatives who abrogated the curfew restrictions and Standard Operating Procedures and were arrested.

You will recall that at one time, the Uganda Prisons Service Spokesperson said that the prisons were tugged with the people who had been arrested as a result of them violating Standard Operating Procedures and curfew measures.

The President recently pardoned some prisoners some of whom we do not Know what they did to Ugandans -somebody was talking about several governments having come to power after killing people, stealing people’s animals, recruiting child soldiers, and robbing banks, but they were given an opportunity and some of the actors had the chance to taste the life in the cells in Luzira Prisons, and many other sister institutions, but they were given a lifeline to come. That is why they are leading this country – *(Interjection)*– Madam Speaker, I am driving a point; allow me to do so.

So, they are leading this country in a manner that has got different reflections – *(Interruption)*

**THE DEPUTY SPEAKER:** There is a point of order. Sit!

**MR SILWANY:** Madam Speaker, I rarely stand on a point of order, but the honourable member is referring to some group –

**THE DEPUTY SPEAKER:** Members on this side, kindly respect the honourable member.

**MR SILWANY:** Some group that he says robbed banks and stole people’s animals. Is he in order to mention all this without substantiating and mentioning exactly which group he is talking about? *(Laughter)*

**THE DEPUTY SPEAKER:** Honourable members, when you continue making noise when I have given you time to speak, I will stop you. Bring the issue that you want. If you want the President to pardon – for your information, it is only the President who can pardon – make a request that these people should be pardoned, but not going zigzag that they stole cows, they did what. Do you mean somebody can be arrested without doing anything wrong? Can you make your prayer clearly?

**MR KAGABO:** Thank you for your guidance. My prayer, firstly, is that you are aware that schools were opened –*(Interjections)*- My prayer is, can we join hands and voices, through the Speaker, the Minister of Internal Affairs and the Prime Minister to beseech the President to pardon these people so that they can cater for their people?

Madam Speaker, the second prayer is that these people have dwelt in prison for so long. If possible, as they go back home, something should be prepared for them to start, in the Nabbanja-like manner. Thank you.

**THE DEPUTY SPEAKER:** Thank you. Members, I want us to learn the negotiation language. When you are negotiating for something, bring it in a good way. You do not have to go through what is being said. Anyway, Government, the House is saying that there are some Members who are in prison. They need to be pardoned and we need to decongest prisons because we have more potentials like hon. Basalirwa.

2.44

**THE MINISTER OF STATE FOR TRADE, INDUSTRY AND COOPERATIVES (INDUSTRY) (Mr David Bahati):** Madam Speaker, there is a committee on the prerogative of mercy, chaired by the Attorney-General, which, according to the law, advises the President on who should be given mercy. So, I will pass on this information to the Attorney-General to consider it and advise the President accordingly.

**THE DEPUTY SPEAKER:** Maybe the Shadow Attorney-General should also compile a list on this side with justification as to why you are saying these people should be pardoned and that kind of information. So, the Shadow Attorney-General should work with the Shadow Minister of Defence or Security.

2.45

**MR WILFRED NIWAGABA (Independent, Ndorwa County East, Kabale):** That would be wonderful if the law permitted the shadow minister to make a contribution in respect of that because the prisons would now be empty. *(Laughter)* Unfortunately, in my understanding, it is only after a conviction that the prerogative of mercy can be invoked.

However, we will still get back to our side and look at the list of those in prisons on conviction, in respect of minor offences and then send the list maybe through you, Madam Speaker, for onward transmission to the Presidential Advisory Committee on the Prerogative of Mercy.

**THE DEPUTY SPEAKER:** Look at the convictions with minor offences and have a chat with your colleague on the other side and we see what can be done.

2.46

**MR MARTIN MUZAALE (NRM, Buzaaya County, Kamuli):** Thank you, Madam Speaker. I rise on a matter of national importance. On the 26th of January, there was an incident at Bupadhengo Primary School. Fire burnt down a dormitory that was housing P.1 and P.2. As we were still handling that incident, fire burnt down another dormitory for the P.7 girls.

Madam Speaker, as we speak, the children have been sent back home as we try to find a solution to the problem. All their mattresses, books and beds were burnt. The two blocks were also burnt down.

We are asking the Government or our prayer is that Government, through the Minister of Relief, Disaster Preparedness and Refugees should come in to rescue our children, especially on accessories.

On the same note, Madam Speaker, we are asking the Ministry of Education and Sports to come to our rescue because as we speak, the children will be back after two weeks but we have nowhere to house them.

So, we are asking the Ministry of Education to come in as early as possible, such that we can have a possible solution for our children. I thank you.

**THE DEPUTY SPEAKER:** Thank you. Hon. Aloysius Mukasa had a similar issue, and then the minister will respond at once.

2.49

**MR ALOYSIUS MUKASA (NUP, Rubaga Division South, Kampala):** Thank you, Madam Speaker. Before Parliament went into recess last year in December, I raised a matter relating to the preparedness of the Uganda Police Fire Brigade in responding to emergencies in case of a fire outbreak in Uganda. I was seeking an elaborate response from the Minister of Internal Affairs.

Madam Speaker, I was referring to the rampant fire outbreaks, in which many lives have been lost and property worth billions destroyed. This was in relation to the high storeyed buildings which are being erected across the country, the poorly planned housing structures which do not allow access of emergency fire response services, especially in slum areas and slow response by the police fire brigade in case of fire outbreaks.

Unfortunately, Madam Speaker, I did not get a response from the honourable minister. Since then, the country has witnessed an escalation of serious fire incidents especially in school dormitories. In these incidents, young innocent pupils perished and property was destroyed.

A case in point is five pupils who died in twin fire incidents on 15 January 2022 at New Christ Junior Boarding School in Kawempe Division, Kampala and another one at St John’s Nursery and Primary School in Kyotera District. Ten days later, on Wednesday, 26 January 2022, twin fires gutted dormitories in the same district of Kamuli, where the honourable member –

**THE DEPUTY SPEAKER:** Honourable member, your item is on the Order Paper as notice of business to follow. So, wait for a response; it is on the Order Paper.

2.51

**THE MINISTER OF STATE FOR TRADE, INDUSTRY AND COOPERATIVES (INDUSTRY) (Mr David Bahati):** Madam Speaker, on the emergency issue from Busoga, this was brought to our attention as Government and hon. Esther Anyakun –

**THE DEPUTY SPEAKER:** Members, it is free sitting; I can see space this side. *Imat*, you can come and sit as Prime Minister here. *(Laughter)*

**MR BAHATI:** Madam Speaker, a representative of the Rt. Hon. Prime Minister is already there; so, that seat might not be available.

Madam Speaker, the Minister of State for Relief, Disaster Preparedness and Refugees will follow up on this matter; she is already aware of it. I will also inform the Minister for Education and Sports on the part of education and come back to you. However, colleagues, as soon as an emergency like this happens, please, let us not even wait to raise it on the Floor of the House; let us approach Government and we see what can be done immediately. Thank you.

**THE DEPUTY SPEAKER:** You see if you want to object to what the minister has said, you have to stand up and speak but do not say “No.” Let us not shout as if we are in a market.

2.52

**MR SILAS OAGON (Independent, Kumi Municipality, Kumi)**: Madam Speaker, first of all, I salute the minister for his response. However, on the last part of his response, I would like to officially object to it and put it on the record. It is only very important that the Members’ issues, from their constituencies, be captured on record here as quickly as possible. And you know, with our communities, they have that feeling that when they see that Parliament is speaking to their matters on the Floor, they feel something is happening.

Therefore, I would think -*(Interjections)-* Yes, we can do the other work in the background, with the ministries, the permanent secretaries and other technocrats but this House is for speaking on issues of the people. Let me give you that information.

**THE DEPUTY SPEAKER:** Honourable minister, that is a very serious matter regarding the school that got burnt. I am asking the Minister of Education and Sports to go to Kamuli tomorrow, assess the impact of the fire and take action.

Our children stayed at home for two years; now, we cannot afford having them out. We have the Minister of State for Primary Education and she or he must go to assess the impact and have the children back to school.

2.54

**MS SARAH OPENDI (NRM, Woman Representative, Tororo):** Thank you, Madam Speaker. I rise on a matter of national importance regarding the girls, some of whom are pregnant and others gave birth. It was clear as per the Government’s directive that these girls should be allowed in school.

Schools reopened on 10th of January and it is very unfortunate that some of the girls have since been sent home because they are pregnant. These girls did not want to get pregnant. *(Laughter)* We were in a lockdown *-(Interjections)-* Yes. We were in a lockdown for two years; we know that some of these girls were raped -

**THE DEPUTY SPEAKER:** Hon. Opendi, the girls got pregnant; you do not have to justify how they got pregnant. It is not the Government that impregnated them. They were not raped but they got pregnant. The issue is that the girls must go to school.

**MS OPENDI:** Thank you, Madam Speaker. I did present here a motion on the challenges faced by the girl-child that was debated and in that report it was clear that some of the girls had been defiled, others raped and some got pregnant out of just you know, excitement, because of casual relations.

Therefore, Madam Speaker, I do not see the Minister of Education and Sports here but it is very unfortunate when Bishop James Williams Ssebagala mentioned or gave a directive that none of the schools should allow these pregnant girls in school -*(Interjections)-* Yes.

Madam Speaker, since then, some of the church-founded schools have sent away girls from school. No girl should be denied education; no girl should be denied the chance to be in school if she can be in school. His Excellency, the President has also talked about this.

Our prayer is that these girls should be allowed in school. We have a motion but I do not see the Minister of Education here. But if it is right, we could have the minister here as I table this motion officially on a date that could be given by you. However, the situation is not good -*(Interruption)*

**MR SSEMUJJU:** Madam Speaker, Government collects taxes. And it made the pledge to make a primary school available in every parish and a secondary school available in every subcounty. It is the duty of Government to educate Ugandans.

The church and other religious tertiary institutions are just helping and there is no way the church will go against the biblical teachings by allowing pregnant girls in school, in the church or in the mosques.

Is the honourable member in order - moreover, a former minister who is aware that the duty to educate Ugandans rests squarely with the Government? -*(Interjections)-* and she is God-fearing.

Is she in order to now rewrite the policy, that, that responsibility should be shared by the church, by the mosque, instead of her - a Member of Parliament, former minister and God-fearing person, President of UWOPA - pleading with Government to execute its responsibilities. Is she in order? *(Laughter)*

**THE DEPUTY SPEAKER:** Members, I think in order for us to discuss this matter exhaustively, you need to come up with a motion to this effect then we look at it in depth. We cannot make a ruling now on whether the church should allow the students or not. Of course, there is a pronouncement by the President that these girls should study. It is also a known fact that we have schools in every subcounty.

**MS AMONGI:** Thank you, Rt Hon. Prime Minister -

**THE DEPUTY SPEAKER:** I am not a Prime Minister. My namesake hon. Amongi, I am a Deputy Speaker who was voted with 415 votes -*(Laughter)* - not appointed.

**MS AMONGI:** Rt Hon. Speaker - because now, I have to address you as a Speaker. I would like to give information that the pronouncement or statement by the Bishop has been discussed but also that the Vice-President and the First Lady and the Minister of Education and Rt Hon. Prime Minister are heading a national campaign on this matter.

The Ministry of Gender, Labour and Social Development is coordinating a multi-sectoral approach that has drawn a strategy on this matter. If this House would want, we will be able to bring to the House the multi-sectoral approach targeting the UN agencies, civil society, Government and other agencies in addressing the matter not only in the aspect of those who want to go to school but also there are those who now want to go for other options of skilling *–(Interruption)*

**MS OPENDI:** Thank you very much, Madam Speaker. We will be able to bring our motion. It is actually ready. Just to inform hon. Ssemujju Nganda, these church-funded schools are grant-aided and, therefore, they receive funding from the Government ,but also pay allegiance to their founders. Thank you, Madam Speaker.

**THE DEPUTY SPEAKER:** Thank you. We will wait for the motion to be brought. *Hajjati*, you will speak to the motion and I know you will support the girl-child. The boy children are the bad ones. *(Laughter)* Members, we have spent a lot of time on this. Yes, hon. Aisha.

**MS AISHA KABANDA:** Thank you very much, Madam Speaker. I would like to inform the minister and honourable colleagues that we had a tour around the schools. We actually found that pregnant girls may not be comfortable in school. This is because they are too big to fit on a desk of four children. Therefore, the congestion in the classes and the seating environment in the classes - the desks are not fit for pregnant girls to continue studying. That is the information I needed to give you.

**THE DEPUTY SPEAKER:** Members, we will wait for the motion to be brought and we will debate it. Order! Can we have hon. Macho and then, the next item.

3.03

**MR GEOFFREY MACHO (Independent, Busia Municipality, Busia):** Madam Speaker, I have a matter of national importance that is disturbing the people of Busia. As I speak, the trailers that are going to Kenya take more than five days at the customs border. These trailers have blocked all the shops on both sides hence, making the sale of merchandise a problem to our people.

Secondly, as long as these trailers are there - we do not know what the drivers eat, but they are causing disaster to the women on the borders. Madam Speaker, the Committee on Tourism Trade and Industry visited the place and agreed with me that life in Busia is not normal.

We are blessed with a value-addition factory in Busia. I came to the House and requested the Minister of Tourism, Trade and Industry to give us the guidelines on how to operationalise the value-addition factory. My brother, the Minister, hon. Bahati, promised to come back in four days but up to now, we see the machinery rotting.

My prayer is *– (Interjection) -* I will take the information.

**THE DEPUTY SPEAKER:** Can we go to the next person, if you cannot give us your prayer?

**MR MACHO:** Madam Speaker, my prayers, therefore, are:

1. The Minister of Trade comes to this august House and addresses us on the issue of trailers parking at the border. This is because the problem that is affecting us in Busia also affects Malaba and Mutukula; so it needs to be solved as quickly as possible.
2. The minister should also tell us how Busia Municipality can get guidelines to operationalise the value-addition factory, which was commissioned two years ago. It made NRM get votes but up to now, it is not working. Thank you, Madam Speaker.

3.06

**THE MINISTER OF STATE FOR TRADE, INDUSTRY AND COOPERATIVES (INDUSTRY) (Mr David Bahati):** On the issue of the trucks, our ministry will come up with a statement tomorrow to give you an update on how that matter has been resolved because we have a committee chaired by the Rt Hon. Prime Minister, which includes the Minister of Health and our ministry. We can come up with a statement tomorrow.

**THE DEPUTY SPEAKER:** As you come with a statement, we will also need a statement from the Committee on Tourism, Trade and Industry concerning what they found out in their oversight role. Next item.

**MR BAHATI:** On the last issue of the value-addition equipment, can I request for a meeting tomorrow in your office. Thereafter, I can update you on how far we have gone. Thank you.

**THE DEPUTY SPEAKER:** Next item.

STATEMENT BY THE MINISTER OF GENDER, LABOUR AND SOCIAL DEVELOPMENT ON THE CASH TRANSFER TO TEACHERS IN PRIVATE PRIMARY AND SECONDARY SCHOOLS

**THE DEPUTY SPEAKER:** Honourable members, I have told you that if you have a matter of national importance, bring it early enough so that we summon the ministers to be here. Do not just hijack time on the Floor. All these people have matters, but they do not just hijack time. Can you sit? It is not about life and death.

3.08

**THE MINISTER OF GENDER, LABOUR AND SOCIAL DEVELOPMENT (Ms Betty Amongi):** Thank you, Madam Speaker. I rise to make a statement on the current programme of cash transfer to teachers in private primary and secondary schools. It is uploaded on your *i*Pads.

**THE DEPUTY SPEAKER:** Members, do you have it on your *i*Pads? It is the cash bonanza of Shs 100,000.

**MS AMONGI:** Following the successful implementation of the COVID-19 cash transfer to persons whose daily income was disrupted by COVID-19 lockdown in Kampala, cities and municipalities from July to September 2021, the Ministry of Gender, Labour and Social Development was approached by GiveDirectly, an international NGO, with additional funds to support other vulnerable persons disrupted by COVID-19 containment measures.

After consultations with several stakeholders, including the Office of the Prime Minister and Ministry of Education and Sports, a decision was reached to target teachers in private primary and secondary schools.

Teachers in private schools were rendered vulnerable since March 2020, when COVID-19 forced a nationwide lockdown. While the vast majority of sectors fully or partially reopened, and many people returned to work during the period, the education sector remained closed. By the time schools started reopening on 10 January 2022, teachers in private primary and secondary schools had missed income for close to two years, which made it difficult for them to provide for their families. Even when they have returned to school, they still face challenges.

Madam Speaker, GiveDirectly is an international NGO that focuses on poverty alleviation and humanitarian relief through cash transfers. You may recall that the operations of GiveDirectly were suspended in September 2020, following concerns that were raised by the NGO Bureau. This is to inform you that the suspension on their operations was lifted by the NGO Bureau in November 2021.

The cash relief programme, under this programme, will support 300,000 teachers across the country and each teacher is supposed to receive Shs 100,000. The Government of the Republic of Uganda, in partnership with GiveDirectly, has earmarked Shs 30 billion for teachers and Shs 844 million for taxes plus sending and withdrawal fees.

The objective of the cash transfer programme to teachers in private primary and secondary schools are:

1. To provide temporary cash relief to the teachers in private primary and secondary schools, whose income sources were disrupted by COVID-19 containment measures for close to two years.

2. To support the teachers as they return to the classroom.

3. To foster collaboration between the Government of the Republic of Uganda and the civil society in addressing the negative impacts of COVID-19 on the vulnerable people.

Colleagues, the teachers eligible for this programme are those that fit the following criteria:

1. Must not be on Government payroll.
2. Must be duly registered or licensed by the Ministry of Education and Sports or have proof of submission of application for registration (if it is a school which is not registered) or the application for licensing if the person is a teacher.
3. They were already teaching in a school licensed or registered by the Ministry of Education and Sports.
4. Did not benefit from the June-September 2021 Government of Uganda COVID-19 cash relief programme.
5. Have a mobile money account registered in their name.

What is the process of data upload into the Online Data Collection System? This is important because some of you, honourable members, can contact your headteachers from those schools to upload their data to be able to be supported.

1. As per the online data collection system process, the headteachers are responsible for creating the schools’ accounts on our online system through which the beneficiary teachers’ information is submitted. Registration is done through the online data collection system (www.cashrelief.mglsd.go.ug) by capturing the head teacher’s personal details plus the respective school information, which includes the school name, licence number, physical address, level (primary or secondary) and administrative unit.
2. On completion of the school registration process, the headteachers are then required to upload their teachers’ personal details on that same online system. These include the name of the teacher, the NIN, school name, administrative unit, gender and phone number.
3. Upon upload, the data is transmitted to the education officers in charge of the districts or Town Clerks in the case of KCCA divisions as well as cities and municipalities for recommendation.
4. Upon recommendation from those officers, the data is conveyed to the Chief Administrative Officers or Town Clerks who, after confirmation, forward it to the Commissioner Private Schools and Institutions, Ministry of Education and Sports.
5. The Commissioner, after confirmation, endorses the data which is then conveyed to the Permanent Secretary, Ministry of Gender, Labour and Social Development (MoGLSD).
6. The Permanent Secretary, MoGLSD will then make the final approval and payment through the mobile money numbers attached on the registration and it is only through either MTN or Airtel. Those are the only mobile money transfer partners we have partnered with.

Progress on implementation of the cash transfers

The following progress has been made in the implementation of the programme:

1. An Inter-Ministerial Oversight Technical Committee with membership from MoGLSD, Ministry of Education and Sports, Office of the Prime Minister, Ministry of Local Government, Ministry of Internal Affairs, Internal Security Organisation, Ministry of Justice and Constitutional Affairs and the National Information Technology Authority-Uganda (NITA-U) was constituted and is overseeing implementation of the programme.
2. The MoGLSD has issued a circular providing implementation guidelines to the KCCA Executive Director, Chief Administrative Officers (CAOs) and Town Clerks.
3. The MoGLSD Online Data Collection System has been upgraded with support from NITA-U to facilitate efficient collection, verification and transmission of the data required. All users such as headteachers, education officers, CAOs/TCs have been trained on the use of the system and data collection has commenced.
4. As at 7:20 p.m. 31 January 2022, 1,433 headteachers/schools had submitted 11,531 teachers’ details out of the targeted 300,000 beneficiaries across the country.
5. Arrangements have been concluded with the telecommunication companies (MTN and Airtel), through which the successfully verified beneficiaries will be paid.

Information from the different local governments, however, shows the following as reasons for the low submissions:

1. Some teachers in private schools are not registered by the Ministry of Education and Sports and, therefore, not eligible for the cash relief.
2. Some teachers are part-timers in various private schools and they include some of those already on Government payroll.
3. The activity also coincided with the school reopening programme across the country and a number of education stakeholders had split commitment to the project.
4. Lack of digital skills by some of the headteachers is making it hard for them to upload data onto our system.
5. Some lack internet or have poor internet connection in remote areas.

In view of the above, the following recommendations have been proposed by the technical oversight committee:

1. Intensify mobilisation of beneficiaries and other stakeholders through radio announcements on 10 regional stations, which have commenced.
2. Call headteachers to embrace the programme and upload more beneficiary data.
3. Undertake mobilisation of headteachers, District Education Officers (DEOs)/City Education Officers (CEOs)/Municipal Education Officers (MEOs) as well as CAOs and TCs through Ministry of Education and Sports and local government, telephone calls and emails.
4. We commenced the payment process on Friday, 28 January 2022 with beneficiary data that had been processed through the system.
5. Relax some of the criteria for beneficiary selection as proposed below:
6. If possible, include teachers in vocational training institutions and health training institutions in the category of eligible beneficiaries.
7. Instead of paying Shs 100,000, we increase payment to Shs 200,000 per beneficiary.
8. The total beneficiary target number for the relief package be adjusted downwards to 150,000 teachers and selection be on a first come, first served basis.

In conclusion, Madam Speaker and colleagues, I would like to request you, as representatives of the people where these schools are located, to mobilise the headteachers in your constituencies to upload data of eligible teachers onto the Online Data Collection System, to enable them benefit from this cash relief intervention. Thank you. I beg to submit.

**THE DEPUTY SPEAKER:** Thank you, honourable minister of Gender, Labour and Social Development. Honourable members, we want to thank Government for the intervention that it is trying to bring to address the effects of the COVID-19 pandemic in our population.

The cash transfers, for example, is a good initiative but the onus is on us to offer an effective oversight role on this programme on behalf of the people of Uganda under the authority vested in us through Article 1(2) of the Constitution of the Republic of Uganda.

That is why it is imperative for us to receive this report on what they want to achieve. Do they have the register of the teachers? Who is doing the audit after that? Is it going to be like the previous Shs 100,000 that was sent to the COVID-19 people? Therefore, it is good for us to get this report so that we analyse it, debate it and come up with solutions on what we should do as legislators.

I will open debate strictly for 20 minutes. Is that hon. Aisha Kabanda?

3.21

**MS AISHA KABANDA (NUP, Woman Representative, Butambala):** Thank you very much, Madam Speaker. Thank you, Minister, for that statement. We got circulars about that programme and shortly, I went to my district to find out how far it had gone. Of course, I realised there was very little to register the teachers. I am happy the minister knows all the problems because she has enumerated them: no internet, lack of knowledge; she knows all the hindrances. However, when it came to recommendations, none of them is addressing the problems. Instead, they have said that they will increase money. The reason they want to increase money is because many of the teachers have actually not registered. It is estimated that we have 300,000 teachers, and out of these, only 7,000 have registered.

When we say we want to give those that have registered and leave others, we are not solving the problem. The conditions they gave are restrictive in nature; as though there was a big number that they wanted to cut out. They are not looking forward to helping people. When you say, “we go to vocational schools” - the teachers who suffer most are actually in primary schools.

We know that there are many primary schools with teachers who are not registered and they do not perform less because you know, as much as I do, that private schools are performing better than Government schools. What have we done? Instead of putting a very restrictive programme – because that was not the intention of the donor: the intention of the donor was to help those people.

However, we have instead made it very restrictive and failed our people to access that money –

**THE DEPUTY SPEAKER:** Two minutes each.

**MS AISHA KABANDA:** As I summarise, I would like to say that we should not simply look forward to cutting down on the number of people to receive money but to solve the problem. People have not been able to register because of the lack of internet. Let us solve that. Thank you.

**THE DEPUTY SPEAKER:** When the system cuts you off, you request. Members, the honourable minister has tabled this paper for us to discuss and pointed out the challenges.

The solutions are supposed to come from us as representatives of these people. If these people do not have access, let us go down there and ask them; we have this kind of package, how do we enable our people to access it?

We should be part of a solution. Let us not criticise the paper but propose solutions to this situation.

3.24

**MR ROLAND NDYOMUGYENYI (Independent, Rukiga County, Rukiga):** Thank you, Madam Speaker. I would like to thank the minister for presenting this report. As you have rightly guided, it is very important that we get solutions to some of these problems.

However, most importantly, it is a challenge for teachers to be registered by the Ministry of Education and Sports. That challenge cannot be discussed here because it is like a systemic challenge that the Ministry of Education and Sports needs to look at and ensure that teachers are registered.

Now, if the criteria for accessing the money by the Ministry of Gender, Labour and Social Development is that someone must be registered, yet, it is not the problem of the teacher not to be registered by the Ministry of Education and Sports, then it becomes restrictive and unfair.

Secondly, we are all aware that it is not true that rural areas only lack internet; they also cannot access electricity. You find that there are some areas that have no power; people do not have access to not only internet but also power.

Therefore, when the minister says that the data should be uploaded on the electronic system yet, these people cannot access internet and electricity, it becomes very unfair to them. Going forward, my solution is that we resort to the manual way of doing things *–(Member timed out.)*

**THE DEPUTY SPEAKER:** What is the manual way you want us to adopt?

**MR NDYOMUGYENYI:** The manual way is to register these teachers in the books so that at the district level, someone can go there and know that in this district, there is this number of private teachers with these details, instead of trying to introduce something that is very cumbersome to our teachers. Thank you very much.

3.26

**MS VERONICA NANYONDO (NUP, Woman Representative, Bukomansimbi):** Thank you, Madam Speaker and the minister, for the statement.

Honourable minister, do we have all the data of the registered teachers per district? I think we can use the District Education Officers (DEOs) from the different districts to help us get that data. If possible, we can adopt the proposal moved by the previous Member of Parliament; let us go manual and get the DEOs. If it is okay, we can use the DEOs to reach the beneficiaries.

Otherwise, with the poor internet and power shortages in our districts and villages – the good thing, the minister pointed out that they are using “first come, first served.” When we go with that, Madam Minister, most of the beneficiaries are going to miss out. The money is going to go out to the ones who have internet but the most vulnerable are going to miss out because they are the ones who are in the villages and do not have electricity as well as the internet and so, they cannot access computers to register. Thank you, Madam Speaker.

3.28

**MR EMMANUEL ONGIERTHO (FDC, Jonam County, Pakwach):** Thank you, Madam Speaker. In this House, we have an experience of such a nature, for example, registration of car transfers.

When there was registration for people living in municipalities for the COVID-19 relief, you know what happened. I do not think we should go that way. I would like to support the proposal moved by my colleague from Rukiga County that we need to first do manual registration.

The Ministry of Gender, Labour and Social Development has a network of community development officers and other local government staff spread all over the country. That system should be used to register people in the different areas. For sure, you know that even the registration of schools has had problems. Let us go deep and use our system to register these people manually. Eventually, there should be a setup within the district to register on the system and that should be fine. Otherwise, at the local level, let us adopt the manual registration. I thank you.

**THE DEPUTY SPEAKER:** Thank you.

3.29

**MR GILBERT OLANYA (FDC, Kilak South County, Amuru):** Thank you, Madam Speaker. The minister talked about giving Shs 100,000 to the teachers. However, you will remember that during the COVID-19 money transfer, the communities were also given Shs 100,000. The community has got tendency of not respecting our teachers.

Currently, in the villages, every cheap thing is associated with our lovely teachers. Madam Speaker, let the teachers be given a slightly higher amount than members of the community.

I propose that we go for Shs 200,000 for our teachers. When we keep on comparing our teachers to the local persons in the villages, it may make people not to continue respecting them. Therefore, I pray to the minister to make the figure slightly higher than the one given to members of the community.

Secondly, Madam Speaker, in the opening statement of the honourable minister she said, “Following the successful COVID-19 money transfer to the community -”.

Madam Speaker, that exercise was not successful at all. Money went to the hands of people who were not supposed to receive it. For example, in northern Uganda, many people who received that money were: the community development officers, honourable councillors - and the poor people, the *boda boda* riders and the women who were selling in the markets, did not receive the money. Let the process be properly done and be very transparent.

Finally, many of our teachers are now registered, honourable minister –

**THE DEPUTY SPEAKER:** Honourable minister, one thing that you need to appreciate is that the previous programme was maybe 20 per cent successful. You are yet to get the report. The money that was meant for cities instead went to villages. The rightful people did not get the money. So, let us not say that the other programme was successful, it was unsuccessful. The rightful people did not get the money.

And when you look at the *boda boda* riders - now, let us not equate our teachers with the *boda boda* riders. We are what we are because of teachers *(Applause).* You cannot give a teacher Shs 100,000 when you gave a *boda boda* rider the same amount.

One thing you need to know is that in the last programme, the people who were registering the beneficiaries would first get Shs 30,000 from each person and then that person would take Shs 70,000. So, there was a lot of corruption in that programme.

We need to understand – maybe we could borrow some ideas on what Members are saying. We may need to go manual and identify the schools. People should go there and know if there are 10 schools in Bukedea District –*(Interjection)*– you have technical people. You have Members of Parliament here. *(Applause)*

**MS CECILIA OGWAL:** Thank you, Madam Speaker. I rise on a procedural matter. This is a very interesting and very important subject we are discussing.

Parliament budgeted money to help the rural people who are suffering due to COVID-19, and we were aware. When some Members of Parliament went back to their respective constituencies, they found that people who were supposed to receive the money did not receive it. We had all the evidence and facts to prove that there were many deserving people who never got their money.

We now have another avenue open. I am now suspicious. Are there some people in Government who just find an opportunity of getting free cash? Then they go there and they know how to handle it or what? Because we should get a report in this Parliament of what happened with the first cash distributed. *(Applause)*

We want to know. There must be a report showing that somebody is responsible: How much money was budgeted? Who got the money rightly? Who got it fraudulently? How many people were locked up? How many officials ate, and how much? We want those details.

Now again, we have opened another avenue for cash distribution. Madam Speaker, allow me to put on record on this Floor that I reject this move. Let it be on record that Ogwal refused this programme.

This is because the private school teachers have the Private Schools Association; they have their data. So why is it that we are now going down to register them, then you have to bring your data to this ministry, then it must be assessed, then you must be approved. And really by the time your name enters the database, you have probably paid a lot, maybe more than you would have got. I know that system.

I would like the Government to come – I appreciate what they are doing. I appreciate their concern for the teachers. But let them come up with the right mechanism, where we are sure that this money will reach the targeted persons, please. We are fed up of this kind of reckless “eating”. I thank you, Madam Speaker.

**THE DEPUTY SPEAKER:** Honourable members, we instituted an audit on the previous process. The audit was done jointly by PAC- Local Government and PAC - Central. And the reports are ready. Can we first have those reports presented to this House tomorrow so that we know the direction we are taking? *(Applause)*

That does not stop us from debating. Let us finish the debate. But before the money is disbursed, let us first see the mistakes that were made so that we are able to correct them.

3.37

**MS BRENDA NABUKENYA (NUP, Woman Representative, Luweero):** Thank you, Madam Speaker. First of all, I would like to thank the minister for the statement. I have a few questions.

I would like to know from the minister why the pre-primary teachers were left out, because this section is totally under private management. *(Applause)*

Also, does this grant have a timeframe? Is it being done in a timely manner? If the donor is saying that the whole process should end by February, and yet by now you have not had many teachers registered, what is going to happen? So, we need clarification on that.

And also, the minister should know that most of the private teachers are paid in cash. But one of the requirements is that they need bank statements and payslip rosters.

At the end of the day, that is why you see that you only have 7,000 teachers when you need 300,000. This is very evident because we know what happens in private schools. You will not be able to realise the number if you do not loosen the requirements for this money.

You should know that most of the beneficiaries in the last disbursements were not those that were targeted. It is very bad that the ministers of Education and Sports are not here, because we would discuss this in their presence. They are the ones who are supposed to feed the Ministry of Gender, Labour and Social Development, but most of the critical issues that must go to them are falling on empty seats – there is collapse of the system.

Remember, last year, the ministry was –*(Member timed out.)*

3.39

**MR BARNABAS TINKASIIMIRE (NRM, Buyaga West County, Kagadi):** Thank you very much, Madam Speaker. The issue that I wanted to raise was concerning the number of teachers who are not captured by the current system. Largely, many of the teachers employed in the private sector are not registered, but they are doing very good work.

And for the record, I would say the number of teachers who taught me in primary school, save for the headmaster, I do not remember anyone of them being registered.

I would want the honourable minister to tell us the strategy she has put in place to make sure that those wonderful teachers who are not registered, are equally captured.

Secondly, the issue I had was the amount of money which my colleague has raised; but also, the frequency. At least we should say, if they missed two years, and we are proposing Shs 200,000, they should receive it in two instalments and another lot 200,000 to show some kind of seriousness. We will deploy heavily to surround these reckless eaters. Like hon. Cecilia Ogwal said, they are reckless.

I know they are going to jump into this money and at the end of the day, we will see no money and they will bring accountability to the House. Honourable members, you have to be very vigilant; these are reckless eaters.

**THE DEPUTY SPEAKER:** Thank you. I want to get one statement from the shadow minister.

**MS NABUKENYA:** Thank you, Madam Speaker. Last year, the Minister in his statement to the Committee on Education informed us that they were re-registering all schools in Uganda. If you re-register a school, you will get all the details and it will be very easy to access the teachers within that school.

I see a struggle under the Ministry of Gender because they do not have data. We need to compel the Ministry of Education to make a statement in regards to this because you see gaps and at the end of the day, the teachers will not benefit because of those gaps created within the Ministry of Education and Sports.

Finally, I would like to thank Government directly because this is the organ that is giving the Shs 30 billion. Initially, it was supposed to give Shs 57 billion in 2020 to help people who were affected by COVID-19 but due to a recommendation from the Uganda NGO Bureau, they said that they did not want them to interfere with Government projects and policies and they had to be suspended.

Now that it has been allowed, I thank them because this is not Government money but donor money. We thank them for thinking about the teachers because this Government has failed to realise the Shs 20 billion that it promised.

**THE DEPUTY SPEAKER:** Even if it is donor money, it is donated to the Government of Uganda.

**MS NABUKENYA:** Madam Speaker, the President pledged Shs 20 billion but to date –*(Member timed out.)*

3.44

**MS LAURA KANUSHU (PWD Representative):** Thank you, Madam Speaker. I am happy that I caught your eye even after I put up my hand as others stood up. I would like to thank the minister for the report - I am speaking while seated. I ask the minister to consider special needs teachers and to be deliberate about generating a register for special needs teachers.

I agree with the Members that Shs 100,000 is very little money more so for a special needs teacher because a regular teacher would take about a few hours with a learner but a special needs teacher teaching a blind child, a deaf child, a child with intellectual disabilities spends a lot of time with this learner.

I would like to ask the ministry for special consideration. If a regular teacher is going to be paid for example Shs 200,000, can we have an addition for the special needs teacher?

Can we also be deliberate about generating a register for special needs teachers so that the learners with disabilities are not left out and special needs teachers are motivated. Thank you.

**THE DEPUTY SPEAKER**: Honourable members, I listened to the minister’s statement and noted that so far, only 2.3 per cent of the teachers will be beneficiaries to this money. Whereas the minister said that we should do the mobilisation on the teachers, the matter of electricity, internet - it is an inter-ministerial programme.

Education should have been together for you to get the right data, the right people to benefit out of this. I do not know what direction we are going to take on this matter if this is what it is.

3.46

**MS SARAH OPENDI (NRM, Woman Representative, Tororo):** Thank you, Madam Speaker. I rise in accordance with Rule 59 but before I move the motion, I would like to inform the House that we had a COVID-19 Relief Fund - and as you rightly said, the Public Accounts Committee and the Local Government Accounts Committee both went out to the field to verify beneficiaries of these COVID-19 funds.

Our report is ready but surprisingly, in some districts people were listed as teachers but when you call, it is an old woman who knows nothing about the school we are talking about. People were merely being listed as teachers to benefit. So, it is likely the same may happen.

This particular statement by the honourable minister is important but I move in accordance with rule 59(c) a motion for adjournment of debate - that the report of the Public Accounts Committee together with the Local Government Accounts Committee that went out to verify the beneficiaries of the relief fund, be presented, discussed and thereafter, we can conclude debate on this particular statement of the honourable minister.

The report was ready by October last year *- (Member timed out.)*

**THE DEPUTY SPEAKER:** Members, we are saying that we will continue with the debate. However, we need a report on the cash that went out first for us to know the mistakes that happened.

Let us not give out money just like that and then again come lamenting in this House. You are representatives of the people outside; is that motion seconded?

3.49

**MS LILLIAN ABER (NRM, Woman Representative, Kitgum):** Thank you, Madam Speaker. It is only prudent that we do not do the same thing and expect different results. I rise to second the motion that we suspend discussions until we have the report brought in the House.

3.49

**MR WILFRED NIWAGABA (Independent, Ndorwa East County, Kabale):** Madam Speaker, I second the motion for two good reasons; (i) We are not terminating the debate but only staying it for a while. (ii) It is important that we get a comprehensive report from across the affected ministries including Local Government, so that we address the issues that arose in the last cash handout.

**THE DEPUTY SPEAKER:** Members, this is an inter-ministerial programme concerning Local Government, Gender, Education, ICT. So, when you start murmuring “not seconded” you do not know what you are talking about.

We are suspending the debate. Clerk, we need the Public Accounts Committee and Local Government Committee to present their report on Thursday and then we will debate the report together with this one. *(Applause)* Thank you.

The Minister of Energy called me - Honourable members who are here, I see hon. Aisha going; we have Appointments Committee on Friday at 9 o’clock but you can first stay.

Members, we have –

**MR SSEMUJJU:** Madam Speaker, in our rules, Appointments Committee is supposed to be briefing Parliament. Some time back, Mr Byabashaija was reappointed when he was over 60, yet clause 21 in the Prisons Act, says when you clock 60, you retire. If you clock in at midnight, the following day, you hand over the office. *(Laughter)* We did not have an opportunity because that report never came.

Now that you have said the Appointments Committee is meeting, I hope it is not going to approve a person who, in total violation of the Prisons Act, continues being in office, Madam Speaker.

**THE DEPUTY SPEAKER:** I am the Chairperson of the Appointments Committee. I am not sure whether you should discuss what is in our committee in the House now. Members, we will do what the Constitution allows us to do without fear or favour.

The next item that we have is a statement on fuel; a very important statement. However, the minister called me and said they are signing an agreement in Kololo and she would prefer to deliver the statement herself. That is also an inter-ministerial statement by the Ministry of Health and Ministry of Energy. So, I request that we push that item to tomorrow, together with our report. In the process, when the fuel prices went up, there was nothing happening and so, we sanctioned the Committee on Tourism, Trade and Industry to go to the field. So, we will discuss that item together with the committee report tomorrow. Can we have the next item.

BILLS

SECOND READING

THE LANDLORD AND TENANT BILL, 2021

3.53

**THE MINISTER OF STATE FOR LANDS, HOUSING AND URBAN DEVELOPMENT (URBAN DEVELOPMENT) (Mr Kania Obiga):** Madam Speaker, I beg your indulgence, before I read this Bill, to record my condolences, together with other Members of Parliament who have recorded theirs, on the various losses of our Members and other previous Members in recent times. I extend my personal condolences to the families and the family of Parliament.

Madam Speaker, I beg to move that a Bill entitled, “The Landlord and Tenant Bill, 2021” be read for the second time. I beg to move.

**THE DEPUTY SPEAKER:** Honourable members, the Landlord and Tenant Bill, 2021 was tabled for the First Reading on 29 September 2021 and referred to the Committee on Physical Infrastructure. The committee considered the Bill, the report was uploaded on your iPads and I hope Members have taken time to internalise it. The Bill is now ready.

Is the motion by the minister seconded? It is seconded by hon. Musasizi, hon. Bahati, hon. Okwalinga, hon. Betty, hon. Aber, hon. Aza, hon. Obigah, hon. Roland Ndyomugyenyi and hon. Muwuma. Minister, would you like to speak to your motion? Justify.

**MR KANIA OBIGA:** Madam Speaker, I thank Members for the almost unanimous support of my motion –*(Laughter)*– I said “almost”.

Madam Speaker, this Bill arose from a Bill, which was tabled in this House in the 10th Parliament. By then, there was a Bill tabled; the Landlord and Tenant Bill, 2018. Parliament passed the Bill and sent it to the President for assent as the Landlord and Tenant Act, 2019 because it spilled over from the year 2018 to 2019.

Unfortunately, it was overtaken by time and by the time the President returned it to Parliament, it was time up for the 10th Parliament, which should have approved it. Now, the President returned it for two reasons. First was his concern over the definition of “the premises” in that Bill. He felt the way “the premises” were defined, was restrictive because it only talked of business premises, but now, because of the changed situation relating to the growth of e-commerce, e-business and COVID-19, many people are operating from homes and their residences, and they are doing business.

Therefore, it means that what used to be referred to as residences are gradually becoming business premises as well. So, there is mixed content in relation to what is now called “premises” regarding residences and business premises in the traditional way that we know them. So, the President wanted us to refine that definition, so that we take concern of what is now the use of the premises.

Secondly, the President’s concern was in section 13 of the then Bill, which talked about, as I said, the residential premises. That has already been done. The second one was his concern about - just one minute.

**THE DEPUTY SPEAKER:** Honourable minister, can you summarise? The rest will come in the report.

**MR OBIGA:** I wanted to quote the section.

**THE DEPUTY SPEAKER:**  No, the chairperson will bring it in the report.

**MR OBIGA:** Will the report bring it out?

**THE DEPUTY SPEAKER:** Yes.

**MR OBIGA:** Therefore, the Bill was saved by this Parliament under a resolution at the beginning of the 11th Parliament, with other Bills.  As the Speaker has already said, it was passed over to the committee and the committee took advantage to consider other provisions, which is allowed within our rules of procedure, hence what we are now calling the Landlord and Tenant Bill, 2021. I, therefore, move that we consider the Bill. Thank you.

**THE DEPUTY SPEAKER:** Thank you, honourable minister. I now invite the Chairperson, Committee on Physical Infrastructure to come and present the report. The report was uploaded.

4.02

**THE VICE-CHAIRPERSON, COMMITTEE ON PHYSICAL INFRASTRUCTURE (Mr Robert Kasolo):** Thank you, Madam Speaker. Allow me to lay on Table the report of the Committee on Physical Infrastructure on the Landlord and Tenant Bill, 2021. I beg to lay.

Madam Speaker, allow me also to lay the minutes of the committee’s meetings. I beg to lay.

Madam Speaker, I beg to present the report of the Committee on Physical Infrastructure on the Landlord and Tenant Bill, 2021.

We will not go to the table of contents since it is uploaded.  Let me go straight to the introduction.

Introduction

The Landlord and Tenant Bill, 2021 was read for the first time on Wednesday, 29 September 2021 and referred to the Committee on Physical Infrastructure for consideration, in accordance with the rules 129 and 189(c) of the Rules of Procedure of Parliament. The committee scrutinised the Bill and now presents this report to the House for consideration.

Background

The relationship between the landlord and tenant is currently governed by the Rent Restriction Act, Cap 231, the Distress for Rent (Bailiffs) Act Cap 76, which were enacted in 1949 and in 1933 respectively, and the principles of contract law.

These statutes are outdated as new issues that require regulation in the landlord and tenant relations have emerged since their enactment. As a result, there is lack of proper regulation of the relationship, disharmony among the key players and disruptions of the industry.

It is against this background that the Government introduced the Landlord and Tenant Bill, 2021 with the following objectives:

1. To regulate the relationship between the landlord and the tenant.
2. To reform and consolidate the law relating to the renting of premises.
3. To provide for responsibilities of landlords and tenants in relation to the renting of premises.
4. To provide for related matters.

A similar Bill entitled, “The Landlord and Tenant Bill, 2018” had been presented to the 10th Parliament. It was considered and passed by the Parliament with some amendments and confirmation that it complied with human rights, the sustainable development goals and addressed the gaps in the existing law.

In accordance with Article 91 of the Constitution of the Republic of Uganda, the Landlord and Tenant Bill, 2018 was passed by the Parliament and sent to the President for assent on the 5 May 2019.

However, His Excellency the President, in his letter dated 27 October 2020 to the Rt Hon. Speaker, returned the Bill to Parliament requesting for reconsideration in the following areas:

1. Clause 2 of the Bill provides for the interpretation of the meaning of “business premises” and “residential premises”. In view of the changes in the working environment as a result of COVID-19, the President proposed that the interpretations therein should factor in the emerging trend of home offices and home-stay tourism. As more business professionals and e-commerce enterprises switch to home-working on account of COVID-19, the definition of “residential premises” should be expanded to accommodate the mixed-use of houses for residential and office businesses that do not require physical interface with customers.
2. Clause 15(1) provides that tenants should not use rented premises (or permit their use) in a manner that causes a nuisance to any occupier of the neighbouring premises. This clause presumes that physical planning by local governments would adhere to the separation of residential and commercial areas, and would do the same in their issuance of trading licences to avoid situations whereby one licensed commercial activity ends up becoming a nuisance to another activity that is equally licensed by the same local government. In addition, not enforcing noise pollution by-laws and standards is currently a major nuisance and public health concern for the majority of urban dwellers.

Attached herewith as:

1. Annex 1, is His Excellency the President’s letter dated 27 October 2020, addressed to the Rt Hon. Speaker of Parliament.
2. Annex 2, is the Landlord and Tenant Bill, 2018 that was passed by Parliament and sent to His Excellency the President for assent. The 10th Parliament elapsed before considering the Bill.

In accordance with Rule 235 of the Rules of Procedure of Parliament, the Rt Hon. Speaker directed that all Bills that lapsed with the 10th Parliament, but are still relevant, should be reintroduced to the House. The Landlord and Tenant Bill, 2021, was thus read for the first time on 29 September 2021 and referred to the Committee on Physical Infrastructure for consideration.

The initial instruction was that the committee should limit itself to His Excellency the President’s concerns.

In the course of its deliberations, however, the committee noted that there were some changes to the Bill that made it different from the Landlord and Tenant Bill, 2018, as passed by Parliament and sent to H.E, the President for assent; the basis on which he raised concerns and returned the Bill to Parliament for reconsideration of particular clauses.

It was against this background that the committee sought permission from Parliament, on 22 November 2021, to consider the Landlord and Tenant Bill, 2021 in its totality and for more time to consider the Bill. The request was granted.

The committee thus considered the Landlord and Tenant Bill, 2021 and hereby presents its report to the House for consideration.

Methodology

The committee:

1. Perused the Landlord and Tenant Bill, 2021;
2. Considered H.E. the President’s concerns as contained in his letter to the Rt Hon. Speaker, dated 27 October 2020 on the Landlord and Tenant Bill, 2018, as passed by Parliament;
3. Held consultative meetings with key stakeholders namely, Ministry of Lands, Housing and Urban Development, the sponsor of the Landlord and Tenant Bill 2021; The Uganda Electricity Regulatory Authority, the regulator of the electricity sector in Uganda; Umeme Limited, the largest distributor of electricity to Ugandans; Kampala Arcades’ Advocacy Forum (KAAFO), a registered non-profit forum that was formed by Ugandan traders operating in the arcades of Kampala to organise themselves and promote a conducive trade environment, increase business opportunities, have good trade order in the city and create good working relationships with the Government, KCCA and other landlords; The Landlords and Developers Association, an association of landlords and real estate developers predominantly around Kampala; Kampala City Traders Association (KACITA), a business association in Uganda aimed at facilitating trade, bringing together the business community and mobilising them into a viable organised and social sustainable marketplace; and
4. Received and considered a written submission from Kalungi Estates Limited.

Committee observations and recommendations

Issues that emerged from engagements with the Ministry of Lands, Housing and Urban Development

The committee found that there were differences between the Landlord and Tenant Bill, 202l and the Landlord and Tenant Bill, 2018, as passed by Parliament and sent to the President for assent. The affected clauses were as follows: 1(2), 2, 3(2), 9(2), 13, 16(2), 26(2), 27(1), 31(1), 31(6), 46(2) and 53(d).

The committee, however, noted as follows:

1. Whereas the differences in clauses 1(2), 2 (on the definitions of business and residential premises), 3(2), 16(2), 27(l), 31(l), 46(2) and 53(d) were substantive to those identified in clauses 2 (on definition of currency point), clauses 9(2), 13, 26(2) and 31(6) were alterations arising from legislative drafting; and
2. The differences in clauses 2 (on the definition of residential premises), 16(2) and 53(d) were to accommodate the concerns of H.E. the President.
3. The substantive differences were as follows:

The Landlord and Tenant Bill, 2021 excludes the word “a person” in the definition of the word “business” thereby excluding activities that are carried out by one person. The Landlord and Tenant Bill, 2018, as sent to the President for assent, had defined business to *intera-lia* include business carried out by a person –

**THE DEPUTY SPEAKER:** There is a procedural matter.

**MR MWINE MPAKA:** Madam Speaker, since the report was uploaded, wouldn’t it be procedurally right for the chairperson to just summarise it?

**THE DEPUTY SPEAKER:** Chairperson, can we look at your recommendations? Summarise the report.

**MR KASOLO:** Thank you, Madam Speaker. That is going to make my work easy. Since you do not need the observations, I will go straight to the recommendations.

**DR BAYIGA:** Thank you very much, Madam Speaker. As you allowed an IT expert in Parliament, you will also realise that many of our gadgets go to the IT expert for correction. In that case, it is wrong to presume that every gadget has got –

**THE DEPUTY SPEAKER:** You mean you cannot see the document? You have the report. You are a doctor and you do not know IT things. If the rest are seeing – you are used to seeing patients. Honourable member, can you go ahead?

**MR KASOLO:** Thank you, Madam Speaker. Now that we are only going to read the recommendations, they read as follows:

The committee recommends that:

1. Clause 2 specifically on the definition of currency point, clauses 9(2), 13, and 26(2) of the Landlord and Tenant Bill 2021, be adopted;
2. The content of clause 2 specifically on the definition of business, clauses l(2), 3(2), 7(1) and 31(1) of the Landlord and Tenant Bill 202l revert to what is contained in the Landlord and Tenant Bill, 20l8 as passed by Parliament, sent to the President for assent but returned to Parliament by the President for reconsideration.

Recommendations from the President’s letter

The committee recommends that subclause 16 (2) be deleted.

On the issues that emerged from interactions with other stakeholders that included those from the electricity sector and so on, the committee recommends that clause 12 should be deleted.

On other extra expenses such as parking space, the committee recommends that the aspect of parking space should be agreed upon by the landlord and tenant and should be clearly stated in the tenancy agreement.

On issues of toilet facilities, the committee recommends that clause 12 be deleted.

On the payment of goodwill by tenants to landlords, the committee recommends that the payment of goodwill by tenants to the landlords be outlawed.

On receipting of rent payments, the committee recommends that the Bill be amended to provide for the amount paid and the duration covered by the said amount.

Honourable members, on this one, we realised when we interacted with stakeholders that in downtown, most of the tenants pay but when they do, somebody just writes that you have cleared and gives him a receipt saying “cleared” but no amount indicated.

Therefore, we are saying that the issue be completely handled with money stipulated.

On the tenancy agreement, the committee proposes that the Bill should allow the freedom of contract, and uphold the right of parties to determine the terms of their tenancy.

Circumstances under which the tenant may repay the premise: The committee proposes that the Bill should be amended to:

1. Provided for a fair timeframe between a notice to the landlord alerting him of the need for a given repair and the commencement of repair works by the tenant.
2. The cost of the repair must be based on the ongoing market rates.

Increase of rent

The committee proposes that the minimum period of no increase in rent should be amended to provide for a shorter period of 60 days - that is for no increase of rent.

Failure to pay rent by tenants and the claims by rent arrears

The committee proposes that in order to save landlords from further financial losses, the Bill should allow landlords to re-enter the premises and take possession thereafter in the presence of the local authorities, without prejudice to the right to recover the rent arrears.

Termination after notice

The committee proposes that a new subclause be provided to cover this scenario.

The committee proposes that pertaining to the termination of tenancy in a busy premise, should be left to the tenancy agreement.

Termination by abandonment

The committee proposes that the Bill should empower the landlord to recover any accrued rent and charges in such circumstances.

Challenging of termination of a tenancy agreement in court

The committee proposes that the Bill be amended to provide equal protection to both the landlord and the tenant.

Unlawful eviction of tenants

The committee proposes that the Bill should be amended to restrict sanctions to compensatory damages subjecting tenants to annoyance.  The committee proposes that the clause be deleted. We looked at it and said both the landlord and tenant can equally be annoyed.

Entry of rent premises by the landlord

The committee proposes that the Bill should be amended to permit entry into the rented premise by the landlord in emergency situations.

The committee recommends that the Bill be passed subject to the proposed amendments. I beg to move. Thank you.

**THE DEPUTY SPEAKER:** Thank you very much, chairperson of the committee. We have been having the Landlord and Tenancy Bill. What we are doing now is just to make some slight amendments and that is what the chair is presenting.

This Bill came and was passed in the previous Parliament. However, it was caught up by time, under rule 235 so that is how it was recommitted to the committee.

On Thursday, when the document was laid on Table, I asked Members to go and read it and pass on in writing any amendment(s) that you thought should be made. We will not do amendments of the clauses in the House. We constituted a team, including the Shadow Attorney-General and this side to look at the amendments, including the minister. Let us hear from them; honourable minister.

**MR OBIGA:** Madam Speaker, we had consultations and out of those consultations, we agreed on quite a lot of provisions.  We are subject to your direction and we are ready to move to the committee stage if you so direct. Thank you.

**THE DEPUTY SPEAKER:** Leader of the Opposition and any other Member.

4.28

**MR JOHN BAPTIST NAMBESHE (NUP, Manjiya County, Bududa):** Madam Speaker, I want to thank the committee for the report. However, to guard against exploitation of tenants, I hold a view that this recommendation especially to delete clause 12, should be stayed because it is a bone of contention.

You know very well that the old law of 1999-

**THE DEPUTY SPEAKER:** Honourable LoP, that will be at committee stage when we reach clause 12. Now, you have taken us to committee stage. You will bring your amendment when we are at the committee stage on clause 12.

**MR NAMBESHE:** Much obliged.

**THE DEPUTY SPEAKER:** Thank you. Yes, Attorney-General.

4.29

**MR WILFRED NIWAGABA (Independent, Ndorwa County East, Kabale):** Thank you, Madam Speaker. As you had directed, no amendment was brought to our attention by any Member, especially those who are not members of the committee.

We considered the Government concerns in respect of the report by the committee; the committee analysed the concerns and we had a win-win situation. We should be able to pass this Bill when we go to committee stage without much acrimony.

**THE DEPUTY SPEAKER:** Honourable members, it is a very beautiful – especially to the new honourable members of Parliament - thing for a Bill to be passed when you are part of the House. When the Bill is passed you will say, “I was part of that process.”

I would like to thank the people who are still here. This is a very important Bill for you to endeavour and stay, and say, “Let us see the whole process.” Those people outside there, the voters and landlords can make you not to come back. Some of us are still tenants.

Therefore, I am very grateful that you are here. I want to thank you very much. Honourable members, I put the question that the Bill entitled, “The Landlord and Tenant Bill, 2021” be read for the second time.

*(Question put and agreed to.)*

BILLS

COMMITTEE STAGE

THE LANDLORD AND TENANT BILL, 2021

Clause 1

**MR KASOLO:** Thank you, Madam Chairperson. Clause 1(2), insert the phrase “with the approval of Parliament”, between “may” and “by” in the first line.

Justification

The Parliament must be involved in disapplying the provisions of the Act from any particular premises.

**THE DEPUTY CHAIRPERSON:** Minister?

**MR KANIA OBIGA:** Madam Chairperson, we have no objection.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 1(2) be amended as proposed.

*(Question put and agreed to.)*

*(Clause 1, as amended, agreed to.)*

**THE DEPUTY CHAIRPERSON:** Can we first move to other clauses and leave clause 2 because it is an interpretation clause? Can we go to clause 3?

Clause 3

**MR KASOLO:** Clause 3: Making of tenancy agreements

Clause 3(1), insert the following phrase at the end of the provision: “provided that where the parties shall have executed a tenancy agreement, the landlord-tenancy relationship between the parties shall be governed by the terms of the tenancy.”

Clause 3(2) insert the following phrase at the end of the provision: “save that the parties may make some modifications accordingly.”

Justification

To allow for freedom of contract and uphold the right of the parties to determine terms of their tenancy, given the fact that terms may differ depending on the nature of the demised premises. Thank you, Madam Chairperson.

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

**MR OBIGA:** Madam Chairperson, all those insertions are asserting to the freedom to contract and we have no objection.

**THE DEPUTY CHAIRPERSON:** Thank you. I now put the question that clause 3 be amended as proposed.

*(Question put and agreed to.)*

*(Clause 3, as amended, agreed to.)*

Clause 4

**THE DEPUTY CHAIRPERSON:** Clause 4 has no amendment. I put the question that clause 4 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 5, agreed to.*

Clause 6

**MR KASOLO:** Clause 6, “The tenancy shall reimburse the landlord within a period of 14 days after the notification to the landlord or the same maybe deducted from any rent advance already received by the landlord.”

Justification

Some –

**THE DEPUTY CHAIRPERSON**: Can you read your clause well? Clause 6 says implied terms as to the fitness for human habitation.

Clause 6(1)(b) –

**MR KASOLO:** There was some confusion. Clause 6 implied term as to fitness for human habitation.

1) Clause 6(1)(b) at the end of the provision add the following phrase; “save that the obligation shall be restricted to the exterior of the premises and common areas.”

Justification

During the term of the tenancy, the tenant is in occupation of the premises and has a duty to maintain the inside of the premises in good and tenantable repair.

2) Clause 6(4); the following should be included at the beginning of the clause; “Except in case of an emergency, a landlord may…”

Justification

There may be a situation, where a remedial action is so urgent that it cannot wait for 24 hours’ notice - like flooding or sewage breakdown.

**THE DEPUTY CHAIRPERSON:** Minister?

**MR OBIGA:** Madam Chairperson,we agree.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 6 be amended as proposed.

*(Question put and agreed to.)*

*(Clause 6, as amended, agreed to.)*

Clause 7

**THE DEPUTY CHAIRPERSON:** Chairperson?

**MR KASOLO:** Clause 7: Duty to keep premise in repair

Subclause (1) – At the end of the clause add the following: “save that the obligation shall extend to the exterior parts of the premise and common areas”.

The justification is that during the term of the tenancy, the tenant is in occupation of the premise and has a duty to maintain the inside of the premise in good and tenable repair.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 7, be amended, as proposed. Minister?

**MR OBIGA:** We have no objection, Chairperson.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 7 be amended, as proposed.

*(Question put and agreed to.)*

*Clause 7, as amended, agreed to.*

Clause 8

**MR KASOLO:** Clause 8: Exemption to duty of landlord to repair premises.

1. Subclause (4) - Insert the following at the beginning of the clause “except in the case of any emergency”.
2. Subclause (6) - the tenant shall reimburse the landlord within a period of 14 days, after the notification to the landlord or the same may be deducted from any rent advance already received by the landlord.

The justification is that the same number of days should be provided for the landlord and tenant so that the law affords equal protection to both parties as enshrined in the Constitution.

**MR OBIGA:** Chairperson, I agree with that amendment.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 8 be amended as proposed.

*(Question put and agreed to.)*

*Clause 8, as amended, agreed to.*

Clause 9

**MR KASOLO:** Clause 9: Circumstances where a tenant may repair premises.

1. Subclause (1)(b) - at the end of the provision insert the following: “after serving the landlord with 14 days prior notice of need for repairs and the cost thereof.”

The justification is that, the same number of days should be provided for the landlord and tenant such that the law affords equal protection to both parties.

1. Subclause (3) – insert the following at the end of the provision: “provided that the tenant shall submit to the landlord supporting documentary proof, as evidence of the cost of repair and the cost thereof shall be required to be reasonable at the prevailing market rates.”

The justification is to avoid the exaggeration of claims being preferred against landlords by tenants in the same way clause 8(5) is worded.

**THE DEPUTY CHAIRPERSON:** Minister?

**MR OBIGA:** Chairperson, I agree.

**THE DEPUTY CHAIRPERSON:** I put the question that Clause 9 be amended, as proposed.

*(Question put and agreed to.)*

*Clause 9, as amended, agreed to.*

*Clause 10, agreed to.*

**MR KASOLO:** Madam Chairperson clause 11: Void terms and conditions in the tenancy. The clause should start with the phrase “subject to clause 3(1)”

The justification is to avoid a contradiction in the law with one clause upholding the right of the parties to contract and another taking away the right. Some tenancies may require technical advice which comes at a cost. The parties should retain the right to agree on how the cost should be apportioned.

**THE DEPUTY CHAIRPERSON:** Minister?

**MR OBIGA:** I agree.

**THE DEPUTY CHAIRPERSON:** I put the question that Clause 11 be amended, as proposed.

*(Question put and agreed to.)*

*Clause 11, as amended, agreed to.*

**THE DEPUTY CHAIRPERSON:** Leader of the Opposition, some order in the House. Respect yourselves.

Clause 12

**MR KASOLO:** Madam Chairperson, clause 12: provision of separate prepaid electric electricity metres. We propose to delete clause 12.

The justification is that according to the service providers, it is not practicable and poses technical difficulties given the building requirements in terms of wiring the unit of business premises.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 12, be deleted, as proposed. Minister, on the provision of separate prepaid electricity metres -

**MR OBIGA:** Chairperson, we had proposed the separate metres but on second thought, we realised that this provision will be best provided in the Building Control Act, 2013 B and not in this law. Therefore, we concede. We agree.

**THE DEPUTY CHAIRPERSON:** Thank you. I put the question that clause 12 be deleted as proposed.

*(Question put and agreed to.)*

*Clause 12, deleted.*

**THE DEPUTY CHAIRPERSON:** Look at the electricity Act before you start talking.

Clause 13

**THE DEPUTY CHAIRPERSON:** I put the question that clause 13 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 13, agreed to.*

Clause 14

**MR KASOLO:** Clause 14: Utility charges for which the landlord is liable.

Paragraph (e) - delete and substitute with the following: “in case of sewage disposal charges, the landlord and tenant may agree on the contribution to be made by the tenant.”

The justification is that sewage disposal charges cannot practically be metered separately. It is only fair that the landlord and tenant be allowed to agree on a reasonable sum to be contributed by the tenant.

**THE DEPUTY SPEAKER:** Minister?

**MR OBIGA:** We agree with that proposal.

**MR PATRICK OCAN:** Thank you, Chairperson. I have concern on clause 14, paragraph (e), in the case where the sewage disposal charges are to be met by both the tenant and the landlord. I think it would be fair if that petty cost is met by the landlord as part of the rent. Thank you.

**THE DEPUTY CHAIRPERSON:** Is that what you do in actual fact today? How does the landlord pay for the sewage emptying for the tenant? We are making a law. We are not here to ensure what we think should be done; it is about the law. What does the law say about it? Who is responsible for what?

Honourable members, we are maintaining clause 14 as it is. I put the question that clause 14 be amended as proposed.

*(Question put and agreed to.)*

*Clause 14, as amended, agreed to.*

*Clause 15 agreed to.*

1. Clause 16

**MR KASOLO:** Under clause 16: Tenant not to cause a nuisance or interference

Clause 16(1)

Delete the phrase “Subject to subsection (2)”.

Justification

It is not necessary to subject the clause to subsection (2) since the committee proposes to move an amendment to delete subsection (2).

2. Clause 16(2)

Delete subclause (2).

Justification

According to section 3 of the Physical Planning Act, 2010, the whole of Uganda was declared a planning area thus, the requirement to not cause a nuisance covers the whole country and as such, there is no area in Uganda where nuisance may be allowed as purported in subclause (2).

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

**THE DEPUTY CHAIRPERSON:** I put the question that clause 16 be amended as proposed.

**MS OGWAL:** Madam Chairperson, I do not know how this clause is going to be enforced because we have some premises, which house hotels or entertainment enterprises. How do you handle these discos that are played up to midnight or the whole night? They are all over the urban centres.

I would want clarification from the minister on how this clause is going to be enforced because now the burden is on the tenant to ensure that nuisance is not caused. If your premise is for entertainment and you are supposed to allow discos, how do you enforce it? Let us also care about how practical it will be in terms of implementation.

**MR OBIGA:** The Honourable member is right; it is a question of enforcement. First of all, we are legislating that whatever premises you have should not be a nuisance to anybody because we have the National Physical Planning Act, 2010 as you amended in 2020. It provides that every area will be planned for a specific purpose. If you plan a given area for residential, then there are standards, which are expected under the regulations, which will be made in the National Physical Planning Act and those must be followed, both by the community and the local authorities.

Our failure to implement does not absolve us of the responsibility of legislating to make sure that people are not inconvenienced.

Indeed, this is happening in Uganda. I am sorry to say it. There are certain places, which have been turned into places of worship, which is good, but worshiping overnight: a lot of noise. Some are even in bars yet, these are not soundproofed and they bring everybody – thugs. That is a nuisance itself. So, it scares people.

Therefore, we have to look at the regulations, which will be made under this, to make sure that local authorities enforce them and we all become part of the enforcement. I believe it is possible.

**MR BABA:** In addition to what the honourable minister said, there is a law against noise in our legal system. I remember there was a High Court judge -

**THE DEPUTY CHAIRPERSON:** There is the environmental law – Justice Amos Twinomujuni v.  Kembabazi Catering Services.

**MR BABA:** He took that restaurant to court and he won the case. The former President of the Democratic Party, Paul Ssemogerere, also complained and the law was applied somewhere in Kabusu.

There is a law to take care of places that are a nuisance only that it should be rigorously applied because the level of noise in this country now with churches – with the *Balokole* and dancers – is terrible. Some of us cannot sleep. *(Laughter)* Thank you.

**MR SILWANY:** Madam Chairperson, if I got the question from hon. Cecilia Ogwal well, she was seeking clarification on implementation. When you look at our communities, what is going to happen after we have passed this law? In most of the places, the urban authorities planned poorly and the communities are living in these places. They gave licences -

**THE DEPUTY CHAIRPERSON:** Honourable commissioner, we passed the stage of debate when you were outside there admiring some people. *(Laughter)* We are now at committee level.

I now put a question that clause 16 be amended as proposed.

*(Question put and agreed to.)*

*Clause 16, as amended, agreed to.*

*Clause 17, agreed to.*

*Clause 18, agreed to.*

*Clause 19, agreed to.*

*Clause 20, agreed to.*

*Clause 21, agreed to.*

Clause 22

**MR KASOLO:** Clause 22: Tenant to pay rent

Redraft clause 22 as follows:

(1) A tenant shall pay the rent on the date and in a manner agreed upon by the landlord and tenant.

(2) The landlord shall issue a receipt upon payment of rent by the tenant.

(3) The receipt issued in subsection (2) shall be in the form prescribed in regulations issued by the minister.

(4) A landlord renting out a business premise in a city or a municipality shall provide a tenant with his or her bank account number into which all the rent payments may be deposited.

Justification

1. To ensure that landlords present an accurate representation of what is paid in rent in a receipt.

2. To curb “landlords renting out business premises in a city or municipality shall provide a tenant with his or her bank account into which rent payments shall be deposited”. This is repetition. That is the justification, Madam Chairperson.

**THE DEPUTY CHAIRPERSON:** Honourable minister?

**MR KANIA:** We agree with that proposal.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 22 be amended, as proposed.

*(Question put and agreed to.)*

*Clause 22, as amended, agreed to.*

Clause 23

**MR KASOLO:** Clause 23 is about determination of rent under tenancy.

Clause 23(2): The provision shall start with the words: “Save as may otherwise be agreed between the parties in their tenancy agreement.”

The justification is that the law should uphold the freedom of parties to contract. It should be permissible for parties to mutually agree on the possibility of payment in Uganda shillings equivalent to the US dollar.

**MR OBIGA:** I agree.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 23 be amended, as proposed.

*(Question put and agreed to.)*

*Clause 23, as amended, agreed to.*

*Clause 24, agreed to.*

*Clause 25, agreed to.*

Clause 26

**MR KASOLO:** Clause 26 is about receipts for rent.

In clause 26(2) we propose to insert, after the phrase “prescribed form” the words, “and shall include, among others, the amount of and period for which rent is paid.”

The justification is to emphasise the need to have the amount of rent and the period stated in the receipt to minimise conflicts. I beg to submit.

**MR KANIA:** I agree.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 26 be amended, as proposed.

*(Question put and agreed to.)*

*Clause 26, as amended, agreed to.*

Clause 27

**MR KASOLO:** Clause 27 is about increase of rent.

1. Subclause (1)

(i) We propose that the provision should start as follows: “Save as may otherwise be agreed between the parties in their tenancy agreement.”

(ii) We propose the insertion of the phrase “with approval of Parliament,” to appear after the word “Minister.”

The justification is that Parliament should be involved –

**THE DEPUTY CHAIRPERSON:** Please repeat that amendment; the honourable wants to hear what you are saying.

**MR KASOLO:** The whole clause.

Clause 27: Increase of rent.

1. Subclause (1)

1. The provision should start as follows: “Save as may otherwise be agreed between the parties in their tenancy agreement.”
2. Insert the phrase “with approval of Parliament,” after the word “Minister.”

The justification is that Parliament should be involved in such critical changes in the principal legislation as a check on the utilisation of the powers of the minister.

**THE DEPUTY CHAIRPERSON:** Subclause (2).

**MR KASOLO:** In subclause (2) we propose to insert the word “sixty” –

**THE DEPUTY CHAIRPERSON:** Let him finish reading. That is why I said whoever had an amendment should bring it up.

**MR KASOLO:** In subclause (2), we propose to substitute the word “ninety” with the word “sixty.”

The justification is that parties may mutually agree on how rent should be increased, especially with a long-term tenancy, 60-days’ notice is reasonable in the circumstances. I beg to submit.

**THE DEPUTY CHAIRPERSON:** Honourable minister?

**MR OBIGA:** Madam Chairperson, I agree to the amendments in subclause (2). However, on clause (1), when we had further consultations with the committee chairperson, we expressed the fact that we had reservations because we think yes, there may be a good reason to – that provision essentially is trying to protect the tenant from arbitrary increases of rent at the will of the landlord.

However, we think that bringing every change of that nature to Parliament, all the time it happens, would clog down the work of Parliament.

The best the minister can do is cover that under the regulations, which the minister will issue, and these regulations, we think from time to time when they are tabled in Parliament, will then cover the general principles and the latitude within which landlords in general can increase the rent, instead of every time coming to Parliament for a matter, which we think you should be able to entrust your ministers with.

So, I think they agreed; I do not know what the position of the minister is.

**THE DEPUTY CHAIRPERSON:** How should your amendment read?

**MR OBIGA:** Well, we would want to retain the original position as it was in clause 27 in the Bill, which states thus: “A landlord shall not increase rent at a rate of more than 10 per cent annually or such other percentage, as may be prescribed by the minister by statutory instrument.” That is what we think should remain.

The contention here is that this should always be done with approval of Parliament.

**THE DEPUTY CHAIRPERSON:** Hon. Niwagaba, can you make the proposal?

**MR NIWAGABA:** Thank you, Madam Chairperson. That is what we agreed, except that the phrase “save as may otherwise be agreed between the parties in the tenancy agreement” should be maintained; we are only agreeing to the deletion of the words “with approval of Parliament.”

**THE DEPUTY CHAIRPERSON:** Okay.

**MR OBIGA:** I agree to the proposal by the shadow attorney-general.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 27(1), as amended by hon. Niwagaba on deletion of the words “with approval of Parliament”-

**MS OGWAL:** Madam Chairperson, I do not see how the minister comes in because this is a tenancy between the landlord and tenant. Why should the minister come in? So, we should delete the words “Minister” and “Parliament.”

**MR NIWAGABA:** For purposes of the *Hansard*, the amendment will read but before I read it, I want to help hon. Atim Ogwal that this particular provision is meant to curb unrestricted rent increment by landlords that would disfavour tenants.

So, there is some sort of rent restriction and that is why we are leaving powers to the minister to prescribe the upper percentage limit beyond which rent may not be increased.

However, for purposes of amendment, clause 27(1) will read thus: “Save as may otherwise be agreed between the parties in their tenancy agreement, a landlord shall not increase rent at a rate of more than 10 per cent annually or such other percentage as may be prescribed by the minister by statutory instrument.”

**MS OGWAL:** Madam Chairperson, I would rather that the minister prescribes through the regulation. I would not want the minister to be involved in this piecemeal kind of, you know, tenant-landlord agreements. I would rather that the minister would come in through regulation but not as it is put in here.

**THE DEPUTY CHAIRPERSON:** But hon. Cecilia Ogwal, this is what has been in the Bill; that is how the Act has been. No, we are not amending anything.

**MR NIWAGABA:** For your information hon. Atim Ogwal, a statutory instrument is a regulation and actually, the common legal jargon is “statutory instruments” but those are the regulations.

**THE DEPUTY CHAIRPERSON:** Thank you for helping *imati* hon. Cecilia, by taking her to law class. I put the question to the amendment in Clause 27 as proposed by hon. Niwagaba?

*(Question put and agreed to.)*

*Clause 27 as amended, agreed to.*

*Clause 28 agreed to.*

*Clause 29 agreed to.*

Clause 30

**MR KASOLO:** Clause 30(1): Failure to pay rent by tenant and claims for rent arrears clause.

The provision should end with a proviso as follows, “provided that where the default shall continue for a period of more than 30 days, the landlord shall be entitled to re-enter the premise and take possession thereof in the presence of the area local council officials and the police without prejudice to the right to recover the rent arrears.”

Justification

A tenancy is primarily based on two things: occupation of the premises by the tenant against payment of rent to the landlord. If the tenant cannot pay rent, then he or she cannot continue occupying the premise indefinitely until an order of eviction is obtained. This will defeat the whole purpose of renting out premises. I beg to submit.

**MR OBIGA:** I agree.

**THE DEPUTY CHAIRPERSON:** Thank you. I put the question that clause 30, be amended as proposed?

*(Question put and agreed to.)*

*Clause 30, as amended, agreed to.*

Clause 31

**MR KASOLO:** Clause 31 is about security deposit. In clause 31(6), insert the phrase of the change at the end of the sub clause.

Justification is for clarity to what the notes relate to.

**MR OBIGA:** I agree.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 31 be amended as proposed?

*(Question put and agreed to.)*

*Clause 31, as amended, agreed to.*

*Clause 32, agreed to.*

*Clause 33, agreed to.*

Clause 34

**THE DEPUTY CHAIRPERSON:** Chairman, it is a new clause.

**MR KASOLO:** New clause after clause 34: Insert a new clause after clause 34(2) to read as follows: “Prohibition of goodwill: Unless otherwise agreed between the parties, an assignment of a tenancy or sub-renting or execution of a new tenancy shall not be subjected to requirement for payment of any sum of money constituting goodwill to the landlord”.

The justification is to abolish goodwill payments, since it is unpopular among tenants and treated as unfair.

**MR OBIGA:** Madam Chairperson, during our discussions - first discussion and subsequent discussions with the committee - we were of the view that goodwill, while it is a good business practice and exists, is not a fixed asset, which you can easily place a value on. It is kind of flexible and can be a good business practice between agreeing parties.

Therefore, we do not think that it should really be legislated per se in the main Act. However, since we have provided leeway in the tenancy agreement, if they want to include an element of goodwill that will be their freedom to contract.

Therefore, we thought any references in this law about goodwill should have been deleted and our proposal was that section 34 remains as it is without reference to goodwill.

**THE DEPUTY CHAIRPERSON:** So, are you suggesting that we do not introduce subclause (2)?

**MR OBIGA:** Subclause (2), it will be read as it is now - invalid assignment and subletting of premises. Any assignment of attendance or subletting of the whole or any part of the premises to a tenant without the consent of the landlord is invalid and immediately terminates the tenancy. It was trying to introduce a second provision, which we think is something which is fluid and should leave it out of the main Act. It can be provided for in the tenancy by the individual people as they contract. So, I do not know -

**THE DEPUTY CHAIRPERSON:** Clause 34 as it was without amendment -

**MR OBIGA KANIA:** We are suggesting that it should remain as it is without amendment -*(Interjection)-* Yes.

**THE DEPUTY CHAIRPERSON:** I now put the question that clause 34 do stand part of the Bill.

*(Question put and agreed to.)*

*Clause 34, agreed to.*

Clause 35

**MR KASOLO:** Clause 35: Termination of tenancy to be in accordance with the Act. Insert at the end of the clause, the following: “or in accordance with the tenancy agreement.”

The justification is that the parties should reserve the right to make provision for termination in their tenancy and the right should be respected. I beg to move.

**THE DEPUTY CHAIRPERSON:** Minister -

**MR OBIGA:** We agree.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 35 be amended as proposed.

*(Question put and agreed to.)*

*Clause 35, as amended, agreed to.*

*Clause 36, agreed to.*

*Clause 37, agreed to.*

*Clause 38, agreed to.*

**MR KASOLO:** Clause 39 - Termination after notice. In 39 (1), insert the following phrase: “at the end of the provision or with the terms of the tenancy agreement.”

The justification is that the party should reserve the right to make provision for termination in their tenancy and the right should be respected.

In clause 39(5), delete subclause 5. The justification is termination should be catered for in the tenancy agreement.

In clause 39(7), insert a new subclause (7) to read as follows:

“The issuance of a notice of termination under subsection (1) shall not operate as an extinction of a landlord or a tenant’s duty and the rights under the tenancy agreement, in respect of which notice has been issued.”

The justification is that this will ensure that the terms and conditions of the tenancy agreement remain effective even during the notified period.

I beg to move.

**MR OBIGA:** Thank you Chairperson. We agree.

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

*(Question put and agreed to.)*

*Clause 39, as amended, agreed to.*

**MR KASOLO:** Clause 40: Termination by abandonment.

In clause 40(1), insert at the end of the provision the following: “save that such termination may be abandonment shall be without prejudice to the rights of the landlord to recover any accrued rent and charges.”

The justification is that the landlord should be enabled to recover any accrued rent and charges from any abandoned tenancy.

**MR OBIGA:** I agree.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 40 be amended as proposed.

*(Question put and agreed to.)*

*Clause 40, as amended, agreed to.*

*Clause 41, agreed to.*

**MR KASOLO:** Clause 42: The tenant or landlord to challenge termination in a court.

In clause 42 (4), insert the phrase “or landlord” after “tenant” at the beginning of sub-clause (4).

The justification is that the landlord should also enjoy the same right of appeal as the tenant. The right to appeal should be available for both parties and not only the tenant.

**MR OBIGA:** It is a legal right to both parties. I agree

**THE DEPUTY CHAIRPERSON:** I put the question that clause 42 be amended as proposed.

*(Question put and agreed to.)*

*Clause 42, as amended, agreed to.*

*Clause 43, agreed to.*

**MR KASOLO:** Clause 44 - refusal by tenant to vacate premise after receipt of notice of termination. In clause 44(1), re-draft the provision to read as follows: “Where a tenant does not vacate the premises on the date specified in the notice of termination, or upon the breach, the landlord may thereafter re-enter the premises, provided that re-entry shall be effected in the presence of local council officials and the police.”

The justification is to avoid the scenarios where tenants would wait for notice to expire and refuse to vacate.

**MR OBIGA:** I agree.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 44 be amended as proposed.

*(Question put and agreed to.)*

*Clause 44, as amended, agreed to.*

*Clause 45, agreed to.*

Clause 46

**MR KASOLO:** Clause 46: Unlawful eviction of tenant. In clause 46(1), insert the words “or the terms of the tenancy agreement” following immediately after the words “in accordance with this Act.”

In clause 46(2), insert the words “or in terms of the tenancy agreement” immediately after the words “in contravention of this this Act.”

Delete “criminal penalties” and add “the tenant shall be entitled to pursue appropriate relief from a court of law”.

Substitute the phrase “not exceeding 250 currency points” with the phrase “equivalent to three-month rent payable.”

In clause 46(3), restrict it to only “compensatory damages” and you remove “criminal sanctions”.

The justification is that the penalties proposed should allow for a compensatory option to cater for damages or breach since this is a civil matter.

**MR OBIGA:** Chairperson, I agree to subsections (1) and (2), except that in (2), the relevant words are in quotes, “the tenant shall be entitled to pursue appropriate relief from a court of law.” Those are the relevant amendment words.

In subclause (3), there are no words proposed by the committee and it should remain “the compensatory damages” because the chairperson has put it in general words but we are talking about compensatory damages. The amendment would read -

**THE DEPUTY CHAIRPERSON:** And remove “criminal sanctions”.

**MR OBIGA:** We are removing “criminal sanctions”. They are not part of our – (3) says, “A court convicting a landlord under subsection (2) shall, in addition to any penalty imposed by the court, order the landlord to compensate the tenant for any damages arising from the unlawful eviction.”

I think it should remain as it is and I think the committee was just making comments but not necessarily making a law. Therefore, I propose that clause 46(3) remains as it is. Thank you.

**THE DEPUTY CHAIRPERSON:** Honourable minister, do you want to say there is no amendment in clause 46?

**MR OBIGA:** There is an amendment in clause 46(1). In subclause (2), there is an amendment but the phrasing is: “terms of the tenant’s agreement in contravention of this Act”. I propose that you delete the rest. Subclause (2) thus reads: “A landlord who evicts a tenant from the premises, or requires or attempts to require or compel the tenant to vacate the premises in contravention of this Act, commits an offence and is liable on conviction to a fine not exceeding 250 currency points or imprisonment not exceeding one year or both.”

I do not know where the words “in contravention of this Act” - the committee was trying to set the words “all the terms” that are in contravention of the Act or the terms of the tenancy agreement. That is where it will be inserted and it is okay with me, subject to what the shadow attorney-general will say.

**MR NIWAGAB**A**:** Thank you. If you have now conceded – otherwise, we never addressed that and you had not raised an issue. The principle is that this should not be a penal law. Therefore, if you concede to the committee’s proposals on subclauses (1) and (2), that is okay.

However, I also invite you, honourable minister, to concede on subclause (3) by adding the words “compensatory” immediately before “damages” and after the words “for any” so that it is not left to the discretion of court to be too wide. If it is compensatory, then court will look at the actual loss being suffered maybe in terms of rent paid and the like so that we capture the spirit -

**THE DEPUTY CHAIRPERSON:** Hon. Niwagaba, first read subclause (3). It says, “A court convicting a landlord…”

**MR NIWAGABA:** It says, “A court convicting a landlord under subsection (2) shall, in addition to any penalty imposed by the court, order the landlord to compensate the tenant …” - Oh! It is already there anyway. It is okay, we could maintain it.

**THE DEPUTY CHAIRPERSON:** Let us reconcile this first then you can respond. Is that okay?

**MR OBIGA:** That is okay. Subsection (3) remains as is but there are insertions in subsections (1) and (2).

**THE DEPUTY CHAIRPERSON:** Okay. I put the question that clause 46 be amended, as proposed.

*(Question put and agreed to.)*

*Clause 46, as amended, agreed to.*

**MR OLANYA:** Madam Chairperson, my concern is on subsection (2), where the committee proposed a fine not exceeding 250 currency points - I propose that it should be replaced with an equivalent rent of three months.

**THE DEPUTY CHAIRPERSON:** It has passed.

**MR OLANYA:** That is why I wanted to raise it earlier.

**THE DEPUTY CHAIRPERSON:** You can bring it later. Members, I asked you to bring amendments but they have not been brought. I gave the legal brains to look at this and it has been approved. Can we move on? Next.

Clause 47

**MR KASOLO:** Madam Chairperson, clause 47 is about “goodwill” which we agreed upon with the minister that it should be deleted. We should go to clause 48.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 47, be deleted.

*(Question put and agreed to.)*

*Clause 47, deleted.*

Clause 48

**MR KASOLO:** Madam Chairperson, clause 48: Subjecting a tenant to annoyance. We propose to delete the entire clause 48(1) and (2).

The justification is that the clause is so ambiguous and it presupposes that it is only the tenant who can be annoyed by the landlord. *(Laughter)*

**THE DEPUTY CHAIRPERSON:** I put the question that clause 48, be deleted.

*(Question put and agreed to.)*

*Clause 48, deleted .*

*Clause 49, agreed to.*

Clause 50

**MR KASOLO:** Clause 50: Entry of rented premises by landlord.

Subclause (3)

Replace subclause (3) with the following:

“(3) Notwithstanding subclause (1), in case of an emergency occurrence, a landlord may enter the premises without notice.”

The justification is to provide for entry by the landlord in cases of emergency, where no advance notice of entry is required. The subclause carries the same import and it is similar to what is contained in clause 6 (4). I beg to move.

**THE DEPUTY CHAIRPERSON:** Honourable minister, that is on the entry of rented premises by the landlord.

**MR OBIGA:** I know Members are wondering about emergency but that is the very nature of an emergency. Since you cannot define it now, there is no harm if you put it there. So, we concede to that.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 50, be amended, as proposed.

*(Question put and agreed to.)*

*Clause 50, as amended, agreed to.*

*Clause 51, agreed to.*

*Clause 52, agreed to.*

*Clause 53, agreed to.*

*Clause 54, agreed to.*

*Clause 55, agreed to.*

*The First Schedule, agreed to*

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*The Second Schedule, agreed to.*

Clause 2

**THE DEPUTY CHAIRPERSON:** Clause 2 is the interpretation – that is the definition of “business”.

**MR KASOLO:** Madam Chairperson, we had an agreement with the minister on this clause. It would be prudent for him to come and give that definition.

**MR OBIGA:** Madam Chairperson, the definition we had on “business” was affected by our subsequent definition of mixed-use premises. Here, we are trying to say “business includes trade, commerce, profession, employment and any other activity carried on by a person or body of persons, whether corporate or unincorporate”.

However, what we had proposed for the definition of “mixed-use premises” would include premises which are used simultaneously for both residential purposes and other purposes, out of a home-based business. Now, we thought this is wider than when you go to specify in our “trade”, “industry” and so forth.

We had requested the committee to drop that proposal of a separate definition of “business”. Therefore, there wouldn’t be any definition as we had specified.

**THE DEPUTY CHAIRPERSON:** Does that mean we are not making an amendment on this?

**MR OBIGA:** No, we are not, according to the discussion we had. When you look at the present interpretation definition in the Act, which we proposed, “business premises” in relation to a tenancy means premises occupied by the tenant for the purposes of a business carried out by him or her.

Now, “business” in our definition includes trade, profession or employment and any activity carried on by a person or a body, whether corporate or unincorporate. As we have put it here in the interpretation, we think this is wider than the one which the committee has proposed.

Therefore, we had agreed that there will be no amendment of this definition of “business” and we would carry on the definition as is in the Act. Essentially, we are saying “no amendment” in that respect.

**MR NIWAGABA:** Madam Chairperson, that is the position we agreed on, bearing in mind the definition of “business premises” and the definition of “residential premises” in bringing in the concept of mixed-use premises.

**THE DEPUTY CHAIRPERSON:** What about the one of “goodwill”? Was it also dropped?

**MR OBIGA**: Yes, we had dropped “goodwill” for the reasons that I stated earlier.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 2 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 2, agreed to.*

The Title

**MR OBIGA:** Madam Chairperson, the committee had proposed an amendment on the long title. With the permission of the chairperson, I can read it –

**THE DEPUTY CHAIRPERSON:** Let the chairperson read it.

**MR KASOLO:** Madam Chairperson, we had a discussion on this long title. We propose to insert the phrase “residential, commercial and industrial” before the words “premises” in the second and last line.

Justification

The scope of “premises” should not be restricted to residential and business premises. It should cover residential, commercial and industrial premises. I believe we are talking of mixed-use premises. Somehow, we agreed with *–(Interruption)*

**MR NIWAGABA:** We agreed that the interpretation section and what the Bill entirely covers is enough. Therefore, there is no need to amend the long title or do anything with it.

**THE DEPUTY CHAIRPERSON:** Minister?

**MR OBIGA:** That is the position and I agree with it.

**THE DEPUTY CHAIRPERSON:** I put the question that The Title be part of the Bill.

*(Question put and agreed to.)*

*The Title, agreed to.*

MOTION FOR THE HOUSE TO RESUME

5.47

**THE MINISTER OF STATE FOR LANDS, HOUSING AND URBAN DEVELOPMENT (URBAN DEVELOPMENT)(Mr Kania Obiga):** Madam Chairperson, I beg to move that the House do resume and the Committee of the whole House reports thereto.

**THE DEPUTY CHAIRPERSON:** Honourable members, I put the question that the House do resume and the Committee of the whole House reports thereto.

*(Question put and agreed to.)*

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

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

**THE DEPUTY SPEAKER:** Honourable minister.

5.48

**THE MINISTER OF STATE FOR LANDS, HOUSING AND URBAN DEVELOPMENT (URBAN DEVELOPMENT) (Mr Obiga Kania):** Madam Speaker, I beg to report that the Committee of the whole House has considered the Bill entitled, “The Landlord and Tenant Bill, 2021,” and passed the clauses with some amendments, all the schedules with amendments and the long title. I beg to report.

**THE DEPUTY SPEAKER:** Thank you.

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

5.49

**THE MINISTER OF STATE FOR LANDS, HOUSING AND URBAN DEVELOPMENT (URBAN DEVELOPMENT) (Mr Obiga Kania):** Madam Speaker, I beg to move that the report from the Committee of the whole House be adopted. I beg to move.

**THE DEPUTY SPEAKER:** I now put the question that the report of the Committee of the whole House be adopted.

*(Question put and agreed to.)*

BILLS

THIRD READING

THE LANDLORD AND TENANT BILL, 2021

5.50

**THE MINISTER OF STATE FOR LANDS, HOUSING AND URBAN DEVELOPMENT (URBAN DEVELOPMENT) (Mr Obiga Kania):** Madam Speaker, I beg to move that the Bill entitled, “The Landlord and Tenant Bill, 2021” be read the third time and do pass.

**THE DEPUTY SPEAKER:** I now put the question that the Bill entitled, “The Landlord and Tenant Bill, 2021” be read for the third time and do pass.

*(Question put and agreed to.)*

A BILL FOR AN ACT ENTITLED, “THE LANDLORD AND TENANT ACT, 2022”

**THE DEPUTY SPEAKER:** Congratulations, honourable minister. (*Applause*) This Bill will go a long way in smoothening and guiding the relationship between landlords and tenants. Thank you, honourable members.

**MR OBIGA:** Madam Speaker, if you could allow me, I would like to thank you, the members of the committee and all my colleagues in Parliament for passing this Bill. We register our gratitude to you all. And we hope that the Bill will achieve its objectives. Thank you very much.

**THE DEPUTY SPEAKER:** Honourable members, once again, I want to thank you very much for your patience.

5.52

**MS CECILIA OGWAL (FDC, Woman Representative, Dokolo):** Madam Speaker, I think this is a matter we cannot overlook. I have been extremely impressed with the contribution and the participation of the minister in driving this debate because he has understood the position of the committee and it has made our work very easy.

This Bill, which has now been passed, is very important because it affects all of us as all of us are either tenants or landlords. So, I am really happy that the minister has not made our life difficult.

However, I wanted to raise some issues but I feared the Speaker – she has been very rigid. *(Laughter)* My husband went to Busoga College Mwiri and used to tell me that in Mwiri, there were two sections of the mathematics class, A and B. The teacher would always say that have mercy on the B group.

Madam Speaker, I am begging you to have mercy over the B group –*(Laughter)*– because when the minister tells me that a tenancy agreement must be in writing or by word of mouth - when you are in a conflict, how do you justify yet, this is in the law.

So, I wanted to challenge that but being in the B group, I did not want to raise it. Thank you.

**THE DEPUTY SPEAKER:** Hon. Cecilia, I have allowed you to speak and to raise your issue because I have mercy on the B group. Honourable members, we just need to appreciate the B group because especially with the age now - you know what is happening; she is our grandmother in the House.

Honourable minister, before the Rt Hon. Prime Minister comes in, I thank you for having knowledge on what we have passed. I really must appreciate. Some people bring laws here when they do not know what is happening but you really had information yet, you are new in that ministry. I would like to thank you very much. I want to thank the chairperson and the committee in general.

I also request Members with Bills in their committees, please, bring them to the House. And in a special way, I would like to thank the shadow attorney-general for the good work he has done. *(Applause)* Now, I can see you will be the next Attorney-General*. (Laughter)* Thank you very much.

5.55

**THE MINISTER, OFFICE OF THE PRIME MINISTER (GENERAL DUTIES) (Ms Justine Kasule Lumumba):** Thank you very much, Madam Speaker. I would like to take this opportunity, on behalf of the Prime Minister and on behalf of the Executive, to thank you in a special way, for steering us through. While some people had thought it would be very difficult, it was simplified because of your methods of work. Thank you very much.

I also want to take this opportunity to thank the chairperson of the committee and committee members for working together and agreeing before coming here. We should carry forward this spirit.

In a special way, I would like to thank the shadow attorney-general. Please, thank you for the cooperation. Thank you for the time you have put in. I know politicians are busy and it has also been a busy weekend for you since you come from an area where we had a major national activity – sending off one of our gallant sons but you created time and worked together with the committee, the Speaker and also the minister.

In a special way, I thank the Minister of State for Urban Development and Physical Planning, representing the Minister of Lands, Housing and Urban Development. Thank you, like everybody has said before, for understanding the subject, on the side of the tenants, the landlords but also you as a regulator; you simplified our work.

Members, I pray that we continue with that spirit. This team has set the bar high. Fellow ministers, let us understand our subjects better to simplify work and ease time and resources for the Ugandans. Thank you very much.

**THE DEPUTY SPEAKER:** Honourable members, thank you very much for your patience. You mean a lot to this country and to me for sitting with me here from the time we came up to this time; it is not an easy thing.

Thank you for appreciating, Prime Minister. They are very few who appreciate. I want to thank you. I, therefore, adjourn the House to tomorrow at 2 o’clock. Thank you.

*(The House rose at 5.57 p.m. and adjourned until Wednesday, 2 February at 2.00 p.m.)*