



PARLIAMENT OF UGANDA

Report of the Standing Committee on Rules, Privileges and Discipline on Proposed Amendments to the Rules of Procedure of The Parliament of Uganda

Rules: 12, 41, 158, 175, 187, 235 and Appendix B of the
Rules of Procedure of the Parliament of Uganda

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Office of the Clerk to Parliament
Parliament Buildings
KAMPALA
April 2022
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C. A. Mawengina

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1.INTRODUCTION

Rt. Hon. Speaker,

This is the report of the Committee on Rules, Privileges and Discipline on amendments proposed to the Rules of Procedure of the Parliament of Uganda, particularly Rules 12, 41, 158, 175, 187, 235 and Appendix B.

2.BACKGROUND, OBSERVATIONS AND RECOMMENDATIONS

2.1 ELECTION OF MEMBERS OF THE EAST AFRICAN LEGISLATIVE ASSEMBLY (RULE 12 AND APPENDIX B)

2.1.1 BACKGROUND:

On 26th July 2021, the Leader of the Opposition in Parliament, proceeding under Rule 59(k) of the Rules of Procedure of the Parliament of Uganda, moved a motion without notice to amend the Rules of Procedure of Parliament regarding election of Uganda's representatives to the East African Legislative Assembly (EALA).

This followed the recommendation by the Verification Committee of the Nominees and Applicants for the By-Election to the East African Legislative Assembly – Uganda Chapter, after the demise of former EALA representative, Hon. Matthias Kasamba. The Verification Committee chaired by Hon. Fox Odoi, had observed that the Rules of Procedure do not provide for EALA bye-elections in case a seat falls vacant during the term of office.

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The Speaker of Parliament ordered the Committee on Rules Privileges and Discipline to take up the matter and report their findings within forty five days.

The Committee on Rules, Privileges and Discipline studied the Rules of Procedure and the Case Law applicable to this subject and presents its findings as follows:

Existing Gaps in the Current Rules of Procedure:

Election of Members to the East African Legislative Assembly is governed by Article 50 of the Treaty for the Establishment of the East African Community, which provides that:

1. ***The National Assembly of each Partner State shall elect, not from among its members, nine Members of the Assembly, who shall represent, as much as is feasible, the various political parties represented in the National Assembly, shades of opinion, gender and other special interest groups in that Partner State, in accordance with such procedure as the National Assembly of each Partner State may determine.***
2. ***A person shall be qualified to be elected a Member of the Assembly by the National Assembly of a Partner State in accordance with paragraph 1 of this Article if such a person-***
 - (a) ***is a citizen of that Partner State;***
 - (b) ***is qualified to be elected a member of the National Assembly of that Partner State under its Constitution;***
 - (c) ***is not holding the office of a minister in that Partner State;***
 - (d) ***is not an officer in the service of the Community; and***
 - (e) ***has proven experience or interest in consolidating and furthering the aims and objectives of the Community."***

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Case Law Interpreting Article 50 of the Treaty and The Rules of Procedure

- i) *Jacob Oulanyah Vs The Attorney General of the Republic of Uganda, Constitutional Petition No. 28 of 2006;*
- ii) *Prof. Peter Anyang' Nyong'o & Others Vs The Attorney General of Kenya and the Secretary General of the East African Community, Reference No. 1 of 2006*
- iii) *Democratic Party & Mukasa Mbidde Vs The Secretary General to the East African Community and the Attorney General of the Republic of Uganda, Reference No. 6 of 2011;*
- iv) *Abdu Katuntu Vs The Attorney General of Uganda & The Secretary General of the East African Community & 9 Interveners, Ref. No. 5 of 2012;*
- v) *Among A. Anita V. Attorney General Of Uganda, The Secretary General Of The East African Community & Others Reference No.6 Of 2012.*

Below is a summary of the rulings in the respective cases.

Jacob Oulanyah Vs The Attorney General of the Republic of Uganda,
Constitutional Petition No. 28 of 2006

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The Constitutional Court of Uganda faulted Rule 11 (1) of The Rules of Procedure of the Parliament of Uganda 2006 which essentially locked out candidates that were not affiliated to political parties. The Rule stated that "*representation shall reflect the proportional Party membership based on the numerical strength of the Parties in the House and take into consideration gender and other shades of opinion*". Appendix C of the 2006 Rules further provided for nomination of candidates on any nomination day **by each party represented** in the House. Court held that this Rule implied that Parliament had divested itself of its duty to elect Members of the EALA and bestowed it on the political parties. Court however held that the meaning and import of Article 50 (1) of the Treaty does not require that all the six political parties represented in the Parliament of Uganda should be represented in the EALA.

Prof. Peter Anyang' Nyong'o & Others Vs The Attorney General of Kenya and the Secretary General of the East African Community, Reference No. 1 of 2006

Court held that Article 50 provides that the nine elected members shall as much as is feasible be representative of the specified groupings, but the extent of feasibility of such representation is left to the discretion of the National Assembly, given each Partner State's peculiar circumstances. Court also stated that "*These electoral processes may or may not involve such preliminaries as campaigns, primaries and/or nominations... the bottom line for compliance with Article 50 is that the decision to elect is a decision of and by the National Assembly*".

Democratic Party & Mukasa Mbidde Vs The Secretary General to the East African Community and the Attorney General of the Republic of Uganda, Reference No. 6 of 2011:

Court ruled that the Rules of Procedure be amended to reflect the specified requirements of Article 50, particularly that '*elected members shall represent, as much*

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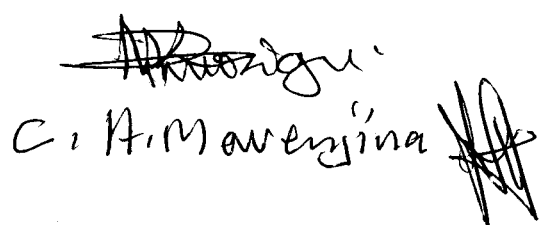
as is feasible, the political parties in the National Assembly; shades of opinion; gender; and other special interest groups'; and emphasized that the procedure for elections shall be determined by the National Assembly. Court further held that "any election, or rule of procedure for election, of EALA members that departs from the above clear requirements risks contravening the Treaty."

Abdu Katuntu Vs The Attorney General of Uganda & The Secretary General of the East African Community & 9 Intervenors, Ref. No. 5 of 2012, p. 29:

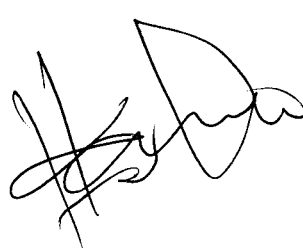
On whether all the six political parties represented in the Parliament of Uganda should send a member each to the EALA, the EACJ answered in the negative. Court took judicial notice of the fact that the number of political parties in the Partner States differ from one state to another. Court reechoed its position in the case of **Anyang' Nyong'o** that the framers of the Treaty expressly left it to the National Assembly of each Partner State to determine its procedure for the election.

Among A. Anita Vs. Attorney General of Uganda, the Secretary General of the East African Community & Others, Reference No.6 of 2012:

Court held that in order to conform to the provisions of Article 50(1), the electoral process must ensure equal opportunity to become a candidate, full participation and competition for specified groupings and...their effective representation in the EALA. However, it stated that Article 50(1) of the Treaty does not require that election rules should provide for specific slots for the specified interest groups, or that they should provide for guarantees of representation for those groups. Again, Court left the question of 'feasibility' to the discretion of the National Assemblies of Partner States. Court further questioned Rule 13(1) and (2) of Appendix B which provided for consultations and consensus between voting by secret ballot and declaration of results. Court emphasised that any consultations and consensus-building are done in


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the earliest stages of the electoral process and certainly not after voting. Court ordered the Rules to be amended prior to the next EALA elections.

Current Rules on Election of Members of EALA

The current Rules of Procedure took the EACJ's orders into consideration, and the impugned sub rule on consensus was deleted. Currently, Rule 12 of the Rules of Procedure of Parliament, 2021 provides as follows:

Rule 12. Election of Members of the East African Legislative Assembly

(1) The nine Members of the East African Legislative Assembly representing Uganda shall be elected by Parliament, not from among Members of Parliament, representing as much as it is feasible, the various political parties represented in the House, shades of opinion, gender and other special interest groups in Uganda.

(2) The election of the Members to the East African Legislative Assembly shall be held in accordance with the rules set out in Appendix B to these Rules.

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The current Appendix B provides for a more elaborate procedure of elections, but, as observed by the House, the Rules are silent on bye-election in case a seat in the EAC Assembly falls vacant. The Rules only provide for what happens when a nominee from a specified party or gender or interest group withdraws or dies **before the election** [Appendix B Paragraph 8 (4) and (5)].

2.1.2 OBSERVATIONS

The committee makes the following observations.

- (i) Whereas the East African Legislative Assembly Elections Act provides for vacation of office by a member of the East African Legislative Assembly through various ways including death, the current Rules of Procedure do not make reference to vacation of office by a member of the Assembly, including the guidelines for filing this vacancy, for example whether the replacement Member of the Assembly should be drawn from the same political party or organisation represented by the previous holder of the office;
- (ii) The Rules are also silent on the time frame within which the bye-election should be held, considering that the East African Legislative Assembly Elections Act, 2011 provides for a period of 90 days within which a bye-election to fill the vacancy must be held.

Sections 8(2) of the East African Legislative Assembly Elections Act, 2011 provide that:

“(2) After notification of a vacancy under subsection (1), a bye-election shall be held within a period of 90 days”

Section 9 (1) provides that:

- (1) ***A bye-election shall be conducted whenever a member of the Assembly-***
 - (a) ***dies; or***
 - (b) ***where the seat of a member of the Assembly becomes vacant under this Act.***

- (iii) The Committee further notes that the current rules do not specify for how long a person elected in a bye-election shall hold the office. The East African Legislative Assembly Elections Act, 2011 gives guidance in Section 9(2):

Notwithstanding subsection (1), a member of the Assembly elected under this section shall serve for the remaining term of the Assembly.

- (iv) The committee further notes that EALA Elections Act Section 9(3) bars a bye-election to be held within a period of six months before the expiry of the term of the Assembly, except where failure to hold the election affects the quorum of the Assembly.
- (v) The committee observes that whereas the Rules of Procedure of Parliament provide for a Verification Committee, the Rules do not provide for the report of this Committee to be tabled in Parliament. It is important to note that the Members of Parliament are the electorate who ought to be given better particulars of the persons they are to elect to make informed decisions.

2.1.3 RECOMMENDATIONS

- (i) The Committee recommends that the bye-elections should in principle be held, as much as is feasible, in accordance with the rules on the election of the nine members representing the East African Legislative Assembly.

(ii) The committee recommends that the Rules should be explicit by listing the circumstances that give rise to the occurrence of a vacancy at the Assembly. The East African Legislative Assembly Elections Act, 2011 provides for various events, the happening of which a vacancy occurs. These events include:

- resignation by the member in writing addressed to the Speaker of the Assembly;
- upon ceasing to be qualified to be elected as an elected member;
- upon his or her election or nomination as a member of the National Assembly of a Partner State;
- upon his or her appointment as a Minister in the Government of a Partner State;
- upon conviction by a Court of competent jurisdiction of an offence and sentenced to imprisonment for a term exceeding six months and if no appeal has been preferred against such a decision;
- upon his or her appointment as an officer in the service of the Community;
- upon the dissolution of the Assembly; or
- upon death.

(iii) Regarding the time frame within which the bye-election should be held, the Committee recommends that the election should be held within a period of sixty (60) days to allow for any flexibility since the East African Legislative Assembly Elections Act, 2011 provides for ninety (90) days.

- (iv) On the observation on the tenure of a member elected in a bye-election, the committee recommends that the Rules of Procedure should, in compliance with the East African Legislative Assembly Elections Act, 2011 provide for the tenure of a member elected in a bye-election to be for the remainder of the term of the Assembly.
- (v) On the issue of the reporting procedures of the Verification Committee, it is recommended that the report of the Verification Committee should be presented to the House. In arriving at this conclusion, the Committee is alive to the fact that the electorate of the Members of the Assembly are Members of Parliament and in addition, the Committee was guided by the precedent set in the last bye-election where the report of the Verification Committee was presented in the House.

2.2 PRIME MINISTER'S TIME (RULE 41)

2.2.1 BACKGROUND

During the 23rd Sitting of the 1st Meeting of the 1st Session of the 11th Parliament of Uganda held on Thursday 2nd September 2021, the Rt. Hon. Speaker during the Prime Minister's Question Time, directed the Committee on Rules, Privileges and Discipline to expedite the exercise on the review of the Rules of Procedure of Parliament especially Rule 41 and accordingly report back to Parliament.

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2.2.2 OBSERVATIONS

(a) The Committee notes that Rule 41 provides as follows;

- (1) *There shall be time designated as Prime Minister's Time, commencing at 4.00 p.m. every Thursday.*
- (2) *During the Prime Minister's Time—*
 - (a) *the Prime Minister may make a statement, or*
 - (b) *Questions may be put to the Prime Minister relating to matters of Government policy or the general performance of the Government and Government Agencies.*
- (3) *Questions to the Prime Minister shall be made in writing and submitted to the Clerk.*
- (4) *The Clerk shall enter all questions in the Prime Minister's Question Record Book and select fifteen questions by raffle which shall be forwarded to the Prime Minister.*
- (5) *The Prime Minister shall provide written responses copied to the relevant Member and respond to these questions during the Prime Minister's question time.*
- (6) *The Clerk shall publish a list of all questions and the responses made every month.*
- (7) *In the absence of the Prime Minister, the Deputy Prime Minister may make a statement or answer questions put to him or her.*
- (8) *The Prime Minister's time shall not exceed forty five minutes.*
- (9) *The Leader of Opposition shall have a right to comment or reply.*

(b) The Committee notes that the criteria for selecting the questions to the Prime Minister is by the use of the raffle system. The Committee observes that this system is unfair, as it depends on chance/luck and for that matter it is disorderly. A Member who duly submits their question is left to guess what the odds are that their question will be selected for response, and therefore cannot rely on the system to get answers. It is important that the system be fair, orderly and as predictable as possible, so that the Hon. Members find it both helpful and reliable. The Committee is of the view that a First-In-First-Out system would promise better order and reliability.

(c) The Committee notes that currently, the Prime Minister's Question time is restricted to written questions which receive written answers. In the past the Prime Minister received oral questions for which she/he had to provide responses on the spot, in the House, during the question time. However, this position was changed during the latest amendment to the Rules of Procedure, on the ground that providing written questions in advance would allow the Prime Minister to research and provide more quality and helpful answers to the House.

The Committee observes that it is Commonwealth best practice to assume and encourage the Prime Minister to be well-versed with matters of Government policy and implementation of Government programs across the country. It is for this reason that the Prime Minister is asked questions for on-the-spot response. Additionally, there could be Members of Parliament present in the House, who have urgent questions to ask the Prime Minister at the time, but who simply did not

have the opportunity to put in their written questions, perhaps owing to the urgency of the matter. The Committee finds it important to include a component of Oral Questions, as one of the means to encourage the Prime Minister to be on top of policy issues.

2.2.3 RECOMMENDATIONS

The Committee recommends that:-

- (i) The questions put to the Prime Minister should be both oral and written;
- (ii) The criteria for selection of Questions to the Prime Minister should be on a "first in first out" (FIFO) basis;
- (iii) The question time should be enlarged from forty five minutes to sixty minutes; forty minutes dedicated to responses to written questions and twenty minutes to responses to oral questions.

2.3 THE COMMITTEE ON SCIENCE, TECHNOLOGY AND INNOVATION (RULES 158 AND 187)

2.3.1 BACKGROUND

As per the Rules of Procedure of the Parliament of Uganda, there are 29 Committees, of which 13 are Standing Committees, while 16 are Sectoral Committees. Standing Committees have tenure of two and a half years [Rule 158 (1)] and Members may not

belong to more than one Standing Committee. Sectoral Committees last one year and have specific functions.

Upon the realization of the importance of science, technology and innovation as key drivers for development, during the 9th Parliament, a Motion was adopted to establish the Ministry of Science, Technology and Innovation. The Ministry came into force in June 2016.

The mandate of the Ministry was to provide overall policy guidance and coordination for scientific research, development and the national innovation system in Uganda. With a Ministry in place, the Standing Committee on Science, Technology and Innovation which had been in existence since 2012 was turned into a Sectoral Committee to oversee the new ministry's activities.

This was still the status quo when the 11th Parliament commenced and the membership and leadership of the committees was designated in July 2021.

However, while announcing the new Cabinet, the President of Uganda, announced that the Ministry of Science and Technology was under the Office of the President, to be serviced by the State House Comptroller.

By implication, the ministry of science, technology and innovation would now fall under the Committee on Presidential Affairs. This also meant that the Sectoral Committee on Science Technology and Innovation no longer had a ministry to oversee, as per the mandate spelt out in Rule 187 and Rule 189.

During the Plenary Sitting of August 17th, 2021; the Rt. Hon. Speaker tasked the Committee on Rules, Privileges and Discipline, in accordance with Rule 175, to study the implications of the assimilation of the Ministry of Science, Technology and Innovation by State House on the relevant oversight committees and report to the House.

Examination of the Issue

The Committee on Rules, Privileges and Discipline agreed that the main issue to be resolved was the fate of the Sectoral Committee on Science, Technology and Innovation.

The Committee therefore examined the current and previous status of the said Committee and made the following findings.

Current Mandate of the Sectoral Committee on Science, Technology and Innovation

The Sectoral Committee on Science, Technology and Innovation is provided for under Rule 187(p). The functions of Sectoral Committees are generally outlined under Rule 189, and they mainly involve –aside from examining Bills– oversight work over Ministries, Departments and Agencies (MDAs) of Government through: examining policy matters; initiating or evaluating action programmes of MDAs; making recommendations on budget estimates ; monitoring performance of MDAs and Government compliance with approved plans and programmes; and monitoring the progress of implementation of the Sustainable Development Goals(SDGs) in the sector.

Therefore, currently, the Sectoral Committee on Science, Technology and Innovation oversees Votes 110: Uganda Industrial Research Institute (UIRI) and Vote 023: Ministry of Science Technology and Innovation (MoSTI) and subventions under it.


Previous Mandate of the Committee of Science Technology and Innovation as a Standing Committee

Prior to the creation of a Ministry of Science Technology and Innovation, the Standing Committee on Science, Technology and Innovation was mandated, under Rule 173 of the Rules in force in 2012 to, among others:-

- i) Review, discuss and make recommendations of Science and Technology before Parliament;
- ii) Initiate Bills on strategic issues of Science, Technology for national development;
- iii) Continuously monitor, evaluate and assess activities in public institutions and any other bodies involved in Science and Technology Development;
- iv) Examine and carry out research on the performance of National Science and Technology sub-sector;
- v) Examine, recommend and oversee adequate national budget supervision on the development of Science and Technology;
- vi) To report to Parliament at least twice a year.

2.3.2 OBSERVATIONS

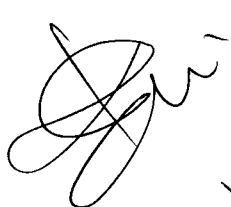
- i) The Committee on Rules Privileges and Discipline observes that science, technology and innovation are key for the socio-economic transformation of the country and therefore it is vital to have a committee on the same.


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- ii) The Committee further observes that whereas there is no legal hindrance in reverting the Committee on Science, Technology and Innovation to a Standing Committee, the Rules of Procedure do not allow members to belong to more than one Standing Committee.

2.3.3 RECOMMENDATIONS

The Committee hereby makes the following recommendations:

- i) That the mandate of the Sectoral Committee on Science, Technology and Innovation be taken over by the Sectoral Committee on Presidential Affairs.
- ii) That the Committee of Science, Technology and Innovation should revert to its previous status as a Standing Committee of Parliament exercising the same mandate as that of the previous Standing Committee (as reproduced above).
- iii) Accordingly, the Parliamentary Commission should revise the committee's funding from Sectoral to Standing Committee.
- iv) Furthermore, that based on the above recommendations, the Party Whips should regularize the constitution of the membership, in compliance with the Rules of Procedure.

C.A. Marengina

2.4 FUNCTIONS OF THE COMMITTEE ON RULES, PRIVILEGES AND DISCIPLINE (RULE 175)

2.4.1 BACKGROUND

Rule 158(1)(b) provides for the standing Committee on Rules, Privileges and Discipline.

The general functions of Committees of Parliament are provided for in **Rule 159**, as follows:

"159. General Functions of Committees of Parliament

The functions of Committees of Parliament in addition to their specific functions under these Rules shall include the following—

- (a) to discuss and make recommendations on Bills laid before Parliament;***
- (b) to initiate any Bill within the Committee's area of competence;***
- (c) to assess and evaluate activities of Government and other bodies;***
- (d) to carry out relevant research in their respective fields;***
- (e) to report to Parliament on their functions; and***
- (f) to carry out any other function as the House may assign from time to time."***

The specific functions of the Committee on Rules, Privileges and Discipline are provided for in rule 175(1), which states:

"175. Functions of the Committee on Rules, Privileges and Discipline

- (1) The Committee on Rules, Privileges and Discipline shall, by order of the House—***
 - a. inquire into any complaint of contempt of Parliament or breach of privilege or any matter of privilege which may be referred to it and to recommend to the House such action as the Committee may consider appropriate;***

- b. consider any matter of discipline referred to it by the Speaker or the House including attendance of Members at sittings of Committees, and to report its findings to the House;*
 - c. review these Rules from time to time and to make such recommendations to the House for amendment as the Committee considers necessary for the satisfactory functioning and efficient transaction of the Business of the House and its Committees;*
 - d. examine and advise the House on amendments proposed to these Rules, by Members or other Committees of the House; and*
 - e. carry out such other functions as are conferred by these Rules or assigned by the House.*
- (2)

Rule 2(1) of the rules defines "By order of Parliament or the House" or any expression of similar import, to mean "ordered by a majority decision of the House".

2.4.2 OBSERVATIONS

Rule 175 requires the Committee to be moved "by order of the House" before it can review the Rules and make recommendations to the House for amendment as the committee considers necessary ((see: rule 175(1)(c)). The order of the House is similarly required in order for the Committee to examine and advise the House on amendments proposed to the Rules by Members or other Committees of the House ((see: rule 175(1)(d)). In the same vein, the Committee has to be moved by order of the House before it can carry out such other functions as are conferred by the rules or assigned by the House ((see: rule 175(1)(e)).

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The Committee observes that this rule is too restrictive in the sense that while the Committee has routinely scrutinized the rules and identified areas for amendment, the Committee is constrained from processing the amendments to be considered by the House since its mandate is restricted to only orders by the House or the Speaker. The Committee on Rules cannot, of its own volition, directly propose amendments and report to the House.

2.4.3 RECOMMENDATION

The Committee recommends that rule 175 be amended to allow the Committee on Rules, Privileges and Discipline to initiate its business – except for matters of privilege and discipline.

2.5 LAPSE OR REINSTATEMENT OF BUSINESS UPON DISSOLUTION OF THE HOUSE (RULES 234 AND 235)

2.5.1 BACKGROUND

At the 29th Sitting of the 1st Meeting of the 1st Session of the 11th Parliament of Uganda held on Thursday 16th September 2021, the Rt. Hon. Speaker while briefing Parliament on the business that lapsed with the 10th Parliament and its implication to the 11th Parliament, guided that the Committee on Rules, Privileges and Discipline reviews Rules 234 and 235 of the Rules of Procedure of Parliament and reports back to Parliament.

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2.5.2 OBSERVATIONS

The Committee has had the opportunity to study the ruling of the Speaker delivered on 16th September 2021 and notes as follows;

- (a) That Rules 234 and 235 provide as follows;

"234. Business of Committee not to lapse on prorogation of the House

- (1) Business pending before a Committee shall not lapse only by reason of the prorogation of the House.***
- (2) A Committee which is unable to complete its work before the expiration of its term or before the prorogation of the House may report to the House that the committee has not been able to complete its work.***
- (3) A preliminary report, memorandum or note that the Committee may have taken shall be made available to the new committee."***

"235. Lapse or reinstatement of Parliamentary Business upon dissolution of the House

- (1) A Bill, Petition, Motion or other Business before the House or a Committee during a term of Parliament lapses upon dissolution of Parliament.***
- (2) Notwithstanding sub rule (1), a Bill, Petition, Motion or other Business before the House or any of its committees may be reinstated in the next Parliament by a resolution of Parliament.***
- (3) The reinstatement of a Bill, Petition, Motion or other Business before Parliament or a Committee shall be treated as a fresh reference to that Committee.***
- (4) The resolution of Parliament referred to in sub rule (2) shall be passed in the second sitting of the first session of Parliament.***
- (5) Business reinstated shall be handled and completed in the first session of Parliament."***

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The Speaker guided as follows;

1. Business of the 10th Parliament that remained incomplete, lapsed when the term of the Tenth Parliament came to an end;
2. Any member who is desirous of having the business of the Tenth Parliament that was not completed by the end of that Parliament, should have that business reintroduced in the House and that business shall begin afresh; For example; In case of;
 - (a) Government Bills, the Bill should be published, reprinted and introduced in Parliament in accordance with Rule 128 of the Rules of Procedure of Parliament;
 - (b) Private Members Bills, the Member should proceed under Rule 122 of the Rules of Procedure;
 - (c) Bills that were passed by the 10th Parliament and are pending Presidential assent; if such a Bill is returned by the President in accordance with Article 91 of the Constitution, that Bill is also considered business that lapsed in the 10th Parliament, and should be considered as indicated in (a) or (b) above.

2.5.3 RECOMMENDATION

The Committee recommends that Rules 234 and 235 of the Rules of Procedure should be maintained except that Rule 235 (4) should be amended to enlarge the time frame for consideration of the motion to be **within the first fourteen sittings of the first session.**

Rt. Hon. Speaker, Hon. Members, I beg to move.

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3. PROPOSED AMENDMENTS

In view of the previous observations, this chapter presents the proposed amendments to the Rules of Procedure of The Parliament of Uganda.

Amendment of Rules of Procedure of the Parliament of Uganda

The Rules of Procedure of the Parliament of Uganda, herein referred to as "the Rules" are amended by inserting immediately after Rule 12, the following-

"Bye-election

- (1) A bye-election of a member of the East African Legislative Assembly representing Uganda shall be conducted in accordance with Rule 12 (1) and (2) of these Rules.
- (2) A bye-election shall be conducted whenever a member of the Assembly-
 - (a) dies; or
 - (b) where the seat of a member of the Assembly becomes vacant upon the happening of any of the events provided under Appendix B.
- (3) A member of the Assembly elected under this rule shall serve for the remaining term of the Assembly.
- (4) A bye-election shall not be held within six months prior to the expiry of the term of the Assembly except where failure to hold the election affects the quorum of the Assembly.

Justification

To provide for a by election of a member representing Uganda at the East African Legislative Assembly.

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RULE 41: PRIME MINISTER'S TIME

Rule 41 of the Rules is amended-

- (a) by substituting sub rule (3) with the following-

“(3). Questions to the Prime Minister may-

- (i) be made in writing and submitted to the Clerk ; or
- (ii) be put to the Prime Minister during the Prime Minister's Time under sub rule (1).”

- (b) by substituting sub rule (4) with the following-

“(4) The Clerk shall enter all written questions in the Prime Minister's Question Record Book and select fifteen questions on a first in first out principle, which shall be forwarded to the Prime Minister.”

- (c) by substituting sub rule (5) with the following-

“The Prime Minister's written response to a question shall be copied to the relevant Member and the Prime Minister shall respond to the question during the Prime Minister's question time.”

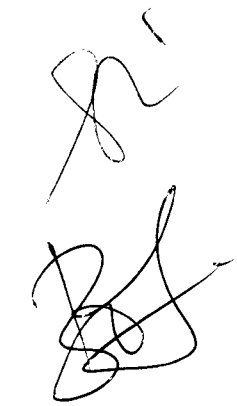
- (d) substituting sub rule 8 with the following;


“(8) The Prime Minister's time shall not exceed sixty minutes.

- (e) inserting a new sub rule immediately after sub rule (8) as follows-




“The 60 minutes referred to under sub rule (8) shall be apportioned as follows-

- (i) forty minutes for responding to the written questions; and
- (ii) twenty minutes for responding to the oral questions”.

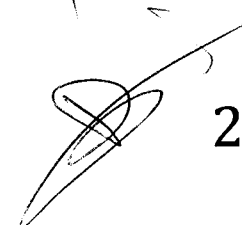



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Justification

- (i) To provide for the option of allowing members to ask the Prime Minister, oral questions;
- (ii) To remove the selection of written questions by raffle; and
- (iii) To increase the Prime Minister's Question Time to sixty minutes; apportioned for both written and oral questions.

RULE 158: STANDING COMMITTEES

Rule 158 of the Rules is amended by inserting a new paragraph immediately after paragraph (n) as follows-

"The Committee on Science, Technology and Innovation"

INSERTION OF A NEW RULE

The Rules are amended by inserting immediately after Rule 186 the following-

"Functions of the Committee on Science, Technology and Innovation"

- (1) The Committee on Science and Technology shall-
 - (a) review, discuss and make recommendations on scientific and technological content of all Bills laid before Parliament;
 - (b) initiate Bills on strategic issues of science and technology for national development;
 - (c) continuously monitor, evaluate and assess activities in public institutions and any other bodies engaged in national science and technology development;
 - (d) examine and carry out research on the performance of the National Science and Technology sub-sector; and

- (e) examine, recommend and oversee adequate national budgetary provisions for the development of Science and Technology.
- (2) The committee shall report to Parliament at least twice in a year on its functions.

Justification

To provide for the functions of the Standing Committee on Science, Technology and Innovation

RULE 175: FUNCTIONS OF THE COMMITTEE ON RULES, PRIVILEGES AND DISCIPLINE

Rule 175 of the Rules is amended—

- (a) in sub rule (1) by deleting the words “by order of the House”; and
- (b) in paragraph (a) by inserting the words “by the House or the Speaker” immediately after the word “it”.

Justification

- (i) To enable the Committee on Rules, Privileges and Discipline to carry out its mandate of review of the rules and making recommendations for amendment to the House, without limiting it to only referrals from the House or the Speaker; and
- (ii) To require the Committee on Rules, Privileges and Discipline to conduct an inquiry on matters of contempt and privilege based on a referral by the House or the Speaker.

RULE 187: SECTORAL COMMITTEES

Rule 187 of the Rules is amended-

- (a) in paragraph (j) by adding a new sub paragraph immediately after sub paragraph (ix) the following-
"Science, Technology and Innovation"
- (b) by deleting paragraph (p)

Justification

- (i) Consequential amendment to making the Committee on Science and Technology a standing committee.
- (ii) Currently the Ministry of Science, Technology and Innovation is under the Office of the Presidency

RULE 235: LAPSE OR REINSTATEMENT OF PARLIAMENTARY BUSINESS UPON DISSOLUTION OF THE HOUSE

Rule 235 of the Rules is amended by substituting for sub rule (4) the following-

"(4). The resolution of Parliament referred to in sub rule (2) shall be passed within the first fourteen sittings of the first session of Parliament"

Justification

To enlarge the timeframe within which the resolution for reinstatement of lapsed parliamentary business is to be considered.

APPENDIX B OF THE RULES OF PROCEDURE

Appendix B of the Rules is amended –

- (a) In Rule 11, by deleting sub rules (2) and (3)

- (b) by inserting immediately after rule 11 the following-

"Report of the verification Committee

The Chairperson of the verification Committee or any other authorized Member of the Committee shall present the report of the verification committee to the House indicating the list of the of nominees verified and found to have satisfied the requirements of rules 4 and 5 of these Rules.

Publication of approved nominees

The list of nominees approved by the House shall be published in the mass media and shall be displayed on all notice boards of Parliament.

- (c) by deleting rule 12

- (d) by inserting immediately after Rule 17 the following-

"Occurrence of a vacancy

A member shall vacate his or her seat in the Assembly upon the happening of any of the following events-

- (a) upon the delivery of a member of his or her resignation in writing to the Speaker of the Assembly;
- (b) upon his or her ceasing to be qualified for election as a member;
- (c) upon his or her election or nomination as a member of the National Assembly of a Partner State;
- (d) upon his or her appointment as a Minister in the Government of a Partner State;

- (e) upon his or her having been absent from the Assembly for such period and in such circumstances as are prescribed by the rules of procedure of the Assembly; or
- (f) upon his or her conviction by a Court of competent jurisdiction of an offence and sentenced to imprisonment for a term exceeding six months and if no appeal has been preferred against such a decision;
- (g) upon his or her appointment as an officer in the service of the Community;
- (h) upon the dissolution of the Assembly; or
- (i) upon death.

Vacation of office

- (1) The Speaker of the East African Legislative Assembly shall notify the Speaker of the existence of a vacancy under these Rules.
- (2) Upon notification of a vacancy under sub rule (1), a bye-election shall be held within a period of 60 days."

Justification

- (i) To provide for the report of the verification committee to be presented to the House;
- (ii) Sub paragraph (3) is a repetition of paragraph 12 thus there is no need to maintain the sub paragraph.
- (iii) To specifically provide for all the circumstances that give rise to the occurrence of a vacancy;
- (iv) To provide for notification of the occurrence of a vacancy by the Speaker of the East African Legislative Assembly to the Speaker of Parliament of Uganda; and
- (v) To provide time frames within which a bye-election should be held.

Appendix A: REFERENCES

Legislation

The Constitution of the Republic of Uganda

The East African Legislative Assembly Elections Act, 2011

The Rules of Procedure of the Parliament of Uganda

Treaty for the Establishment of the East African Community

Case Law:

Jacob Oulanyah Vs The Attorney General of the Republic of Uganda, *Constitutional Petition No. 28 of 2006*

Prof. Peter Anyang' Nyong'o & Others Vs The Attorney General of Kenya and the Secretary General of the East African Community, *Reference No. 1 of 2006*


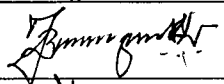
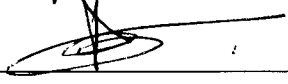

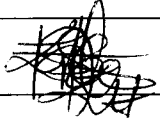

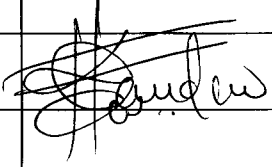

Democratic Party & Mukasa Mbidde Vs The Secretary General to the East African Community and the Attorney General of the Republic of Uganda, *Reference No. 6 of 2011*

Abdu Katuntu Vs The Attorney General of Uganda & The Secretary General of the East African Community & 9 Intervenors, *Reference No. 5 of 2012*;

Among A. Anita V. Attorney General of Uganda, The Secretary General of The East African Community & Others, *Reference No.6 Of 2012*

Appendix B: ENDORSEMENT OF THE REPORT

Report of the Standing Committee on Rules, Privileges and Discipline on Proposed Amendments to the Rules of Procedure of the Parliament of Uganda April 2022

No.	Name	PARTY	Signature
1.	Hon. Abdu Katuntu	INDEP.	
2.	Hon. Rev. Fr. Charles Onen	INDEP.	
3.	Hon. Achayo, Juliet Lodou	NRM	
4.	Hon. Adidwa, Abdu	INDEP.	
5.	Hon. Adome, Francis Lorika	NRM	
6.	Hon. Aleper, Margaret Achilla	NRM	
7.	Hon. Bingi, Patrick Nyanzi	NRM	
8.	Hon. Kabuura, Derrick	NRM	
9.	Hon. Kahunde, Hellen	NRM	
10.	Hon. Kanushu, Laura	NRM	
11.	Hon. Katoto , Mohammed <i>Kat</i>	NRM	
12.	Hon. Katusabe, Godfrey Atkins	FDC	
13.	Hon. Kauma, Sauda	NRM	
14.	Hon. Kayemba, Geoffrey Ssolo	NUP	
15.	Hon. Kunihiro, Faith Philo	NRM	
16.	Hon. Malende, Shamim	NUP	
17.	Hon. Masaba, Karim	INDEP.	

A. Mavujina  

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18.	Hon. Mavenjina, Catherine Akumu	NRM	C. A. Mavenjina
19.	Hon. Musana, Eric	INDEP.	
20.	Hon. Mutembuli, Yusuf	NRM	
21.	Hon. Nakazibwe, Hope Grania	NRM	
22.	Hon. Nalule, Asha Aisha Kabanda	NUP	
23.	Hon. Nambooze, Teddy	NUP	
24.	Hon. Nebanda, Florence	NRM	
25.	Hon. Nyakato, Dorothy	NRM	
26.	Hon. Nzeyimana, John Kamara	NRM	
27.	Hon. Ogwal, Cecilia Barbara Atim	FDC	
28.	Hon. Okiror, Bosco	NRM	
29.	Hon. Okot, Boniface	NRM	
30.	Hon. Opio, Samuel	INDEP.	
31.	Hon. Otingiw, Isaac	NRM	
32.	Hon. Ssebikaali, Yoweeri	NRM	
33.	Hon. Tibasiimwa, Joram	NRM	
34.	Hon. Timuzigu, Michael Kamugisha	NRM	
35.	Hon. Twinomujuni, Francis	NRM	
36.	Hon. Wakayima, Musoke	NUP	

C C. A. Mavenjina