



PARLIAMENT OF UGANDA



**REPORT OF THE COMMITTEE ON EDUCATION AND SPORTS ON THE
PHYSICAL ACTIVITY AND SPORTS BILL, 2022, AND THE NATIONAL
SPORTS BILL, 2021**

February 2023

OFFICE OF THE CLERK TO PARLIAMENT
PARLIAMENT BUILDINGS
KAMPALA

LIST OF ACRONYMS.

UOC	Uganda Olympics Committee.
NCS	National Council of Sports.
WADC	World Anti-Doping Code.
FATF	Financial Action Task Force.
OC	The Olympics Charter.
IFS	The International Federation Statute.
ULS	Uganda Law Society.
UTTA	Uganda Table Tennis Association.
UUFA	Uganda Ultimate Frisbee Association.
NFB	National Federation for Badminton.
URBA	Uganda Roll Ball Association.
UDSP	Uganda Dance Sports Federation.
UBF	Uganda Boxing Federation.
UOCCGAU	Uganda Olympics Committee/Commonwealth Games Association of Uganda.
UPOC	Uganda Para Olympic Committee.
UCA	Uganda Cycling Association.
UFA	Uganda Footballers Association.
KRFCL	Kyadondo Rugby Football Club Ltd.
FMSC	Federation for Motor Sports Club.
KFU	Kabaddi Federation of Uganda.
UBBFA	Uganda Body Building Fitness Association
USF	Uganda Swimming Federation
UJA	Uganda Judo Association
UCKF	Uganda Canoe Kayak Federation
UNA	Uganda Netball Federation
ULA	Uganda Ludo Association
AML	Anti-Money Laundering
CSC	Community Sports Club
NSA	National Sports Federation
GS	General Secretary
NDCA	National Drug Control Authority
ADA	Anti-Doping Agency
DLB	District Land Board
AG	Attorney General
LGBTQ	Lesbian Gay Bisexual Transgender Queer
PSF	Private Sector Foundation
FPC	First Parliamentary Council
MoES	Ministry of Education Sports
PMB	Private Member's Bill
WADA	World Anti-Doping Agency
GB	Government Bill

1.0 Introduction

The National Sports Bill, 2021 was read for the first time on 10th November 2022 while the Physical Activity and Sports Bill, 2022 was read for the first time on 6th December 2022. Both Bills were referred to the Committee on Education & Sports for consideration, in accordance with Rule 128 of the Rules of Procedure of Parliament. The Committee considered the Bills in accordance with Rules 129 and 189(c) of the Rules of Procedure of Parliament, and hereby reports as follows.

2.0 Background to the Bills

The National Sports Bill, 2021 is a Private Member's Bill initiated by Hon. Eng. Magogo Moses Hassim, Member of Parliament for Budiope East County. It was tabled for First Reading on Thursday 10th November 2022 by Hon. Basalirwa Asuman, MP, Bugiri Municipality. The Bill was referred to the Committee on Education and Sports in accordance with Rule 129 of the Rules of Procedure of Parliament. Following the first reading of the National Sports Bill, 2021, on Tuesday 6th December 2022, the Minister responsible for Education and Sports tabled the Physical Activity and Sports Bill, 2022 for the First Reading. This Bill, too, was subsequently referred to the Committee on Education and Sports in accordance with Rule 129 of the Rules of Procedure of Parliament.

The Rt. Hon. Deputy Speaker, while referring the Physical Activity and Sports Bill, 2022 to the Committee guided that the Committee incorporates the Private Member's Bill into the Government Bill in order to take care of financial restrictions the law imposes on a private member's Bill.

2.1 Object of the Bills

The object of both Bills is based on the same subject matter of regulation of sports in Uganda. The Bills seek to

- (a) provide for the registration of national sports federations;
- (b) continue the existence of the national council of sports;
- (c) provide for the administration and management of sports in Uganda;
- (d) designate a national anti-doping organization;
- (e) provide for the role of the Uganda Olympic Committee;
- (f) repeal the national council of sports act, Cap. 48 and to provide for other related matters.

3.0 Methodology

According to Rule 129 (2) of the Rules of Procedure, the Committee is mandated to examine the Bill referred to it in detail and make all such inquiries in relation to it as the Committee considers expedient or necessary. Consequently, the Committee embarked on consultations with various stakeholders and received submissions on the Bill.

3.1 Desk Research

The Committee carried out desk research and considered-

- (a) Different laws of Uganda including the 1995 Constitution of the Republic of Uganda, the Public Finance Management Act, 2015, and the National Council of Sports Act, cap.48
- (b) The legal frameworks of other jurisdictions including Kenya, South Africa, and Mauritius.
- (c) The Anti-Doping Charter of Athlete Rights, the World Anti-Doping Code, the Anti-doping Act of Kenya and the Sports Act, 2001 of Mauritius.
- (d) The Olympic Charter.
- (e) The International Federation Statute.

3.2 Meetings

3.2.1 Harmonization Meeting

On 13th December, 2022, the Ministry of Education and Sports presented to the Parliamentary Committee on Education and Sports The Physical Activity and Sports Bill, 2022 (the Government Bill) for consideration. At the same meeting of the Committee, Hon. Eng. Moses Magogo also presented a Private Member's Bill entitled The National Sports Bill, 2021 (Private Member's Bill) for consideration by the Committee. The Committee directed that the Government and the Private Member should harmonize their proposals in the respective Bills to contribute to the committee's decisions on the harmonised Bill. On 20th December, 2022, the Permanent Secretary, Ministry of Education and Sports wrote to the Solicitor General requesting the nomination of technical officers to participate in the harmonization meeting that was scheduled for 28th to 29th December 2022 at Imperial Resort Beach Hotel.

The harmonization meeting was attended by representatives from the Ministry of Education and Sports led by Hon. Peter Ogwang, Minister of State for Sports, representatives from the National Council of Sports, Hon. Eng. Magogo Moses Hassim, MP, Budiope East, Buyende District, the mover of the National Sports

Bill, 2021, the Legal Department of Parliament, and representatives from the Ministry of Justice and Constitutional Affairs.

3.2.2 Stakeholders' Meetings

The Committee published notices for public hearings and held meetings and received memoranda from the following Stakeholders.

- (i) The Hon. Attorney General
- (ii) The Minister of State for Sports
- (iii) The Minister of Finance Planning and Economic Development
- (iv) Hon. Eng. Magogo Moses Hassim, MP, Budiope East, Buyende District
(Mover of the Private Member's Bill)
- (v) National Council of Sports
- (vi) Uganda Law Society
- (vii) Uganda Table Tennis Association
- (viii) Uganda Ultimate Frisbee Association
- (ix) National Federation for Badminton
- (x) Uganda Roll Ball Association
- (xi) Uganda Dance Sports Federation
- (xii) Uganda Boxing Federation
- (xiii) Uganda Olympics Committee/Commonwealth Games Association of Uganda
- (xiv) Uganda Para Olympic Committee
- (xv) Uganda Cycling Association
- (xvi) Uganda Footballers Association
- (xvii) Kyadondo Rugby Football Club Ltd
- (xviii) Federation for Motor Sports Club
- (xix) Kabaddi Federation of Uganda
- (xx) Dr. Mutenyo Kennedy (a member of the public)
- (xxi) Uganda Body Building Fitness Association
- (xxii) Uganda Swimming Federation
- (xxiii) Uganda Judo Association
- (xxiv) Uganda Canoe Kayak Federation
- (xxv) Uganda Netball Federation
- (xxvi) Uganda Ludo Association

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4.0 FINDINGS, OBSERVATIONS, AND RECOMMENDATIONS

4.1 Inadequate funding of the sports sub-program

4.1.1 Certificate of financial implications

Section 76 of the Public Finance Management Act, 2015 provides for cost estimates for Bills as follows;

“ 76. Cost estimates for Bills.

(1) Every Bill introduced in Parliament shall be accompanied by a certificate of financial implications issued by the Minister.

(2) The certificate of financial implications issued under subsection (1) shall indicate the estimates of revenue and expenditure over the period of not less than two years after the coming into effect of the Bill when passed.

(3) In addition to the requirements under subsection (2) the certificate of financial implications shall indicate the impact of the Bill on the economy.

(4) Notwithstanding subsections (1), (2), and (3), a certificate of financial implication shall be deemed to have been issued after 60 days from the date of the request for the certificate.”

The Committee observes that:

- a) The National Sports Bill, 2021 and the Physical Activity and Sports Bill, 2022 conformed to the requirements of Section 76 (4) and 76 (1) regarding the Certificate of Financial Implication as prescribed in the Public Finance Management Act, 2015.*
- b) Despite the fact that Government has committed US\$48.412bn, the funds that have been allocated to the sports sub-program for the financial year, 2023/2024 is only US\$17.39bn; thus raising concerns on whether Government will allocate enough funds for the implementation of the law once enacted.*
- c) Whereas section 76 (3) requires the certificate of Financial Implications to indicate the impact of the Bill on the economy, the Certificate issued highlights the need for the Bill only regarding the commercialization and development of sports but does not indicate the expected gains or revenue to Government projected once the Bill is enacted. The impact of the Bill on the economy is therefore not articulated as envisaged by the Public Finance Management Act, 2015.*
- d) Part 1 of the Physical Activity and Sports Bill establishes a National Recognition and Reward Scheme. Notwithstanding the fact that the*

Bill seeks to empower the Minister responsible for sports to prescribe the Awards including monetary payments, pension, and gratuity that may be awarded to the sports personalities under the National Recognition and Reward Scheme, the same has not been provided for under the planned expenditure over the Medium Term Expenditure Framework. The Committee reiterates its concerns on whether the Government commitment to implement the provision once enacted.

- e) Part 3 of the Certificate of Financial Implications tags funding of the Bill once enacted to funding within the available resources under the Human Capital Development Programme. The Committee is aware that the Physical Education and Sports sub-program in Uganda has been underfunded previously.**
- f) According to the Ministry of Finance, regarding the sports budget, there has been a growth of 1306.18% from Ugx 3.4Bn in FY 2016/17 to Ugx 47.81Bn in FY 2022/23. However, the reduction of the sports budget from 47.81Bn to 17.39Bn in FY 2023/24 which represents 64% is unexplainable.**

The Committee invited the Minister responsible for Finance to substantiate this matter concerning the certificate of financial implications and commit to the financing of the law once enacted. The Minister appeared before the Committee and gave reassurance of the Government's commitment to the sports sub-program. The Minister laboured to explain to the Committee the several competing funding priorities of the Government and pledged to seek the guidance of the Minister responsible for sports regarding how best to promote sports development in Uganda. He confirmed to the Committee that the Government has the capacity to implement the law once enacted.

Recommendation:

The Committee recommends that the Government's commitment to the funding of the sports sub-program ought to be manifested through the current budget estimates, proceeding and in the medium-term budget estimates.

4.1.2 The Proposed Sports Disputes Resolution Mechanism

The Committee observes that arbitration is the internationally recognised best practice in the settlement of sports-related disputes. That Clause 42 (3) of the Private Member's Bill is a prudent provision in the Bill as it provides for the Council to regularly update a list of arbitrators from whom a panel of arbitrators may be appointed from time to time.

The benefits of having sports arbitration mechanism are;

- a) Autonomy of Sport. With the availability of arbitration as the sports dispute resolution mechanism, third-party influence from national courts would be avoided as the parties would have consented to arbitration through arbitrators.
- b) Additionally, arbitration would provide for expert, cost effective and prompt alternatives to the dispensation of justice as compared to court-based litigation. Experts in fields of Sports law, Labour law and any other laws related to sports would ensure fair hearing and application of justice as per the laws and regulations of the international federations.

Opinion of the Hon. Attorney General on the proposal of the tribunal

The Hon. Attorney General opined that;

- i. The provisions on arbitration in Part V of the Private Member's Bill will be incorporated in the Government Bill, save for provisions on the establishment of the sports tribunals.

In response to the Hon. Attorney General's Opinion, the Committee observes as follows:

- i. Disputes are a reality in all forms of organizational relations and a Sports Bill that is devoid of a dispute resolution mechanism is not only unrealistic but also potentially an exercise in futility.

Recommendations.

The Committee recommends that;

- a) *Arbitration is in tandem with international sports statutes, to settle sports-related disputes without recourse to the Courts of Judicature. Most international sports statutes bar the referral of sports-related disputes to the ordinary courts of judicature and is always a ground for suspension from participation in competitions organized by international sports federations.*
- b) *The Council shall provide and regularly update a list of arbitrators from whom a panel of arbitrators may be appointed.*
- c) *The Council may remove a person(s) from the list of arbitrators because of;*
 - i. *inability to perform the expected functions arising from physical or mental incapacity;*
 - ii. *abuse of office;*
 - iii. *Lack of Integrity and Corruption Tendencies,*

- iv. *misbehaviour or misconduct;*
- v. *incompetence; or*
- vi. *failure to undertake three (3) sports dispute resolution roles once appointed by a party to a dispute*

5.0 COMPARISON OF THE PROVISIONS OF THE BILLS.

5.1 Interpretation Clause

The Committee observe that;

- a) the definitions of terms used in the proposed are similar in several aspects, however, the definitions in the Private Member's Bill, seem to be more encompassing as compared to the Government Bill.
- b) recreational sports are not taken care of by the Government Bill and the Private Members Bill.

Recommendation

The Committee recommends that definitions used to describe similar terms in the Private Members Bill be adopted and reconciled with international definitions and incorporated into the Government Bill with necessary modifications where necessary.

5.2 Provision on Administration and Governance of the Council

The Committee observes that;

- (a) the provisions of the Government Bill on the administration of the National Council for Sports is in consonance with the private member's Bill.
- (b) the Private Member's Bill merges the Government and administrative roles of the Council while the Government Bill separates the role of the Government to the board and the administrative role to the Council.

Recommendation

The Committee recommends that the provisions on the administration of the Council as stipulated in the Government Bill be adopted.

5.3 Part II of the Bill- Incorporation of National Sports Federations

Hon. Eng. Moses Magogo Hassim proposed that-

- (a) sports federations are registered by the National Council of Sports as opposed to "incorporation" under the Companies Act to avoid the bureaucracy in the incorporation of sports federations that now pertains.

- (b) just as political parties are incorporated and registered under the Political Parties and Organizations Act, without the requirement of going to the Uganda Registration Services Bureau, the same procedure should be adopted in reference to the sports federations.

The Hon. Attorney General advised that-

- (a) sports federations should be incorporated as companies limited by guarantee under the Companies Act, 2012, and registered by the National Council of Sports. Accordingly, the sports federations will be accountable to the Registrar of Companies under the Companies Act on issues of finances, taxes, annual returns, and annual general meetings inter alia.
- (b) the proposal by the Hon. Eng. Magogo Moses Hassim to incorporate and register sports federations by the National Council of Sports, will defeat the implementation of recommendations 24 and 25 of the Financial Action Task Force (FATF). Uganda already undertook robust legal reforms in the Companies Act, to address the deficiencies in beneficial ownership information of legal persons.
- (c) the National Council of Sports does not have the legal mandate to curb money laundering and terrorism financing that may arise through sports federations as legal persons.
- (d) (FATF) is an independent inter-government body that develops and promotes policies to protect the global financial system against money laundering, terrorist financing, and the financing proliferation of
- (e) weapons of mass destruction. The FATF recommendations are recognized as the Global Anti-Money Laundering (AML) and Counter-Terrorist Financing (CTF) standards.

The Committee observes that;

- (a) **incorporating National Sports Federations under the Companies Act 2012, will pause the risk of having more than one national sports federation in respect of a sports discipline being registered. This not only causes confusion and conflict in the sports sector but also affects Uganda's participation in international competitions.**
- (b) **The incorporation of the National Sports Federations under the Companies Act, 2012 pauses further challenges in instances where a National Sports Federation is deregistered by the National Council of Sports but the same National Sports Federation continues its operations by virtue of its**

incorporation under the Companies Act. This therefore becomes very difficult to have another sports federation incorporated since the deregistered National Sports Federation in the same discipline will still be in existence.

- (c) That a provision is created in the Bill to provide for the mandatory collection of beneficial ownership information for the federation to be able to meet the requirement of recommendations 24 and 25 under FATF.

Recommendations

In view of the above observations, the committee recommends that;

a)

5.4 Inclusion of sources of funds of federations and associations in the Bill (Clause (39) of the Private Member's Bill)

- (a) Clause (39) of the Private Member's Bill relating to sources of funds for sports federations be incorporated in the Government Bill.
- (b) there was a need to recognize the funding sources to adopt a practice where currently, associations and federations are receiving money from sources, especially abroad, without an enabling law.
- (c) some individuals have challenged associations and federations whenever they receive funds from international affiliation bodies, seeking to understand the authority under which they receive money on behalf of Ugandans.

The Hon. Attorney General advised that-

- (a) the inclusion of clause 39 (2) (a), (b), and (d) of the Private Member's Bill relating to grants, dividends, and funds from any other source, in the Government Bill is an administrative matter that can be included in the constitution of a sports federations. Furthermore, the issue of funding is unique to each sports federation.
- (b) clause 39 (2) (c) of the Private Member's Bill relating to funds from the Council has financial implications and would have to be provided for in Part IV on the finances of the Council.

Recommendation.

The Committee recommends that the declaration of sources of funds for federations be adopted.

Justification.

There is a need to monitor the sources of funds;

- a) to avoid duplication of funding of activities by the federations.
- b) to link the funding to the sponsors and ensure that there are no ill motives behind the funding such as the promotion of LGBTQ.

5.5 Part III of the Bill- Administration

The Committee observed that-

- (a) *the administration of the Act is provided for under part III of the Government Bill while under the PMB it is under part II. The Committee observed that both Bills provide for the management of the Act in similar terms.*
- (b) *Clause (24) of the Government Bill which provides that a chairperson, any member of the Board or any other person authorized by any member of the Board can execute or contract on behalf of the NCS is subject to abuse.*

Recommendation

The Committee recommends that-

- (a) *the administration of the Act by the National Council of Sports as prescribed under the Government Bill be adopted.*
- (b) *Clause (24) (4) of the Government Bill be amended to provide that an instrument or contract to be undertaken by the NCS, can only be executed by way of resolution of the Board.*

5.6 Part VII - Offences and Penalties

The Committee observes that -

- (a) *Both Bills prohibit the offences of doping, unlawful utilization of commercial rights, unauthorized use of sports results in betting, betting by specified persons, manipulation of sports competition, acts of violence and hooliganism, and broadcast of sports events organized by federations without authorization.*
- (b) *there are offenses in the PMB that are not incorporated in the Government Bill and these include the prohibition of electronic media production and dealing with counterfeit materials.*
- (c) *The provision in clause 45(4) of the Government Bill, which criminalizes the failure to report a person who intends to commit an offense is ambiguous and unenforceable.*

Recommendation

The Committee recommends that-

- (a) Clause 45(3) should be amended to remove the ambiguity by prescribing that "a person who knows or has reason to believe that a person has committed under subsection (1) shall report the matter to the Uganda Police Force, the Council or a person authorized by the Council.**
- (b) The Government Bill should in principle capture all offenses provided for under the Private Member's Bill.**

6.0 The Harmonization Report

The harmonization meeting reported back to the Committee on the provisions of the Bill which were harmonized and agreed to for incorporation into the Government Bill as follows-

6.1 Title of the Bill

The Bill should be entitled "National Sports Bill".

Justification

Cabinet principle (ix) under Minute 333(CT 2013) provides that the Bill should, "take cognizance of physical activity and sports as a means to enhance national health promotion and provide for concerted collaboration between all sports and health stakeholders to develop PAS and a healthy society." However, the Ministry of Education and Sports has not yet developed a policy to support the principle. Therefore, there are no provisions relating to physical activity in the Government bill.

Furthermore, the Public Health (Amendment) Act, 2022 introduced Part VIII on Non-Communicable Diseases. Section 49 (2) provides that, "the Minister shall by statutory instrument institutionalize health promotion and awareness in the public domain". This Part relates to the intention of Cabinet principle (ix) under Minute 333(CT 2013). Accordingly, regulations could be made under Section 49 to provide for physical activity.

The Committee observes that;

- a) the whereas the Government Bill is entitled the "Physical Activity and Sports Bill", there is no policy relating to Physical Activity.**

Recommendation.

a) *The Committee recommends that the aspect of physical activity be dropped from the title since there are no provisions relating to the same.*

b) *Accordingly, the Committee recommends that the title of the Bill should be "The National Sports Bill".*

6.2 Administration of the Bill (Part III of the Government Bill and Part II of the Private Member's Bill)

It was agreed that;

- (a) the Bill should be administered by the National Council of Sports which should have 7 members appointed by the Minister as proposed in the Government Bill.
- (b) at least 3 of the members of the Board should have technical knowledge, administration, or participation in a sports discipline.
- (c) the other 4 members of the Board should have knowledge of sports.
- (d) in appointing the members of the Board, the Minister should ensure that the following are represented on the Board-
 - (i) 3 persons from National sports federations one of whom shall be a person with a disability.
 - (ii) 1 representative from the Uganda Olympics Committee.
 - (iii) 1 representative from the Education Institutions.
 - (iv) 1 representative from the private sector nominated by the Private Sector Foundation, not being a member of any of the National Sports Federations; and
 - (v) 1 representative from the Ministry responsible for sports.
 - (vi) The General Secretary who shall be an ex officio member with no right to vote and shall be the Secretary to the board.

(e) the term of office of a member of the Board should be 4 years and that the member is eligible for reappointment for one more term.

Justification

Due to the uniqueness of the sports sector, to grant the Minister discretion to appoint members of Board, ensuring the representation of critical sports stakeholders, the interests of the sports subsector and technical knowledge in sports. This will ensure that only persons appointed to the board have technical knowledge in sports, thereby ensuring the growth and development of the sport sector in Uganda.

The Committee observed that;

- (a) The proposal in the Government Bill to have a Board as the governing body of the National Council of Sports is the best practice given that it clearly distinguishes the roles of the governing body and the secretariat within the National Council of Sports.**
- (b) the stakeholders nominate seven members to represent them on the Council as per the composition above.**

Justification

To provide for a representative Council and ensure that stakeholders of the sports fraternity are represented by members of their choice.

6.3 National Sports Federations (Part II of the Government Bill and Part III of the Private Member's Bill)

The harmonization meeting resolved that;

- (a) Part III of the Private Member's Bill relating to National Sports Associations and National Sports Federations be incorporated into the Government Bill with necessary modifications.
- (b) a National Sports Association should mean a sports association recognised and registered by the Council to manage, develop, promote and regulate an amateur sports discipline.
- (c) the National Sports Association should have presence in not less than 50% of the Districts of Uganda.
- (d) a National Sports Federation should mean an organization recognised and registered by the Council to manage, develop, promote and regulate a professional and amateur sport discipline with presence in at least 75% of the districts of Uganda.
- (e) the functions a National Sports Association or National Sports Federation as captured under clause 26 of the National Sports Bill, 2021 be adopted in the harmonized Bill.
- (f) a transition provision, the existing Associations and Federations should be given **12 months** within which to comply with the provisions of the law once enacted.

Justification

The incorporation of Part III of the Private Member's Bill into the Government Bill with necessary modifications shall provide for the transition of sports organisations from one level to another for example, transitioning from a national sports association to a national sports federation.

The Committee observed that;

- a) **the Bill should focus on regulating the National Sports Federations and all the sports associations, sports clubs, sports teams and individual athletes should form membership of their respective sports federations.**
- b) **the coverage of 75% presence in all districts of Uganda is unrealistic ,unachievable and is a hinderance to the development and promotion of sports.**

The Committee recommended that;

- a) **instead of the 75% coverage in all districts, the National Sports Federations should have a presence in 50% of all the sub-regions in Uganda.**
- b) **The Bill should only regulate National Sports Federations and leave the regulation of the Sports Associations, Sports clubs, Sports teams, and individual athletes to their respective National Federations.**

6.4 Uganda Olympics Committee (Clause (40) of the Government Bill and Clause (62) of the Private Member's Bill)

The meeting agreed that;

- (a) Uganda Olympics Committee should only deal with sports associations and federations that have been registered by the Council.
- (b) the functions of the Uganda Olympics Committee prescribed in Clause (40) of the National Sports Bill, 2021, and provisions for the Uganda Paralympic Committee to be adopted and incorporated in the Government Bill.

Justification

To continue in existence the National Olympics Committee requires it to comply with the provisions of this Act. Currently, the National Olympics Committee was incorporated under the Companies Act and since this Act reorganizes the entire sports sector, there is a need to continue it in existence.

To require the National Olympics Committee to only deal with national sports organizations that are registered by the Council. Currently, the national Olympics committee deals with national sports organizations some of which may not be recognized or registered by the Council merely because they are managing Olympics sports disciplines.

The Committee observed that;

- a) the National Olympics Committee is regulated under the Olympic Charter which prescribes the composition, membership, functions, and management of all National Olympics Committees.**
- b) the prescription of these would be in contravention of international practice.**

Recommendation

- a) The Committee recommends that the provisions relating to the Uganda Olympics Committee are harmonised with the Olympics Charter to avoid contravention of international practice.**
- b) Uganda Olympics Committee should only deal with National Sports Federations that have been registered by the Council.**

6.5 Creation of Anti-doping Agency Clause (39) of the Government Bill and Clause (63) of the Private Member's Bill)

The Government Bill under Clause 39(1) provides that the Council in accordance with the requirements of the World Anti-Doping Agency designated as the National Anti-Doping Organization in Uganda.

Clause 63 of the Private Member's Bill provides that the Minister may by Statutory Instrument establish a National Anti-Doping Committee.

Article (10) of the Anti-doping Charter of Athlete Rights provides that there should be an independent anti-doping organization for nations. Kenya enacted the Anti-doping Act, 2016 for the implementation of the United Nations Educational, Scientific and Cultural Organization Convention Against Doping in Sport; the regulation of sporting activities free from the use of prohibited substances and methods to protect the health of athletes; the establishment and management of the Anti-Doping Agency and to provide for the Agency's powers, functions and management and for connected purposes.

The Committee observes that;

- a) the Kenya Anti-Doping Act of 2016 establishes an independent Anti-doping Agency as a body corporate with perpetual succession and empowers it as the only organization permitted to carry out anti-doping activities in Kenya and its authority to enforce this Act, including any consequence for the breach thereof, shall be**

recognized by all national and international sports federations and national and international sports organizations.

- b) Mauritius on the other hand was established under the sports act of 2001, the Mauritius Institute for Drug-free sports.
- c) South Africa established the Anti-doping Rules of 2019.
- d) In Brazil, the Brazilian Doping Control Authority was created in 2009 as a secretariat in the Ministry of Sports.
- e) the designation of the National Council of Sports as the Anti-doping Organization is not the most appropriate or ideal situation, especially in comparison with other jurisdictions. The Government of Uganda currently sends athletes for testing to Kenya in their independent Agency. this is not sustainable.

Recommendation

- (a) The Committee recommends that there should be established an independent Anti-Doping Agency in Uganda under the proposed law in line with the WADA to bring the Country in line with international standards and best practices. Further still, this will enable the avoidance of conflict of interest which would arise when an already established Government Agency with a mandate is given more functions that require independent decisions.
- (b) To make the anti-doping agency in Clause (39) of the Government Bill an independent body. Currently, Clause (39) (1) of the Government Bill designates the National Council of Sports as the anti-doping agency.

6.7 Clauses (64), (65), (69) & (70) of the Private Member's Bill and Clauses (55) and (56) of the Government Bill

The Committee observed;

- a) that whereas the government bill made attempts to provide for the transition period of 12 months against the 6 months by the PMB, the wording of the transition period of the PMB was more comprehensive. Also, the Government Bill only mentions international affiliation in matters of the certificates of incorporation issued. The PMB is more comprehensive with international affiliation.

Recommendation

The Committee recommends that;

- a) amendments to incorporate the provisions of Clauses (55) and (56) of the Government Bill, Clause (64) and (65) of the Private Member's Bill be adopted. That the transition period is 12 months as proposed by the Government Bill**

7.0 Matters not agreed on for incorporation in the Government Bill by the harmonisation meeting

7.1 Vesting of sports infrastructure in Council (Clause (21) and (51) of the Government Bill and Clause (66) of the Private Member's Bill.

According to the harmonization report:

Hon. Eng. Moses Magogo proposed that;

- i. the ownership of public sports infrastructure and public land on which sports facilities are established should be vested in the Council.

The Hon. Attorney General advised that;

- i. this proposal is contrary to Article 238 of the Constitution which vests all public land in the Uganda Land Commission and District Land Boards.
- ii. additionally, the control and management of sporting and recreational facilities were decentralized to district councils under the Second Schedule, Part 2, paragraph 13 (a) of the Local Governments Act, Cap. 243.

The Committee observes that;

(a) the proposal under Clause (51) and Clause (66) of the Physical Activities and Sports Bill, 2022 and the National Sports Bill, 2021 respectively that public land allocated to sports activities shall be registered in the names of the National Council of Sports.

(b) the different sports infrastructures across the countryside are registered under different land tenures including the Uganda land Commission and District Land Boards, among others.

(c) under Clause (25) (f), the NCS is mandated to maintain, repair and manage all public sports infrastructure. The major issue that the sports industry is facing in relation to the above clause is that there is poor management of national sports infrastructure and stadia and legally accepted change of land use and ownership by the holding entities inconsiderate to sports.

(d) both bills under Clause (66) (7) of the Private Members Bill and Clause (51) (6) of the Government Bill exempt Nakivubo stadium from the law since it is prescribed for under the Nakivubo War Memorial Stadium Trust Act, CAP. 47.

(e) ownership of sports facilities across the country is in disarray and the 3rd schedule which stipulates public sports facilities seems incomplete and not well-researched. The ownership status of the facilities is also not ascertained.

Recommendation

The Committee recommends that;

- (a) National Sports facilities as stipulated in Schedule III shall be managed and developed by the National Council of Sports.*
- (b) the Minister in consultation with the Minister Responsible for Local Government shall categorize the public sports facilities under the regulations.*
- (c) the Minister shall update the Schedule from time to time as they upgrade some of the sports facilities to National Status.*
- (d) the land upon which such developments are developed shall continue under the proprietorship of the Government of Uganda through Uganda Land Commission or the District Land Boards.*
- (e) Nakivubo Stadium should be deleted from the schedule since it is regulated under a different framework.*
- (f) an inventory to ascertain the status of ownership, type of use, and support documents of ownership of sports facilities, and any other public sports facilities not included in the schedule, should be filed with Parliament by the Ministry responsible for sports.*
- (g) Clauses (66) (5) of the Private Member's Bill should be reviewed in line with the proposals of the committee and best practice and then be incorporated in the Government Bill with necessary modifications.*

Justification

- a) The National Council of Sports is mandated to manage, operate, develop and maintain Public Sports Facilities.*
- b) The Constitution vests all public land in the Uganda Land Commission and District Land Boards*

7.2 Certification of Sports Facilities for Public Use

Hon. Eng. Magogo Moses Hassim proposed that:

- i. sports federations are allowed to certify sports facilities established for their respective sports disciplines and noted that this would ensure that the quality of sports facilities is maintained as required by international federations;
- ii. currently, these facilities are not certified and there has been a proliferation of sports facilities that do not meet the standards developed by the sports discipline since there is nobody designated to certify such sports facilities.

However, the harmonization meeting did not agree with the proposal to introduce provisions requiring the certification of sports facilities by their respective federations, in the Government Bill.

The meeting proposed that the National Council of Sports or the Uganda National Bureau of Standards.

Opinion of the Hon. Attorney General

- i. The Attorney General believed that the certification of sports facilities should be left to the Uganda National Bureau of Standards.
- ii. Additionally, whenever necessary, the Uganda National Bureau of Standards may seek the expertise of the relevant sports organisation in certifying a sports facility.

The Committee observed that;

- a) *the mandate to certify and approve standards of sports facilities should be the responsibility of the National Council of Sports.*

Recommendations.

The Committee recommended that;

- a) **Clause (4) of the Private Members Bill be amended and incorporated into the Government Bill to the effect that the Council shall rehabilitate, maintain, and regulate sports facilities.**
- b) **certifying and approving standards of Sports facilities should be undertaken by the National Council of Sports and the national bureau of standards.**

8.0 New Emerging Provisions for Inclusion in the Government Bill As proposed by the Minister of State for Sports Hon. Peter Ogwang;

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The Hon. Minister of State for Sports proposed the following emerging issues for incorporation into the Government Bill-

sports in education institutions, certification of school sports facilities, the involvement of the Ministry of Education and Sports in the promotion of sports in schools, the organization of school sports competitions and the prohibition of Sports Malpractices;

- i. Organising Sports Competitions;
- ii. Involvement of minors in sports;
- iii. Regulation of agents, promoters & managers;
- iv. Regulation of Sports Academies;
- v. Regulation of immigration of Athletes;
- vi. Prohibition of Ticket Touting;
- vii. Provisions relating to combat sports;
- viii. Provisions relating to early access of NSSF Benefits by Athletes;

Hon. Eng. Moses Magogo proposed;

- i. The amendment of the Education (Pre-Primary, Primary and Post – primary) Act, 2008.
- ii. To amend the Universities and other Tertiary Institutions Act, 2001.

Opinion of the Hon. Attorney General regarding the proposed insertions into the Government Bill.

- i. The Attorney General observed that Article 34 (4) of the Constitution of Uganda provides that children are entitled to be protected from social or economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development. Furthermore, Article 34 (5) provides that for the purposes of clause (4), children shall be persons under the age of sixteen years. Accordingly, the new provision relating to the participation of minors in sports activities should be dropped and matters of children left for regulation in the Children Act and the Constitution. Furthermore, minors should participate in sports activities which do not interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development.

- ii. The new provision relating to agents, promoters and managers of athletes creates a new function for the Council. Accordingly, the functions of the Council in the Government Bill should be expanded to provide for the registration of agents, promoters and managers, and the management contracts. Furthermore, a consequential provision should be drafted in the Government Bill to allow the Minister to make regulations to govern agents, promoters and managers and prescribing the contents of management contracts of agents, promoters and managers.
- iii. Section 2 of the Education (Pre-Primary, Primary and Post Primary) Act, 2008 provides that a "school" means an institution in which not less than ten pupils receive regular instruction. Section 34 provides for requirements for establishing a private school. Accordingly, unless a "sports academy" is clearly defined differently in the National Sports Bill, it is considered as a school requiring establishment under Section 23 of the Education Act.
- iv. The regulation of broadcast times cannot be done for satellite/pay TV since the majority are not based in Uganda. Additionally, broadcasters have provided for parental control options for people consuming their services.
- v. Organisers or Promoters must ensure the fighters are competent in the specific combat sport. With the wide array of combat sports, it is important to ensure that athletes are competing the discipline due to the risks involved in combat sports.
- vi. The sports federations that manage combat sports provide guidelines and standards for the sport. Accordingly, the determination of competence is a technical issue based on the guidelines/standards.
- vii. Organisers/ Promoters must ensure fights are organized evenly i.e., by skill so as to ensure separation in amateur, white collar and professional fighting, and gender so that members of different sexes are not competing against each other unless sanctioned by the international body or allowed in the rules and regulations of the sport or weight in regards to specific combat sports. Provision relating to ambulances, medical practitioners as well as vicinity of nearest medical treatment centre. It is important to stipulate in case of medical emergencies. This could be tied with the granting of licences to hold the event. For example, an event must be held within 15-20km from a registered medical treatment centre. The entity granting a license to a sports organisation to hold a combat sport can prior

- viii. Proposal does not indicate what is required of the Ministry responsible for immigration, and the exact problem requiring the special provision.
- ix. Athletes, Teams and/or Legal persons participating in the Sporting event in Uganda or participating in the activities of the said sporting event. The athletes, teams and/or legal persons must hold accreditation from the hosting entity in Uganda.
- x. The Minister in charge of Immigration would therefore under the proposed Bill have authority to amend or make regulations regarding work permits, visas and any other immigration related issue that would enable performance of a sporting event hosted in Uganda as well as aiding athletes seeking to compete outside of Uganda under Team Uganda (i.e., issuance of passports)
- xi. Work permits are provided for under the immigration laws. For teams that need passports to compete outside Uganda, the proposal does not indicate what is required of the Ministry responsible for immigration.
- xii. The challenge has been addressed in the Government Bill in the provisions relating to the prohibition of unlawful utilisation of commercial rights.
- xiii. The Minister responsible for the National Social Security Fund should propose amendments to the National Social Security Fund Act, to address the challenge.
- xiv. Clause 6 of the Government Bill provides for the incorporation of sports federations (sports federations, sports associations, and community clubs). Accordingly, clause 6 allows a person to incorporate a sports federation for e-sports for example Federation of Uganda E-Football Association.
- xv. The E-Federation may affiliate with the International Electronic Sports Federation (IESF) whose mission is to serve as the critical global organization representing, coordinating, harmonizing, and administering Esports while preserving the rights and providing a voice to all Stakeholders of Esports. Article G of the International Esports Federation Statutes provides for affiliations with sports organisations.
- xvi. The Ministry responsible for Education should propose amendments to the Education (Pre-Primary, Primary and Post -primary) Act, 2008 and the

xvi. The Ministry responsible for Education should propose amendments to the Education (Pre-Primary, Primary and Post –primary) Act, 2008 and the



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Universities and other Tertiary Institutions Act, 2001 to address the proposals. Furthermore, stakeholder consultation should be done in respect of the proposed amendments.

Mr Karl Guenter (Special Presidential adviser on Sports) proposed that:

- i. There should be an insertion of a new Part relating to e-sport.

9.0 Observations of the Committee regarding the proposed insertions into the Government Bill.

The Committee observes that;

- a) ***there are several new provisions proposed to be inserted into the Government Bill, not only by the Hon. Eng. Magogo Moses Hassim but also by the Hon. Minister of State for Education and Sports and the Special Advisor of the President on Sports.***
- b) ***the proposals also include proposed amendments to other laws including but not limited to the University and other Tertiary Institutions Act, 2001, the Pre-Primary, Primary and Post-Primary Act, 2008 and the National Social Security Fund Act. The Committee notes with dismay that this is a rather very elaborate exhibition of lack of preparedness on the part of Government to propose and implement the law now before Parliament. This is due to the fact, that the harmonization report shows that there several areas of contention between the Hon. Attorney General and the Hon. Minister concerning the several proposals made. It appears as if the Government, has relinquished its mandate to initiate the proposed law to the Committee and therefore Parliament.***
- c) ***rule 129(4) of the Rules of Procedure of Parliament provides that the Committee may propose and accept proposed amendments in the Bill as it considers fit if the amendments including new clauses and new schedules are relevant to the subject matter of the Bill.***

Recommendation

The Committee recommends that the Government endeavours to always take decisions for legislation in line with the prescribed laws of Uganda under the Public Service standing orders which require Cabinet approval of the principles of the Bill before drafting instructions are issued to the first Parliamentary Counsel. If this is adhered to, the execution of the mandate of Parliament of legislation shall be effectively achieved.

The eminent need to update, reform and consolidate the law relating to sports is vital because the existing National Council of Sports Act, Cap. 48 was enacted in 1964 and has become obsolete.

The Committee recommends that both Bills are harmonized into one Bill and be passed into law subject to the attached proposed amendments.

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- Middle center: A signature with many vertical strokes, possibly "Sub".
- Middle right: A signature with many vertical strokes, possibly "Zhang".
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- Bottom center: A signature with many vertical strokes, possibly "Kalon".
- Bottom right: A signature with a large "A" shape, possibly "Kalon".

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PROPOSED AMENDMENTS TO THE PHYSICAL ACTIVITY AND SPORTS BILL, 2022

SHORT TITLE

Substitute for the short title, the following—

“The National Sports Bill”

Justification

To keep the short title within the scope of the Bill since there is no provision relating to physical activity.

CLAUSE 1: INTERPRETATION

Clause 1 is amended—

(a) in the definition of the phrase “National Anti-Doping Organisation, by substituting for the word “designated” the word “established”;

(b) by substituting for the definition of the phrase “national sports federation, the following—

“National sports federation” means an apex body of a sports discipline registered in accordance with this Act to develop, promote and manage the sport discipline in Uganda;”

(c) by inserting the following definitions in their appropriate order—

“amateur sport” means an activity involving physical exertion or skill in which an individual or team competes against another for pleasure or as past time or for recreational or health purposes or as training to become professional;

“beneficial owner” means a natural person who ultimately owns or controls a national sports federation or the natural person on whose behalf a transaction is conducted in the national sports federation, and includes a natural person who exercises ultimate control over a national sports federation;

“commercial right” means a right of a commercial nature, connected with a sports event such as image rights, audio-visual rights, media rights,

endorsement and official supplier rights, sponsorship rights, merchandising rights, licensing rights, advertising rights, hospitality rights, promotional rights, incorporeal rights, intellectual property rights, rights arising under the Copyright and Neighbouring Rights Act, 2006 and includes, any other rights the Minister may be statutory instrument prescribe;

"doping" means the use of prohibited substances and methods in any sporting activity whether competitive or recreational in order to artificially enhance performance;

"professional sport" means an activity involving physical exertion or skill in which an individual or team competes against another as an economic activity with the objective of earning fees or making profit;

Justification

To enhance clarity by introducing, in the Bill, words and phrases that are contained in the Bill or that have been introduced in the Bill.

CLAUSE 2: OBJECT OF ACT

Clause 2 is amended by substituting for sub-clause (1), the following—

"(1) The object of this Act is to promote recreation and sports for the citizens of Uganda by the State, in accordance with Article 8A of the Constitution and National Objective and Directive Principle of State Policy XVII by—

- (a) consolidating the law relating to registration and regulation of national sports federations;*
- (b) promoting amateur and professional sport;*
- (c) codifying the obligations of Uganda under international sports governing statutes;*
- (d) providing for sports disputes resolution mechanisms;*
- (e) promoting the participation of schools and institutions of higher learning in sports."*

Justification

To achieve clarity by providing for what the proposed law seeks to achieve.

NEW CLAUSE

Insert a new clause immediately before clause 5 as follows—

"Declaration of national sport

(1) *A person who intends to have a sport discipline declared a national sport shall, in the prescribed form, make an application to the Council.*

(2) *The application referred to in subsection (1) shall—*

(a) be made by a citizen or a person resident in Uganda; and

(b) be accompanied by the prescribed fee.

(3) *The Council may, upon being satisfied that the applicant meets the requirements for the application, declare a sports discipline, a national sport.*

(4) *The Council shall, in determining whether a sport discipline is eligible for declaration as a national sport, take into account the following—*

(a) the nature of the sport;

(b) the popularity of the sport;

(c) the potential socio-economic impact of the sport;

(d) the recognition of the sport by an international sports governing body, if any;

(e) the presence of sports facilities to play the sport;

(f) the plan of the applicant to promote the sport in Uganda; and

(g) any other factor as the Council may determine.

(5) *The Council may withdraw the recognition of a sports discipline as a national sport discipline where circumstances occur that would render a sports discipline ineligible for declaration under this section.*

(6) Notwithstanding subsection (1), a sport discipline listed in Schedule 4 of this Act shall, from the commencement of this Act, be recognised as national sport declared under this Act.”

Justification

To provide for the procedure for the declaration of a sport discipline as national sports.

CLAUSE 5: NATIONAL SPORTS FEDERATIONS

Clause 5 is amended by inserting immediately after sub-clause (2), the following—

“A national sports federation registered under this Act shall be a body corporate with perpetual succession and may, in its corporate name, for and in connection with its functions under this Act—

(a) acquire, hold and dispose of movable and immovable property;

(b) sue or be sued; and

(c) do all such other acts and things for the proper discharge of its functions as may lawfully be done by a body corporate.

Justification

- Incorporating national sports federations under the Companies Act, 2012, will pose a risk of having more than one sports federation in respect of a sports discipline being registered. This not only causes confusion and conflict in the sports sector but also affects Uganda’s participation in international sports competitions.
- The incorporation of the national sports federations under the Companies Act, 2012, poses further challenges in instances where a national sports federation is deregistered by the National Council of Sports, but the same national sports federation continues its operations by virtue of its incorporation under the Companies Act. This therefore becomes very difficult to have another sports federation incorporated since the deregistered national sports federation would still be in existence.

CLAUSE 6: ELIGIBILITY FOR REGISTRATION AS NATIONAL SPORTS FEDERATION

Clause 6 is amended—

(a) by deleting paragraph (a); and

(b) in paragraph (b)—

(i) by substituting for sub-paragraph (i), the following—

“with the participation of Ugandans in at least fifty percent of all sub-regions of Uganda; and”

(ii) sub-paragraph (ii), by substituting for the words “national delegates conference”, the words “annual general assembly”.

Justification

- The deletion of paragraph (a) is a consequential amendment having done away with the proposal that requires national sports federations to be incorporated under the Companies Act before registration with the National Council of Sports.
- To ensure wide participation by Ugandans in a sport discipline before a national sports federation is registered in respect of the sport discipline.
- The requirement for the seventy five percent coverage is unrealistic and unachievable and would deter the development and promotion of sports in the country,
- The substitution of the words “national delegates conference” with the words “annual general assembly” is to achieve consistent usage of the phrase throughout the Bill.

CLAUSE 7: APPLICATION FOR REGISTRATION

Clause 7 is amended in sub-clause (3)(c), by substituting for the words “member clubs”, the word “members”.

Justification

To expand the membership of national sports federations which include sport clubs, sports associations and others.

CLAUSE 8: CONSIDERATION OF APPLICATION

Clause 8 is amended in sub-clause (3) by inserting immediately after paragraph (a), the following—

“the applicant is not eligible for registration as a national sports federation under section 6;”

Justification

To provide, as one of the grounds upon which the registration of a national sports federation may be denied, the failure to comply with the eligibility requirements in clause 6 relating to a national character of a sports activity.

CLAUSE 10: MEMBERSHIP OF NATIONAL SPORTS FEDERATIONS

Clause 10 is amended—

(a) by substituting for sub-clause (1), the following—

“The membership of a national sports federation registered under this Act shall comprise individual athletes, sports clubs, sports teams or sports associations, that are engaged in the sports discipline of the national sports federation.”

(b) by substituting for the word “comprise”, the word “form”.

Justification

- To enhance clarity.
- To broaden sub-clause (1) by including all the possible members of the national sports federations.

CLAUSE 12: SUSPENSION OR CANCELLATION OF CERTIFICATE OF REGISTRATION

Clause 12 is amended—

(a) in sub-clause (3), by inserting immediately after the word “suspend”, the word “or cancel”;

(b) in sub-clause (4), by substituting for the words “six months”, the words “ninety days”;

(c) by inserting immediately after sub-clause (6), the following—

"A national sports federation whose certificate of registration is cancelled shall be removed from the register of national sports federations."

Justification

- To achieve consistency.
- To reduce the period of suspension of national sports federations to ninety days to avoid stifling operations of national sports federations.
- To provide for deregistration of a national sports federation where the National Council of Sports cancels its certificate of registration.

CLAUSE 13: FUNCTIONS OF NATIONAL SPORTS FEDERATION

Clause 13 is amended—

(a) in sub-clause (1)—

(i) by deleting paragraph (h);

(ii) by substituting for paragraph (i), the following—

"(i) maintain a register of its members;"; and

(iii) by inserting immediately after paragraph (i), the following—

"constitute national sports team for the respective sport discipline;

protect the interests of its members;

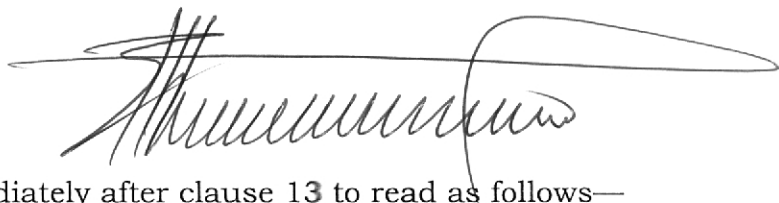
register agents, promoters and managers of athletes, and management contracts."

(b) in sub-clause (3), by substituting for paragraph (b), the following—

"(b) enforce the rules and regulations of the national, regional, continental and international sports governing bodies of the respective sports discipline."

Justification

- The deletion of sub-clause (1)(h) of clause 13 is as a result of absence of policy for national sports in the country.
- To require sports federations to include sports associations in their respective registers since sports associations are members of national sports federations.
- To obligate national sports federations to safeguard the interests of their individual athletes, sports clubs, sports teams and sports associations.
- For clarity.



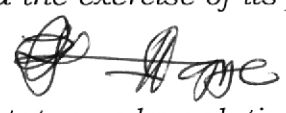
NEW CLAUSES

Insert new clauses immediately after clause 13 to read as follows—

“Independence of a national sports federations

(1) A national sports federation shall be independent in the—

*(a) performance of its functions, duties and the exercise of its powers;
and*

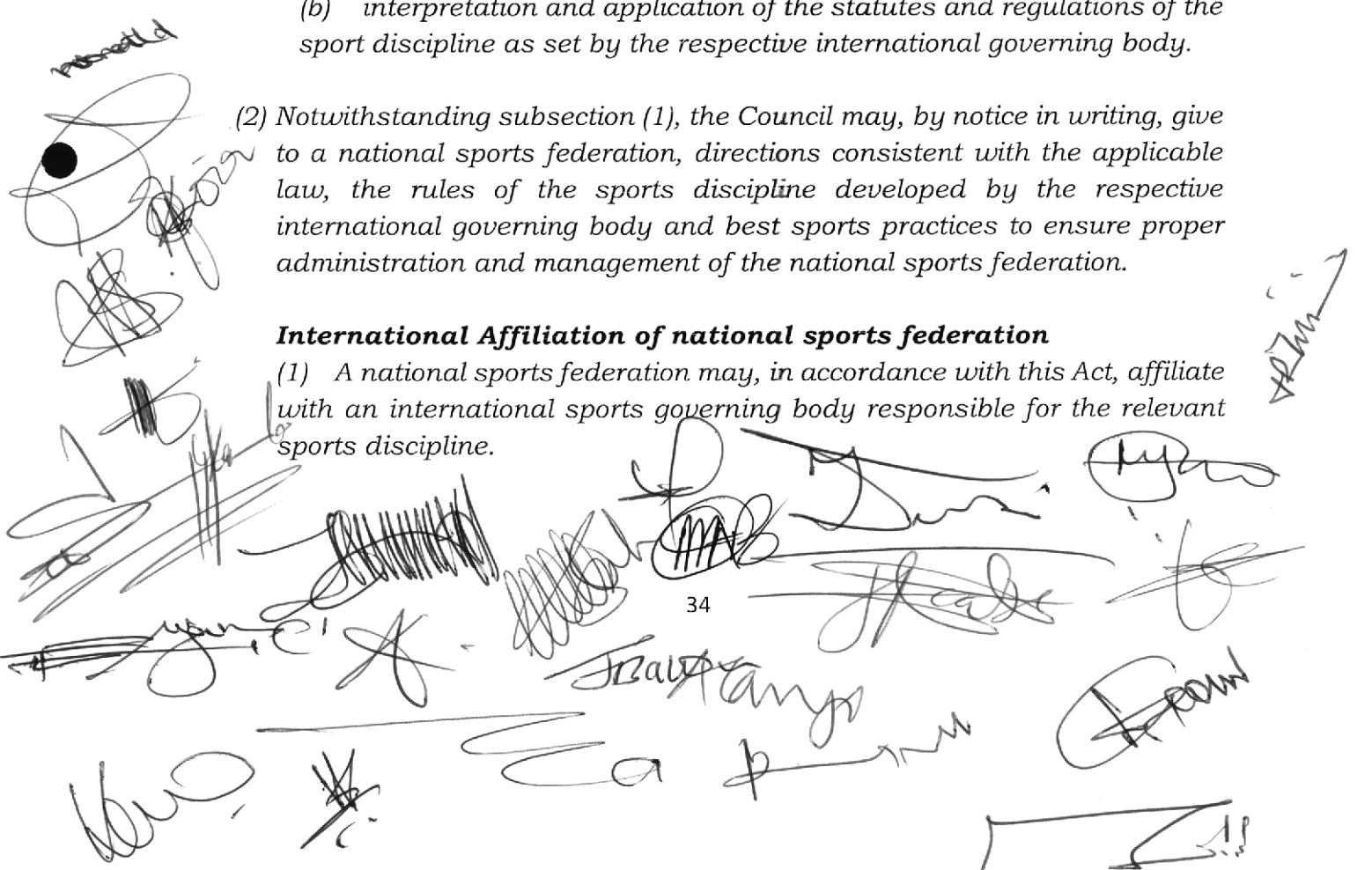


(b) interpretation and application of the statutes and regulations of the sport discipline as set by the respective international governing body.

(2) Notwithstanding subsection (1), the Council may, by notice in writing, give to a national sports federation, directions consistent with the applicable law, the rules of the sports discipline developed by the respective international governing body and best sports practices to ensure proper administration and management of the national sports federation.

International Affiliation of national sports federation

(1) A national sports federation may, in accordance with this Act, affiliate with an international sports governing body responsible for the relevant sports discipline.



(2) For the avoidance of doubt, a national sports federation that is affiliated to international sports governing body shall, in accordance with this Act, continue to be affiliated to that international sports governing body.

(3) For purposes of affiliating to an international sports governing body, the certificate of registration issued to a national sports federation shall, in addition to other requirements that may be prescribed by the Minister, by regulations, be required and submitted prior to approval of affiliation by the Council, where applicable.

(4) The interpretation and application of this Act shall recognise the provisions of the statutes and regulations of the international sports governing body to which a national sports federation is affiliated.

Management of sports teams and athletes in international sports competitions

A national sports federation shall—

- (a) facilitate the preparation and participation of a national sports team and national sports representatives in international sports events and competitions;
- (b) finance a national sports team participating in international sports competitions and events;
- (c) mobilise and manage funds of the national sports team, including funds received from the Government to finance the expenses of the national sports team;
- (d) manage the welfare of members of the national sports teams;
- (e) employ and appoint coaches and other technical personnel for the national sports teams; and
- (f) coordinate Government and the Council's involvement in matters relating to a national sports team."

Justification

- To provide for the independence of national sports federations given that they are the custodian of their respective sports rules and therefore their operational independence is critical. International sports governing bodies confer an obligation on national sports federations in line with the principle of autonomy of sport to manage their affairs independently without undue external influence.
- To take care of the proposals in the National Sports Bill, 2021 which seeks to regulate affiliation of national sports federations to international sports governing body.
- To provide for additional obligations of national sports federations.

CLAUSE 14: SUPERVISION OF NATIONAL SPORTS FEDERATION

Clause 14 is amended—

(a) in sub-clause (2)(b), by inserting immediately after the word “undertake”, the words “or cause”;

(b) by inserting immediately after sub-clause (4), the following—

“A national sports federation shall co-operate with the Council or a person determined by the Council under subsection (4).

A national sports federation shall, within one month of being requested by the Council or a person appointed by the Council, submit to the Council or the person appointed by the Council, information requested for by the Council or the person appointed by the Council.

The results of a compliance test shall be submitted to the Council and the Council shall in case of non-compliance by a national sports federation, inform the national sports federation and direct the national sports federation to remedy the non-compliance not later than ninety days from the date of notification of non-compliance.”

Justification

- To avoid restricting the provision to only the Council undertaking the audit of books of accounts and records of national sports federations. The

Council should be allowed to also cause the audit of books of accounts and records through another person or entity.

- To strengthen provisions requiring compliance by national sports federations to achieve effective regulation.

NEW CLAUSE

Insert a new clause immediately after clause 14 to read as follows—

“Register of beneficial owners.

(1) A national sports federation with a beneficial owner shall keep a register of its beneficial owners and shall enter in the register the following particulars—

- (a) the names and postal addresses of each beneficial owner;*
- (b) the national identification numbers of the beneficial owner;*
- (c) the date on which each beneficial owner was entered in the register as a beneficial owner;*
- (d) the date on which any person ceased to be a beneficial owner; and*
- (e) any other information as the Minister may prescribe by regulations.*

(2) The register of beneficial owners shall be kept at the registered office of the national sports federation except that—

- (a) if the work of making it up is done at another office of the national sports federation, it may be kept at that other office; and*
- (b) if the national sports federation arranges with some other person for the making up of a register on behalf of the national sports federation by that other person, it may be kept at the office of that person at which the work is done but it shall not be kept at a place outside Uganda.*

- (3) A national sports federation shall send notice to the General Secretary of the place where its register of beneficial owners is kept and of any change of place within fourteen days after creating the register or changing the place where the register is kept.
- (4) Notwithstanding subsection (2), a national sports federation shall, within fourteen days after creating the register of beneficial owners, transmit a copy of the register to the General Secretary.
- (5) The Minister may, by statutory instrument, make regulations generally for giving effect to the provisions on beneficial owners including prescribing penalties for breach of the regulations.
- (6) Where a national sports federation defaults in complying with subsection (1), (2) or (3), a person who is in default is liable to a daily default fine of five currency points."

Justification

To comply with recommendations 24 and 25 of the Financial Action Task Force.

CLAUSE 15: NOTIFICATION OF DISSOLUTION OF NATIONAL SPORTS FEDERATION

Clause 15 is substituted for the following—

"Dissolution of national sports federation

- (1) A national sports federation may be dissolved by the Council where—
- (a) the activities of the national sports federation contravene any of the provisions of this Act or any other law; or
 - (b) the national sports federation has acted against the security, unity and territorial integrity of Uganda.
- (2) Notwithstanding subsection (1), the members of a national sports federation may voluntarily dissolve the national sports federation in accordance with the Constitution of the national sports federation.

(3) A national sports federation shall, in writing and within seven days of making the decision to dissolve a national sports federation, notify the Council.

(4) The Council may, upon receipt of the notice referred to in subsection (3), issue a certificate of dissolution to the respective national sports federation."

(5) A national sports federation shall, publish in the gazette and a newspaper of national circulation, a notice of intention to dissolve at least three months before the members of a national sports federation pass a resolution to dissolve the federation."

Justification

To provide for the circumstances under which a national sports federation may voluntarily dissolve or be the dissolved by the National Council of Sports.

NEW CLAUSE

Insert a new clause immediately after clause 15 to read as follows—

"Register of national sports federations

(1) The Council shall maintain a register of national sports federations that are registered under this Part.

(2) A national sports federation whose certificate of registration is cancelled shall be removed from the register.

(3) A national sports federation shall in writing, notify the Council of any changes in the information in the register, within twenty-one days of the change.

(4) A register shall be in a format prescribed by regulations made under this Act.

(5) A register may be open to inspection by the public, on payment of fees as may be prescribed."

Justification

To require the National Council of Sports to keep and maintain the register of all national sports federations, update the register and provide for access to the register by the public.

CLAUSE 16: PARTICIPATION IN SPORTS COMPETITION OUTSIDE UGANDA

Clause 16 is amended—

(a) by deleting paragraph (d); and

(b) by inserting immediately after paragraph (c), the following—

“organise or host a sports competition in Uganda”

Justification

- To allow national sports federations affiliate with their respective international sports governing bodies without restriction as long as the national sports federation meets the international requirements for affiliation. Matters relating to affiliation of national sports federation to the respective international sports governing body are handled by the Uganda Olympic Committee and not National Council of Sports.
- To ensure effective supervision of national sports federations by the National Council of Sports.

CLAUSE 17: ANNUAL FINANCIAL REPORT OF NATIONAL SPORTS FEDERATION

Clause 17 is amended—

(a) in sub-clause (2), by substituting for paragraph (c), the following—

“(c) a list of members of a national sports federation;”

(b) by inserting immediately after sub-clause (3), the following—

“(4) The report of the activities referred to under subsection (1)(c) shall include—

- (a) information of the progress and policies of the national sports federation;*

- (b) *an assessment of the adequacy of sports projects and programme funding of a national sports federation;*
- (c) *a report on the condition and status of the facilities and sports programmes and the degree of change in such conditions and status since the last report;*
- (d) *the projected optimal level of the facilities and programmes and the extent of financing required to meet that level of a national sports federation;*
- (e) *a review of the technical adequacy and proven cost efficiency of sports management operations;*
- (f) *a progress report on coordination between the national sports federation and the international sports governing body to which it is affiliated and local governments, including challenges encountered and proposals for the future; and*
- (g) *any other information as the Council may, in writing, request.*

Justification

- To enhance clarity.
- The insertion of a new sub-clause after sub-clause (3) is intended to merge clauses 17 and 18 to avoid duplication of the provision.
- To require a national sports federation to also submit an annual progress report regarding its coordination with the international sports governing body to which the national sports federation is affiliated to for ease of monitoring.

CLAUSE 18: ANNUAL REPORT ON ACTIVITIES OF NATIONAL SPORTS FEDERATION

Delete clause 18.

Justification

Clause 18 has been merged with clause 17 to avoid repetition.

CLAUSE 20: DUTY NOT TO DISCLOSE INFORMATION

Delete clause 20.

Justification

The provision is ambiguous and prone to abuse given that it also restricts access to information that the law permits access to. Issues to do with confidentiality at institution level can be dealt with administratively.

CLAUSE 21: PUBLIC SPORTS FACILITIES

Clause 21 is amended—

(a) by inserting immediately before sub-clause (1), the following—

“The Minister may, in consultation with the Minister responsible for local governments, by statutory instrument, declare a public sports facility—

- (a) a national sports facility;*
- (b) a district sports facility;*
- (c) a community sports facility; or*
- (d) an education institution sports facility.*

A sports facility declared a national sports facility under this section shall be managed and maintained by the Council.”

(b) in sub-clause (1), by inserting immediately before the word “the” appearing at the beginning of sub-clause (1), the words, “Notwithstanding subsection (1),”;

(c) by inserting immediately after sub-clause (2), the following—

“This section shall not apply to the land governed by the Nakivubo War Memorial Stadium Trust Act, Cap. 47.”

Justification

- To classify public sports facilities and provide for the management of national sports facilities by the National Council of Sports.

- To ensure that Local Governments manage public sports facilities within the various areas of jurisdiction other than public sports facilities granted a national status.
- The insertion of a new sub-clause after sub-clause (2) is to appropriately place clause 51(6).

NEW CLAUSE

Insert a new clause immediately after clause 21 to read as follows—

“Certification of sports facilities

(1) A person shall not operate a sports facility without a certificate of suitability issued in respect of the sports facility under this Act.

(2) A person who intends to operate a sports facility shall apply to the Council for a certificate of suitability.

(3) Where more than one sports discipline is to be undertaken at a sports facility, a person shall apply for a certificate of suitability for each sports discipline to be undertaken at the sports facility and the Council shall issue a certificate of suitability for each sports discipline to be undertaken at the sports facility.

(4) The application for a certificate of suitability shall be in the prescribed form under regulations made under this Act.

(5) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points or imprisonment for a period not exceeding three years or both.

Justification

To ensure that sports facilities meet national standards and international standards required by the respective international sports governing bodies.

NEW CLAUSE

Insert a new clause immediately after clause 21 to read as follows—

“Regulation of agents, promoters and managers of athletes

(1) A person who seeks to be an agent, a promoter or a manager of an athlete shall be registered as such by the respective national sports federation.

(3) *The Minister shall, by statutory instrument, prescribe*

(b) the contents of management contracts of agents, promoters and managers with athletes.

To provide for the management and regulations of agents, promoters and managers of athletes and the management contracts.

Delete clause 22.

- The management of sports programmes by the national sports federations is already covered within the functions of the national sports federations.
- The provision wrongly implies that national sports federations will require the permission of the Council to manage sports programmes in the country.
- The Bill places the mandate to manage public sports facilities on the National Council of Sports and not the national sports federation. As a result, the provision causes contradiction with other provisions in the Bill.

Clause 24 is amended by deleting sub-clause (4).

- The provision is susceptible to abuse.
- Sub-clause (4) contradicts sub-clause (2).

Insert a new clause immediately after clause 24 as follows—

1

“Headquarters of the Council

The Council shall have its head office in Kampala and shall establish branches in all regions of Uganda.

Justification

To facilitate equitable promotion of sports in the country and participation in sports.

CLAUSE 25: FUNCTIONS OF COUNCIL

Clause 25 is amended in sub-clause (1)—

(a) in paragraph (c)—

(i) by deleting the word “diplomas”; and

(ii) by inserting immediately after the word “certificates”, the words “of recognition”;

(b) by substituting for paragraph (f) the following—

“develop, manage, operate and maintain the sports facilities under the management of the Council;”

(c) by inserting immediately after paragraph (f), the following—

“certify all sports facilities in accordance with the applicable laws in Uganda and international standards developed by the respective international sports governing bodies;”

Justification

- The National Council of Sports does not possess the mandate to issue diplomas.
- To broaden the mandate of the National Council of Sports to include development of public sports facilities.
- To mandate the National Council of Sports to regulate and certify sports facilities to ensure compliance with the national and international standards for sports facilities of different sports disciplines.

- To ensure that sports facilities meet national and international standards.

NEW CLAUSE

Insert new a clause immediately after clause 25 as follows—

“Powers of Council

The Council may—

- (a) charge fees for services prescribed under this Act;*
- (b) consider compliance reports of national sports federations;*
- (d) require the national sports federations to inculcate patriotism, sportsmanship and discipline in all athletes; and*
- (e) award, in consultation with national sports federations, medals, trophies, recognition certificates and other incentives for the promotion of sports activities.”*

Justification

To enhance clarity by providing for powers of the Council.

CLAUSE 26: SECRETARIAT OF COUNCIL

Clause 26 is amended—

- (a) in sub-clause (1), by substituting for the phrase “Secretary General, the phrase “General Secretary”, and thereafter wherever the phrase appears in the Bill; and
- (b) by deleting sub-clause (2).

Justification

- To maintain the nomenclature of the head of secretariat used in the current law, the National Council for Sports Act, Cap. 48.
- Sub-clause (2) is redundant since it is a repetition of sub-clause (3).

CLAUSE 27: SECRETARY GENERAL

Clause 27 is amended—

(a) by substituting for sub-clause (5), the following—

“(5) The General Secretary shall cease to hold office where he or she resigns his or her office, in writing, addressed to the Chairperson of the Board.”

(b) by inserting immediately after sub-clause (5), the following—

“The Board may remove the General Secretary from office—

(a) where he or she is insolvent;

(b) if he or she is convicted of a criminal offence, where the maximum penalty of the offence exceeds six months imprisonment and does not have the option of a fine;

(c) for inability to perform the functions of his or her office arising from infirmity of body or mind ascertained by a medical officer;

(d) for misbehavior or misconduct; or

(e) for incompetence.

(c) by substituting for sub-clause (6), the following—

“(6) For the purposes of subsection (5)(c), the Board shall, prior to removing the General Secretary from office, notify the General Secretary, in writing, and shall give him or her an opportunity to be heard.”

Justification

- The amendment to sub-clause (5) is to achieve clarity by separating voluntary cessation of office by General Secretary and his or her removal by the Board.

- The amendment to sub-clause (6) is to ensure consistency given that the General Secretary is appointed by the Board and therefore should also be removed from office by the Board.

NEW CLAUSE

Insert a new clause immediately after clause 26 to read as follows—

“Functions of General Secretary

(1) Subject to the general supervision and control of the Council, the General Secretary shall—

- (a) be the Chief Executive of the Council;*
- (b) the day-to-day operation and administration of the Council;*
- (c) implement the policies and programs agreed objectives, performance targets and service standards agreed upon by the Board;*
- (d) manage the funds and property of the Council;*
- (e) advice the Board on matters relating to sports and other functions of the Council;*
- (f) administer, organise, supervise and exercise disciplinary control over the staff of the Council;*
- (g) keep records of all the transactions of the Council;*
- (h) keep the minutes of meetings and other records of the Board;*
- (i) liaise with the relevant national sports federation with a view of implementing the functions of the Council and promoting sports in Uganda; and*
- (j) perform any other function necessary for the proper implementation of this Act or as may be assigned by the Board.*

(2) The General Secretary shall in the performance of his or her functions be answerable to the Board.”

Justification

To enhance clarity by stipulating the functions of the General Secretary.

CLAUSE 29: BOARD OF NATIONAL COUNCIL OF SPORTS

Clause 29 is amended by substituting for sub-clause (2), the following—

- “(2) The Board shall consist of the following members—
- (a) a representative of the Ministry responsible for sports;
 - (b) a representative of the Uganda Olympic Committee;
 - (c) three representatives of the national sports federations, one of whom shall be a person with disabilities;
 - (d) a representative of the education institutions, elected by the education institutions;
 - (e) a representative of the private sector nominated by the Private Sector Foundation, who does not belong to a national sports federation;
 - (f) the General Secretary, who shall be an ex-officio member with no right to vote and the secretary to the Board.

Justification

To ensure that the Board constitutes of members who are relevant to the promotion, coordination and management of sports.

CLAUSE 30: TENURE OF OFFICE OF MEMBER OF BOARD

Clause 30 is amended by inserting immediately after sub-clause (3), the following—

“The Minister shall, in prescribing the procedure for filling the vacancy under subsection (3), ensure that a person appointed to fill the existing vacancy serves for a term of four years and is eligible for reappointment in accordance with section 29(5).”

Justification

To ensure continuity of membership of the Board.

CLAUSE 31: TERMINATION OF APPOINTMENT TO BOARD

Clause 31 is amended—

(a) in sub-clause (2)(h), by inserting immediately after the word “notice”, the words “or sufficient cause”; and

(b) by inserting immediately after sub-clause (2), the following—

“The Minister shall, before terminating a member of the Board under subsection (2)(a),(b),(c),(d),(e) or (h) afford the member an opportunity to be heard.”

Justification

- To take care of circumstances where a member might not be in position to give notice of absence as a result factors beyond his or her control, including sickness, among others.
- To provide for fair hearing before a member of the Board is terminated.

NEW CLAUSE

Insert a new clause immediately after clause 34 to read as follows—

“Directions by the Minister

The Minister may, in writing, give directions to the Council with respect to the policy to be observed and implemented by the Council.”

Justification

To ensure the National Council of Sports adheres to policy directions given by the responsible Minister to facilitate a harmonised implementation of government policies and programmes.

INSERTION OF NEW PARTS

Insert two new Parts immediately after Part IV as follows—

“PART ... - SPORTS FOR SCHOOLS AND INSTITUTIONS OF HIGHER LEARNING

Authorised sports activities for schools and institutions of higher learning

(1) The Council shall, with the approval of the Ministry and in consultation with the Ministry responsible for health, authorise the sports activities in which pupils and students in schools and institutions of higher learning may participate.

(2) A school and an institution of higher learning shall offer at least fifteen sports activities for the pupils or students, which shall be sports activities authorised by the Council under subsection (1).

Participation in sports for pupils and students

A pupil and a student shall be entitled to participate in the sports activities offered by the school or institution of higher learning of the pupil or student, as the case may be.

National sports competitions

(1) The Ministry shall in consultation with the Council organise sports competitions for schools and institutions of higher learning, for the sports disciplines authorised by the Council under section 36.

(2) The schools and institutions of higher learning referred to in subsection (1) shall be categorised as—

- (a) primary level schools;
- (b) secondary level schools;
- (c) tertiary institutions; and
- (d) universities.

(3) The sports competitions for the primary level of education shall be for pupils of up to fourteen years and of up to twenty years for the post primary level of education.

(4) The sports competitions, including training for the competitions shall be undertaken in accordance with the schedule issued by the Ministry.

Sports associations and national sports committee

- (1) For purposes of the national sports competitions referred to in section 38, each category of schools or institutions of higher learning referred to in the section shall have a sports association.
- (2) There shall be appointed each year a national sports committee to organise sports competitions for schools and institutions of higher learning for the specific year.
- (3) The national sports committee shall comprise nine members who shall be appointed by the Minister from amongst persons nominated by the respective sports associations.
- (4) For the purpose of subsection (3), each sports association shall nominate twenty members, from whom the Minister shall appoint members of the national organising committee.

PART... - SPORTS ACADEMIES

Sports academies

- (1) There shall be in Uganda, sports academies to provide specialised training in particular sports disciplines for athletes and sports persons who are minors.
- (2) The Ministry shall licence the businesses that seek to operate as sports academies, as may be prescribed by regulations made under this Act.
- (3) A sports academy to be registered under this Act shall prior to registration be approved for suitability for the sports discipline by the relevant sports federation.
- (4) The Minister may, in consultation with the Minister responsible for health, as may be necessary, by regulations prescribe—
 - (a) the requirements for eligibility to operate as a sports academy; and
 - (b) for the conditions to be fulfilled by a sports academy, with respect to the academic schedule, the health care standards and the nutrition requirements of the athletes."

Justification

- To promote sports in schools and institutions of higher learning.
- To build capacity in sports through establishment of sports academies.

- To identify young talent in sports.

SUBSTITUTION OF PART V

Part V is substituted for the following—

“PART V—NATIONAL ANTI-DOPING ORGANISATION

Establishment of National Anti-Doping Organisation

- (1) *There is established, in accordance with the requirements of the World Anti-Doping Code, the National Anti-Doping Organisation in Uganda.*
- (2) *The National Anti-Doping Organisation shall be a body corporate with perpetual succession and shall have an official seal.*
- (3) *The National Anti-Doping Organisation shall, in its own name, be capable of suing and being sued and may for the discharge of its functions under this Act—*

(a) acquire, hold and dispose of moveable and immovable property; and

(b) do all acts and things as a body corporate may lawfully do.”

Composition of National Anti-Doping Organisation

- (1) *The National Anti-Doping Organisation shall consist of the following members—*

(a) a chairperson; and

(b) four other members, with knowledge and experience in the field of anti-doping or sports.

- (2) *The Minister shall appoint members of the National Anti-Doping Organisation on such terms and conditions as the Minister may determine.*

- (3) *A member of the National Anti-Doping Organisation shall hold office for a period of three years and is eligible for reappointment for one more term only.*

- (4) A member of the National Anti-Doping Organisation shall be paid such remuneration as the Minister may, in consultation with the Ministers responsible for finance determine."

Functions of National Anti-Doping Organisation

(1) The National Anti-Doping Organisation shall promote anti-doping in sports in Uganda—

(a) and shall for this purpose—

(i) in collaboration with the Ministry, develop a national strategy to address doping in sport;

(ii) promote and implement the World Anti-Doping Code and associated International Standards;

(iii) periodically publish the International Standards on anti-doping in the Gazette;

(iv) provide athletes and athlete support personnel with the procedures for the collection and testing of samples of specimen as specified by the World Anti-Doping Code and International Standards;

(v) select the sportspersons to provide bodily samples for testing and collect the samples in accordance with the approved World Anti-Doping Code and International Standards; and

(vi) implement the Anti-Doping Administration and Management System program;

(b) by testing and analysing samples of specimen of sportspersons using laboratories accredited by the World Anti-Doping Agency and securing the safe transmission of the samples to those laboratories;

(c) by undertaking or coordinating research or causing research to be undertaken in the field of performance-enhancing substances and methods and doping practices in sports;

(d) *by carrying out investigations in matters of doping in sports and may for this purpose, summon any person and examine any document or evidence;*

(e) *by operationalising the Prohibited List of the World Anti-Doping Agency;*

(f) *by maintaining a Whereabouts Register and a Registered Testing Pool;*

(g) *by conducting anti-doping education; and*

(h) *by carrying out any other function conferred under this Act and any other relevant treaty.*

(2) *The National Anti-Doping Organisation shall in the performance of its functions—*

(a) *respect the rights of every person involved in an anti-doping control process including children and persons with disabilities;*

(b) *co-operate with the Ministry and other ministries, departments and agencies of Government, non-governmental organisations; and*

(c) *not require the consent or permission of any person or be under the direction or control of any person or authority.*

(3) *The Minister shall, by statutory instrument, make regulations to prescribe the management and effective functioning of the National Anti-Doping Organisation."*

Justification

To specifically create a National Anti-Doping Organisation in Uganda as an independent body in compliance with the World Anti-Doping Code which requires the World Anti-Doping Agency, an international agency created to promote and coordinate at the international level, the fight against doping in sport in all its forms. The agency requires such bodies to be independent in order to ensure transparency and prevent its decisions being influenced. The proposal

in the Bill to have the National Anti-Doping Organisation under the Council removes the required independence.

CLAUSE 40: ROLE OF UGANDA OLYMPIC COMMITTEE

Substitute for clause 40, the following—

"Continuation in existence of the Uganda Olympics Committee

The Uganda Olympics Committee in existence immediately before the commencement of this Act is continued in existence subject to the provisions of this Act.

(4) The Uganda Olympics Committee shall be a body corporate with perpetual succession and an official seal and may, for the discharge of its functions under this Act—

(a) acquire, hold and dispose of movable and immovable property;

(b) sue and be sued in its corporate name; and

(c) do all acts and things as a body corporate may lawfully do.

(5) The membership of the Uganda Olympic Committee shall be in accordance with the provisions of the Olympic Charter.

(6) The Uganda Olympic Committee shall, in collaboration with the Ministry and the Council—

(a) organise the participation of Ugandan athletes in Olympic games;

(b) promote the development of athletes and the training of coaches and athletes to participate in Olympic games; and

(c) perform any other function prescribed under the Olympic Charter.

(7) The Uganda Olympic Committee, shall in the performance of its functions under this Act and the Olympic Charter, recognise a national sports federation that is registered by the Council."

Justification

- To provide for the continuation of the Uganda Olympic Committee since it is already registered under the Companies Act and it is the National Olympic Committee recognized by the International Olympic Committee in accordance with the Olympic Charter.
- To require the Uganda Olympic Committee to deal with only sports federations that are registered and recognized by the National Council of Sports to avoid confusion and ensure orderly participation of Uganda in the Olympic games and other international games.

CLAUSE 42: PROHIBITION OF UNLAWFUL UTILISATION OF COMMERCIAL RIGHTS

Clause 42 is amended by the numbering the current provision as sub-clause (1) and thereafter insert a new sub-clause immediately after sub-clause (1) as follows—

“Court may, in addition to the penalty imposed under subsection (1), order the person convicted to pay to the national sports federation or athlete, compensation equivalent to the value of the commercial right utilised.”

Justification

To provide for a civil remedy for the aggrieved party.

CLAUSE 45: PROHIBITION OF MANIPULATION OF SPORTS RESULT OR SPORTS COMPETITION

Clause 45 is amended in sub-clause (3), by deleting the words “or intends to commit”.

Justification

To avoid ambiguity by clearly providing for the ingredients of the offence.

CLAUSE 46: PROHIBITION OF ACTS OF VIOLENCE AND HOOLIGANISM

Clause 46 is amended—

(c) in sub-clause (1), by deleting the words "organized by a national sports federation";

(b) by substituting for sub-clause (2), the following—

"For the purposes of subsection (1), a person shall be taken to have committed an act of violence or hooliganism at a sports event or sports competition, where the act -

(a) leads to destruction or damage to property;

(b) physically injures a person;

(c) disturbs the peace and order at a sports competition or a sporting event;

(d) with the intent to disrupt a sports competition or a sporting event or to intimidate or annoy a match official, a referee, an umpire, a match adjudicator, a coach, a trainer, an athlete, or any other participant in a sports discipline-

(i) threatens, injures, assaults, shoots or unlawfully restrains that person;

(ii) throws a projectile, a liquid, a substance upon or applies a fluid or substance to that person;

(iii) incites a person to do an act of violence against that person;
or

(iv) abuses, uses obscene language or gesture or does any indecent act aimed at such a person;"

(c) by inserting immediately after sub-clause (2), the following—

"A person who, commits an act of violence or hooliganism at a sports event or sports competition organised by a national sports association or federation commits an offence and is on conviction liable, to a fine not exceeding four hundred and eighty currency points or to a term of imprisonment not exceeding three years, or both."

(d) by substituting for sub-clause (3), the following—

"(3) Court may in addition to the penalty imposed this section—

- (a) order the person convicted to make good the loss and damage suffered by a person as a result of the unlawful action; and
- (b) make an order banning the person convicted from participating in or attending sports events and sports competitions for a period not exceeding three years."

Justification

- To avoid restricting the offence of violence and hooliganism to only sports event or sports competitions organized by the national sports federations.
- To broaden the offence of violence and hooliganism to include use of obscene language, indecent acts, among others.
- For clarity.
- To provide for a reasonable penalty for the offence. The sentence of ten years is too harsh given the nature of the offence.

CLAUSE 47: PROHIBITION OF EXPLOITATION OF PARTICIPANTS IN SPORTS ACTIVITIES

Clause 47 is amended in sub-clause (1), by deleting the words "organised by a national sports federation".

Justification

To allow the offence of exploitation of participants in sports activities to apply to all sports event or sports competitions.

NEW CLAUSES

Insert new clauses immediately after clause 47 to read as follows—

"Offence of illegal participation in sports competitions for schools and institutions of higher learning

(1) A person shall not—

(a) falsify the information of the identity, age or level of education of a pupil or student who participates in a sports competition; or

(b) offer a parent or guardian of a pupil or student, a coach, a teacher, money or any other form of payment or settlement, in exchange for the enrolment or registration or the transfer of the pupil or student in a specific school or institution of higher learning, in order for the pupil or student to participate in a sports competition for that school or institution of higher learning.

(2) A person—

(a) who is not a pupil or a student of a school or institution of higher learning, shall not participate in a sports competition as a pupil or student of the school or institution of higher learning; or

(b) whose age is above the age specified in section ... shall not participate in a sports competition; or

(c) shall not present for participation in a sports competition a person who is above the age specified in section ...

(3) A person who contravenes this section commits an offence and on conviction liable, to a fine not exceeding two thousand currency points or to imprisonment for a period not exceeding ten years, or to both fine and imprisonment.

Prohibition to act as agent, promoter or manager of athlete without registration by a national sports federation

(1) A person who is not registered by a national sports federation as required under section ... shall not act as an agent, promoter or manager of an athlete.

(2) A person who acts as an agent, promoter or manager of an athlete contrary to this Act commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points or imprisonment for a period not exceeding three years or to both fine and imprisonment.

CLAUSE 48: GENERAL PENALTY

Clause 48 is amended by substituting for the word "three", the word "one".

Justification

To provide for a reasonable penalty.

NEW CLAUSES

Insert three new clauses immediately after clause 50 to read as follows—

"Prohibition of dealing with counterfeit sport materials

(1) A person who imports, manufactures, distributes, produces, sells or offers for sale or trades or displays for sale any counterfeited Ugandan sports branded materials, attire, apparel or any other item without the authorization of a national sports federation commits an offence;

(2) A person who contravenes subsection (1)—

(a) is liable on conviction, to imprisonment for a period not exceeding five years or to a fine not exceeding one hundred and twenty currency points, or both; and

(b) shall, in addition to the fine or penalty imposed under subsection (2)(a), pay the national sports federation, damages and compensation for the loss suffered by the national sports federation.

Prohibition of unlawful access to sports events and competitions

(1) A person who, without authorisation, enters, stays, remains or allows a person to enter, stay, remain or access a sports event or competition organised by a national sports federation commits an offence and is liable on conviction, to a fine not exceeding one hundred and twenty currency points or imprisonment for a period not exceeding one year, or both.

(2) A person who contravenes subsection (1) may, in addition to the fine or penalty imposed under subsection (1), pay the national sports federation damages and compensation for the loss suffered by the national sports federation as may be determined by Court.

Prohibition of electronic media production of sporting events and competitions

(1) A person who, without authorization of a national sports federation, captures by camera, the still or moving pictures or records by an audio recorder, activities at an event or competition organised by a national sports federation commits an offence and is liable, on conviction, to a fine not

exceeding one hundred and twenty currency points, or a term of imprisonment not exceeding five years, or both.

(2) A person who contravenes subsection (1) shall, in addition to the fine or penalty imposed under subsection (1), pay a national sports federation, damages and compensation for the loss suffered by the national sports federation.

Imposition of administrative penalties

(1) The Council, may in addition to or as an alternative to the prescribed penalty, impose administrative penalties on a person, body or entity that infringes the provisions of this Act.

(2) The administrative penalties imposed by the Council shall not exceed the fine imposed for breach of the relevant provision of this Act and where no fine is imposed, the administrative penalty shall not exceed five hundred currency points."

Justification

The new inserted clauses have been carried from the National Sports Bill, 2021 to take care of additional offences prevalent today in sports administration and to provide for administrative mechanisms of handling breaches.

CLAUSE 51: VESTING OF SPORTS INFRASTRUCTURE IN COUNCIL

Delete Clause 51.

Justification

To avoid contradiction with clause 21.

NEW CLAUSE

Insert a new clause immediately after clause 51 to read as follows—

"Settlement of sports disputes

(1) A sports dispute shall be determined through arbitration in accordance with the Arbitration and Conciliation Act. Cap 4.

(2) The Council shall provide a list of arbitrators from whom parties to a sports dispute may choose an arbitrator.

(3) The Council shall update the list of arbitrators annually.

(4) A person shall not be qualified to be included on the list of arbitrators referred to in subsection (2) unless the person has—

- (a) technical knowledge in sport,
- (b) experience in sports administration and management; or
- (c) participated in a sports discipline.

(5) The Council shall publish the list of arbitrators under subsection (2) in the gazette and a newspaper of national circulation.

(6) Each party to a sports dispute shall bear the costs it incurs during arbitration.

(7) A national sports federation shall provide, in its constitution, the following—

(a) the determination of sports disputes between the national sports federation and its members through arbitration; and

(b) an obligation on a national sports federation and its members to comply with a decision arising from arbitration.

(8) The Council shall not register a national sports federation that does not comply with subsection (6).

(9) In this section, "sports dispute" means a dispute between a national sports federation and its member or any other person, relating to—

(a) the interpretation of the constitution of a national sports federation;

(b) the interpretation of statutes and rules governing a sports discipline; or

- (c) *a decision taken by a national sports federation in exercise of its functions under this Act, constitution or statutes and rules governing the sports discipline.*

Justification

Provisions on settlement of Sports Disputes are to introduce practices that allow settlement of sports disputes by persons with knowledge and experience in sports matters in order to ensure timely and efficient determination of sports disputes.

NEW CLAUSE

Insert a new clause immediately after clause 51, to read as follows—

“Participation of minors in sports activities

- (1) *A minor of sixteen years of age or more, may participate in a sports activity with adult participants.*

- (2) *For the purposes of subsection (1)—*

(a) the sports activity shall be authorised by the Council under section ...;

(b) the minor and the parent or guardian of the minor shall receive legal advice on the matter from the organisers of the sports activity and the parent or guardian of the minor shall give consent, in writing, to the participation of the minor; and

(c) where payment is to be made for the participation of the minor, the parent or guardian of the minor shall enter into a contract, for the minor, with the organisers of the sports activity.”

Justification

To regulate the participation of minors in sports activities.

CLAUSE 52: REGULATIONS

Clause 52 is amended in sub-clause (2) by substituting for paragraph (a), the following—

“(a) for the management and maintenance of public sports facilities managed by the Council”

Justification

To ensure clarity.

CLAUSE 54: REPEAL AND SAVINGS

Clause 54 is amended by substituting for sub-clause (5), the following—

“(5) A national sports federation existing immediately before the commencement of this Act shall, within twelve months from the commencement of this Act, comply with the provisions of this Act.”

Justification

To require the existing national sports federations to comply with the provisions of the proposed law within 12 months of its commencement.

SCHEDULES

Schedule 3

Amend Schedule 3 by deleting “Nakivubo War Memorial Stadium”.

Justification

The inclusion of Nakivubo War Memorial Stadium among the public sports facilities to be managed and maintained by the National Council of Sports contradicts clause 51(6) which excludes Nakivubo War Memorial Stadium.

INSERTION OF NEW SCHEDULE

Insert a new Schedule immediately after Schedule 2 as follows:

NATIONAL SPORTS DISCIPLINES

1. American Football
2. Archery
3. Athletics
4. Badminton
5. Baseball and Softball
6. Basketball

7. Body Building and Fitness

8. Boxing

9. Canoe Kayak

10. Chess

11. Cricket

12. Cycling

13. Darts

14. Deaf Sports

15. Dragon Boat

16. Draughts

17. Fencing

18. Floorball

19. Football

20. Golf

21. Gymnastics

22. Handball

23. Hockey

24. Judo

25. Kabaddi

26. Kick Boxing

27. Lacrosse

28. Ludo

29. Motor Sports

30. Netball

31. Paralympic

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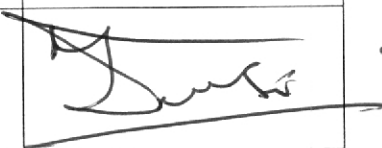

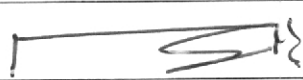
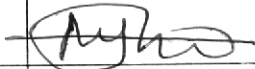
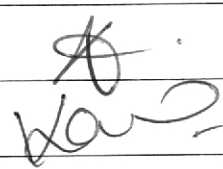
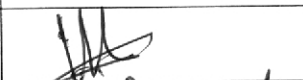
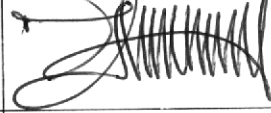

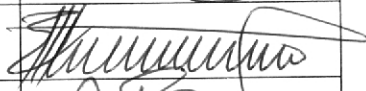


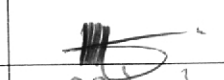
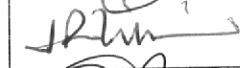

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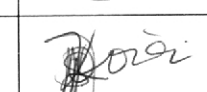

[Handwritten signature]

[Handwritten signature]

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- A collection of handwritten signatures and scribbles in black ink on a white background. The signatures are stylized and often crossed out with multiple lines. Some legible text includes "Kamyo" and "Ca". There are also various scribbles and lines scattered around the signatures.

**REPORT OF THE COMMITTEE ON EDUCATION AND SPORTS ON THE
PHYSICAL ACTIVITY AND SPORTS BILL, 2022, AND NATIONAL SPORTS
BILL, 2021.**

No	NAME	CONSTITUENCY	PARTY	SIGNATURE
1.	Hon. Twesigye John Ntamuhira Chairperson	BUNYARUGURU COUNTY	NRM	
2.	Hon. Cuthbert Abigaba Mirembe V/Chairperson	KIBALE COUNTY	NRM	
3.	Hon. Asiimwe Musiime Molly	RWAMPARA COUNTY	NRM	
4.	Hon. Nyakato Dorothy	DWR KITAGWENDA	NRM	
5.	Hon. Nyamutoro Phionah	YOUTH NATIONAL	NRM	
6.	Hon. Acibu Agnes	NEBBI DISTRICT	NRM	
7.	Hon. Kamateneti Josyline	DWR NTUGAMO	NRM	
8.	Hon. Awich Jane	DWR KABERAMAIDO	NRM	
9.	Hon. Kubeketerya James	BUNYA COUNTY EAST	NRM	
10.	Hon. Lokwang Philipps Ilukol	NAPORE WEST COUNTY	NRM	
11.	Hon. Mutumba Abdul	KIBOGA WEST COUNTY	NRM	
12.	Hon. Etuka Isaac Joakino	UPPER MADI	NRM	
13.	Hon. Dr. Taban Sharifah Aate	DWR KOBOKO	NRM	
14.	Hon. Paparu Lillian Obiale	DWR ARUA	NRM	
15.	Hon. Katusiime Annet Mugisha	DWR BUSHENYI	NRM	
16.	Hon. Tibasiimwa Joram Ruranga	OPS WESTERN	NRM	
17.	Hon. Bagiire Aggrey Henry	BUNYA WEST	NRM	

18.	Hon. Akumu Catherine Mavenjina	REPRESENTATIVE NORTHERN	NRM	
19.	Hon. Bingi Patrick Nyanzi	BUTEMBA COUNTY	NRM	
20.	Hon. Acon Julius Bua	OTUKE EAST COUNTY	NRM	
21.	Hon. Wamala Nambozo Florence	DWR SIRONKO DISTRICT	NRM	
22.	Hon. Ongiertho Emmanuel Jor	JONAM COUNTY	FDC	
23.	Hon. Oguzu Lee Denis	MARACHA COUNTY	FDC	
24.	Hon. Nabukenya Brenda	DWR LUWERO	NUP	
25.	Hon. Ssewungu Joseph	KALUNGU WEST	NUP	
26.	Hon. Nsamba Patrick Oshabe	KASSANDA NORTH	NUP	
27.	Hon. Kakembo Michael	ENTEBBE MUNICIPALITY	NUP	
28.	Hon. Katenya Isaac	BULAMBULI COUNTY	INDEP	
29.	Hon. Rev. Fr. Charles Onen	GULU EAST	INDEP	
30.	Hon. Macho Geoffrey	BUSIA MUNICIPLAITY	INDEP	
31.	Hon. Aogon Silas	KUMI MUNICIPALITY	INDEP	
32.	Hon. Akugizibwe Aled Ronald	BURULI COUNTY	INDEP	
33.	Hon. Itungo Nathan Twesigye	KASHARI SOUTH COUNTY	INDEP	
34.	Hon. Ebwalu Jonathan	SOROTI WEST DIVISION	INDEP	
35.	Hon. Lt. Col. Dr. Jennifer Alanyo	UPDF REPRESENTATIVE	UPDF	
36.	Hon. Suubi Juliet Kyinyamatama	DWR RAKAI	INDEP	

