

PARLIAMENT OF UGANDA



REPORT OF THE COMMITTEE ON AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES ON THE AGRICULTURAL CHEMICALS (CONTROL) (AMENDMENT) BILL, 2024

Office of the Clerk to Parliament

AK

April, 2024

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1.0 INTRODUCTION

The Agricultural Chemicals (Control) (Amendment) Bill, 2024 was read for the First Time on 4th April, 2024 and referred to the Committee on Agriculture, Animal Industry and Fisheries in accordance with Rule 129 (1) of the Rules of Procedure of Parliament.

The Committee scrutinised the Bill in accordance with rules 129(2), (3) and (4) of the Rules of Procedure and now begs to report.

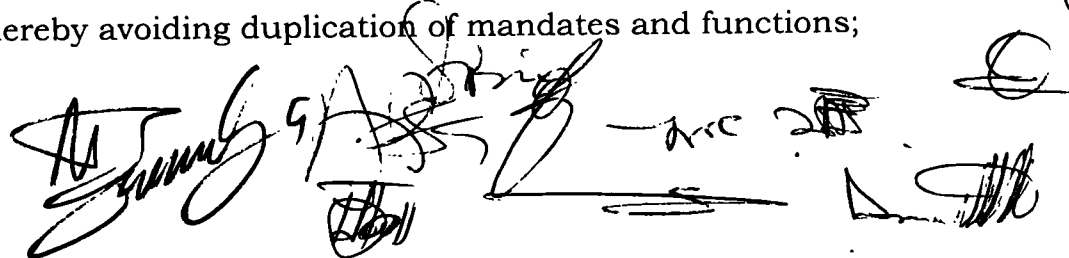
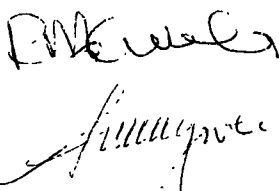
This report is being presented in compliance with Rule 130(2) which states that "The Chairperson of the Committee to which the Bill is referred or a Member of the Committee designated by the Committee or by the Speaker shall, after the Motion for the Second Reading has been moved under sub-rule (1) and seconded, present to the House the report of the Committee on the Bill."

2.0 BACKGROUND TO THE AGRICULTURAL CHEMICALS (CONTROL) (AMENDMENT) BILL, 2024

2.1 Background to rationalisation of Government agencies

On 22nd February 2021 government under Cabinet Minute No.43(CT 2021) adopted the policy to rationalise Government Agencies and Public Expenditure with the aim of-

- (a) merging, mainstreaming and rationalisation of agencies, commissions, authorities and public expenditure thereby, inter alia relieving the Government of the financial drain on its resources and the burden of wasteful administration and expenditure;
- (b) providing efficient and effective service delivery by clearly delineating the mandates and functions of government agencies and departments and thereby avoiding duplication of mandates and functions;



- (c) promoting the coordinated administrative arrangements, policies and procedures for
 - (i) ensuring the efficient and successful management, financial accounting and budgetary discipline of government agencies and departments;
 - (ii) enabling the Government to play its proper role more effectively; and
 - (iii) enforcing accountability; and
- (d) the restructuring and re-organization of agencies and departments of Government by eliminating bloated structures and functional ambiguities in Government agencies and departments.

The Agricultural Chemicals (Control) (Amendment) Bill, 2024 aims at –

- (a) mainstreaming the functions of Agriculture Chemicals board into the Ministry responsible for agriculture; and
- (b) abolishing the Agriculture Chemicals board and transfer the functions of the Agriculture Chemicals board to the Ministry responsible for agriculture.

2.2 Agricultural Chemicals Board

The Agricultural Chemicals Board was established to control and regulate the manufacture, storage, distribution and trade in, use, importation and exportation of agricultural chemicals and other related matters. The board is responsible for providing for the regulation of information for packaging, labelling or advertising agricultural chemicals and to prevent illegal activities related to mislabelling and mis-packaging.

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3.0 OBJECT AND JUSTIFICATION FOR THE BILL

3.1 OBJECT OF THE BILL

The policy behind the Bill is to give effect to the Government Policy for Rationalisation of Government Agencies and Public Expenditure (RAPEX) which was adopted by the Cabinet on 22 February 2021.

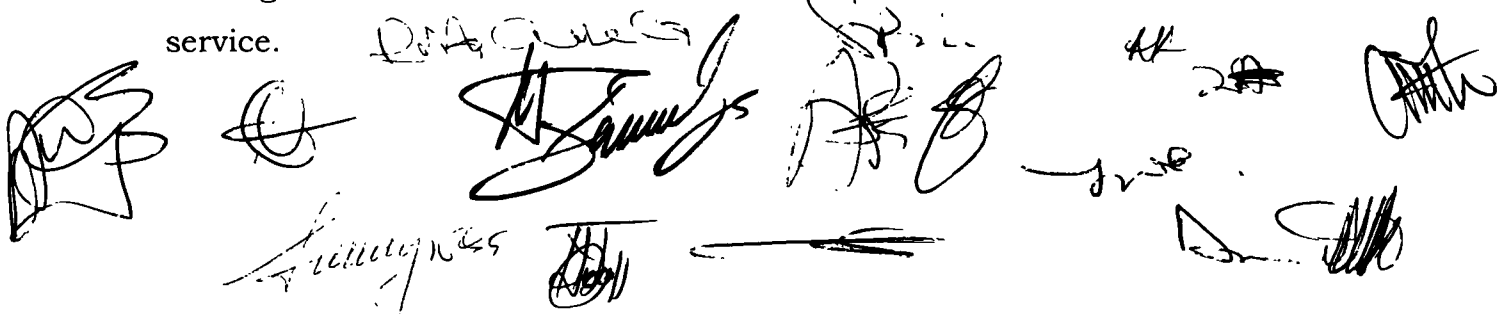
The purpose of amending the Agricultural Chemicals (Control) Act, 2007, Act I of 2007 is to mainstream the functions of this Agricultural Chemicals Board established under section 5 of the Act into the Ministry responsible for agriculture.

3.2 JUSTIFICATION FOR THE BILL

Over the years, there has been a proliferation of agencies established by Acts of Parliament, Executive Orders and administrative arrangements. Whereas most of the agencies are necessary due to the critical nature of the functions they perform, a certain limited number of agencies were established without due consideration to the aspects of institutional harmony, functional duplications, overlaps and affordability. Some agencies have served the purpose for which they were established. The mandate of a few other agencies has been overtaken by events. Such agencies need to be rationalised.

The proliferation of agencies has created mandate overlaps and jurisdictional ambiguities among the agencies.

Additionally, the high cost of administering the agencies has drained the national Treasury at the expense of effective service delivery. This has overstretched the capacity of the Government to sustain them. The generous salary structures of the agencies have created salary disparities between employees of the agencies and public officers in the national civil service leading to the demotivation of human resources in the mainstream public service.

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The bill raises the following issues:

1. Whether the mandate of the Agricultural Chemicals Board overlaps with the Ministry of Agriculture, Animal Industry and Fisheries;
2. Whether the Agricultural Chemicals Board has served the purpose for which it was established.

4.0 METHODOLOGY

While considering the Agricultural Chemicals (Control) (Amendment) Bill, 2024, the Committee used the following methods:

4.1 Meetings

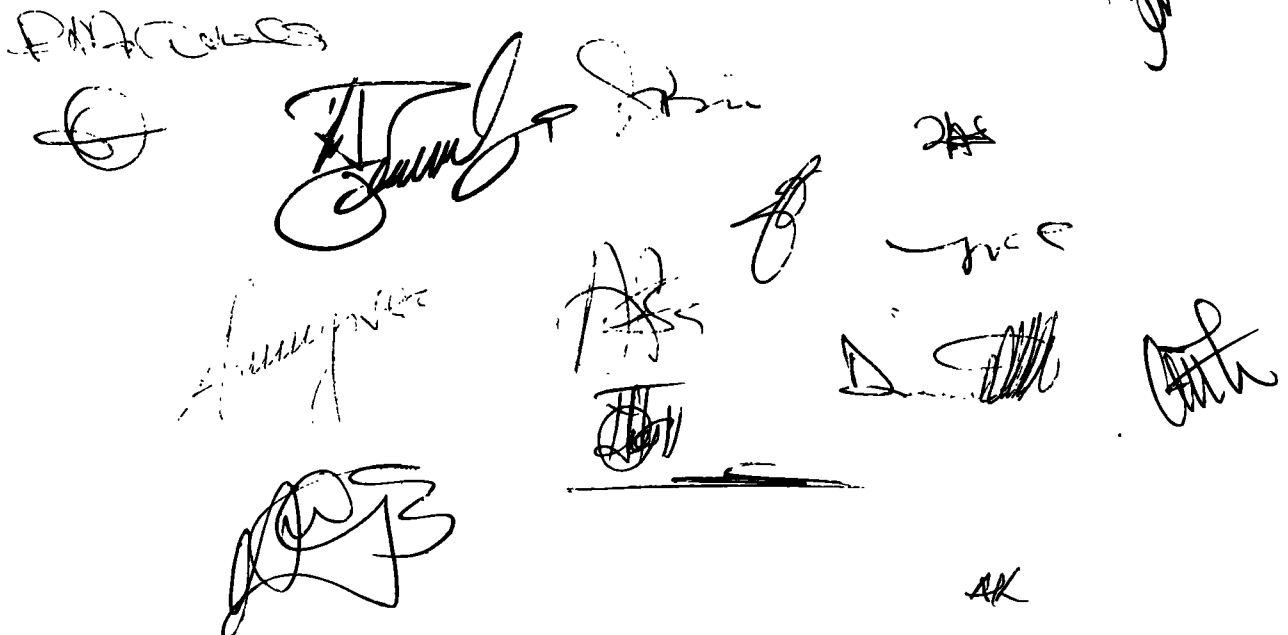
The committee held meetings with the following entities:

- Ministry of Agriculture, Animal Industry and Fisheries (MAAIF)
- Ministry of Justice and Constitutional Affairs
- Ministry of Public Service

4.3 DOCUMENT REVIEW

The Committee reviewed and made reference to the following documents:

- The Constitution of the Republic of Uganda
- The Agricultural Chemicals (Control) Act, 2007, Act I of 2007



5.0 COMMITTEE FINDINGS AND OBSERVATIONS ON THE JUSTIFICATION FOR THE BILL

5.1 Whether the mandate of the Agricultural Chemicals Board overlaps with Ministry of Agriculture, Animal Industry and Fisheries

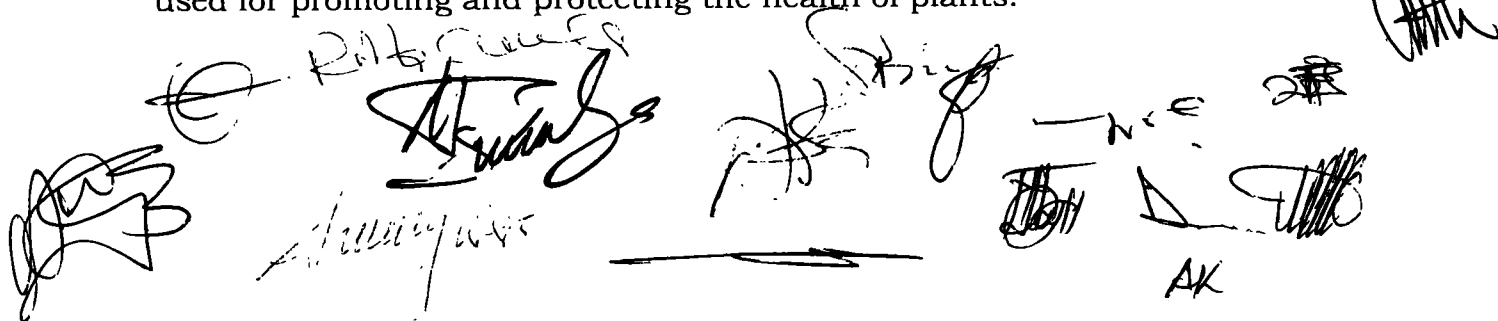
The Agriculture Chemicals Board was established by the Agricultural Chemicals (Control) Act, 2007, Act I of 2007 to control and regulate the manufacture, storage, distribution and trade in, use, importation and exportation of agricultural chemicals and other related matters. The Agricultural Chemicals Board is responsible for providing for the regulations of information used in packaging, labelling or advertisement of agricultural chemicals and to prevent illegal activities related to mislabelling and mis-packaging.

The Committee observed that the mandate of the Agricultural Chemicals Board is not so unique that it cannot be performed by the Ministry.

The Committee recommends that the Agricultural Chemicals Board should be mainstreamed into the Ministry of Agriculture, Animal Industry and Fisheries.

5.2 Whether the Agricultural Chemicals Board has served the purpose for which it was established

The Agricultural Chemicals Board has been responsible for providing the policy framework for control and regulation, including registration of agricultural chemicals such as pesticides, fertilisers, growth regulators, wood preservatives, bio pesticides, bio-fertilisers or any other chemicals used for promoting and protecting the health of plants.

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The Committee notes that the market is flooded with counterfeit agro-chemicals which the entity has failed to reduce and/or eliminate. The board's presence in the field to inspect and deal with unauthorised dealers in agro inputs could not be established by the Committee.

The Committee recommends that the Agricultural Chemicals Board should be mainstreamed into the Ministry of Agriculture, Animal Industry and Fisheries.

6.0 COMMITTEE OBSERVATIONS AND RECOMMENDATIONS ON CLAUSES IN THE BILL

6.1 Provision for a commencement date

The Agricultural Chemicals (Control) Act, 2007 created a secretariat which had obligations and executed some contracts. It will be detrimental to the operations of the sector if the law is assented to and the agency ceases to exist immediately.

Some of the properties of the entity have not yet been accounted for. There is need for a transition period after assent to provide for winding up processes.

The Committee therefore recommends that a commencement date be provided for in the Bill and it should not exceed three (3) months.

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PROPOSED AMENDMENTS

INSERTION OF A NEW CLAUSE

The **Agricultural Chemicals (Control) (Amendment) Bill**, 2024 is amended by inserting a new clause before clause 1, the following—

“Commencement date

This Act shall come into force on a date the Minister responsible for agriculture, by statutory instrument, appoints”.

Justification

There are many actions required to be performed by both the repealed **Agricultural Chemicals Board** and the Ministry after the Act has been assented to mainstream the functions and mandates performed by the agency into the Ministry responsible for agriculture.

CLAUSE 1: INTERPRETATION

Clause 1 is amended by deleting the definition of the word “commission.”

Justification

The term is not used in the Bill and is thus redundant.

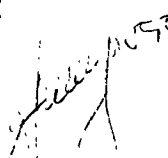
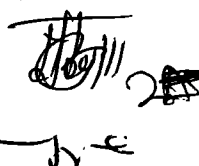
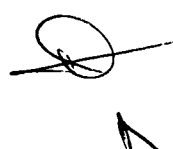
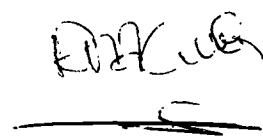


CLAUSE 2: OBJECTIVES OF THIS ACT

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

“(2) without prejudice to the general effect of subsection (1), the specific objective of this Act shall be-

- (a) to merge, mainstream and rationalise the resources duplicated under the **Agricultural Chemicals Board** to the Ministry;



- (b) To eliminate bloated structure and functional ambiguities in the Ministry; and
- (c) Provide for effective and efficient service delivery by clearly delineating multiple organs under the Ministry.

Justification

This is the specific justification for rationalisation of the **Agricultural Chemicals Board** and therefore the objective is not generic in nature as stated in the bill but rather specific to only the affected Authority.

CLAUSE 4: DISSOLUTION OF AGRICULTURAL CHEMICALS BOARD

Clause 4 is substituted for the following—

“Dissolution of the Agricultural Chemicals Board

On the commencement of this Act, the **Agricultural Chemicals Board** is dissolved.

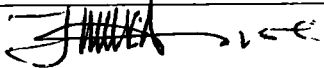


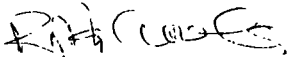
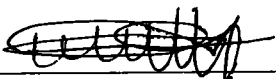
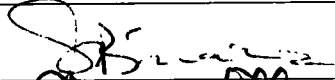
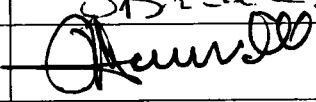
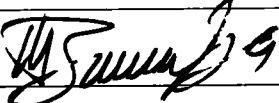
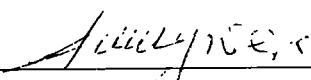
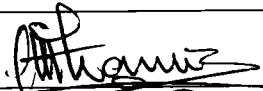
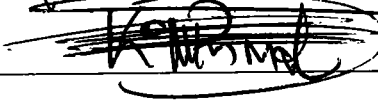
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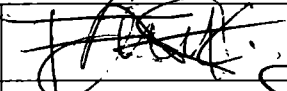
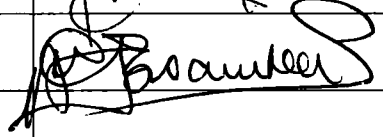
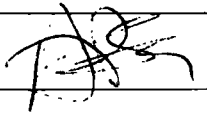
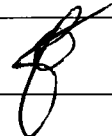
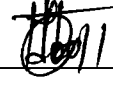
The Authority shall be dissolved on the day the minister appoints by statutory instrument to allow the transition and efficient transfer of functions to the ministry.

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COMMITTEE ON AGRICULTURE, ANIMAL INDUSTRY & FISHERIES

**ENDORSEMENT OF THE REPORT ON THE AGRICULTURAL CHEMICALS
(CONTROL) (AMENDMENT) BILL, 2024**

NO	NAME	SIGNATURE
1	Hon. Okori-Moe Janet Grace	
2	Hon. Auma Linda Agnes	
3	Hon. Driwaru Jennifer	
4	Hon. Magoola Racheal	
5	Hon. Christine Akello	
6	Hon. Mbayo Esther	
7	Hon. Biraaro Ganshanga Ephraim	
8	Hon. Migadde Robert Ndugwa	
9	Hon. Anywar Ricky Richard	
10	Hon. Muhumuza David	
11	Hon. Okullo Abuka Anthony	
12	Hon. Kasaija Stephen Kagwera	
13	Hon. Acen Dorcus	
14	Hon. Alyek Judith	
15	Hon. Esenu Anthony Alden	
16	Hon. Lokii John Baptist	
17	Hon. Mary Begumisa	
18	Hon. Nyongore Enock	
19	Hon. Komol Joseph Midi	
20	Hon. Lematia John	

21	Hon. Oulanyah Andrew Ojok	
22	Hon. Dr. Abed Bwanika	
23	Hon. Tusiime Julius Karuhanga	
24	Hon. Mugabi Susan	
25	Hon. Matovu Charles	
26	Hon. Nanyondo Veronica	
27	Hon. Apolot Stella Isodo	
28	Hon. Ekanya Geoffrey	
29	Hon. Lukwago John Paul M	
30	Hon. Akora Maxwell	
31	Hon. Obong Vincent Shedrick	
32	Hon. Namutaawe Joan	
33	Hon. Mukasa Julius Opondo	
34	Hon. Maj. Gen. Sam Kavuma	