

PARLIAMENT OF UGANDA

**REPORT OF THE COMMITTEE ON DEFENCE AND INTERNAL AFFAIRS
ON THE REGISTRATION OF PERSONS (AMENDMENT) BILL, 2024**

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Office of the Clerk to Parliament
P.O.Box 7178, Kampala,
APRIL, 2024

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LIST OF ACRONYMS

- MIA Ministry of Internal Affairs
- NIRA National Identification and Registration Authority
- NIRA National Registration and Identification Authority
- NTR Non-Tax Revenue
- RAPEX Rationalisation of Government Agencies and Public Expenditure
- URSB Uganda Registration Services Bureau

URSB

RAPEX

NIRA

MIA

NTR

URSB

RAPEX

NIRA

NIRA

URSB

1 INTRODUCTION

The **Registration of Persons (Amendment) Bill 2024** was read for the first time on Tuesday, 9th April 2024. It was referred to the Committee on Defence and Internal Affairs under Rule 129 of the Rules of Procedure for consideration and report back. The Committee has considered the Bill in consultation with various stakeholders and now reports under Rule 139 (3) of the Rules of Procedure.

2 BACKGROUND TO THE REGISTRATION OF PERSONS (AMENDMENT), BILL 2024.

The Constitution of the Republic of Uganda 1995, under Article 18, obliges the State to register every birth, marriage and death occurring within Uganda’s boundaries. Accordingly, the Registration of Persons Act Cap 298 was enacted on 26th March 2015 to;

- i. harmonise and consolidate the law on the registration of persons,
- ii. provide for the registration of individuals,
- iii. establish a national identification register,
- iv. establish a National Registration and Identification Authority (NIRA),
- v. provide for the issue of national identification cards and alien identification cards; and for related matter

Therefore, the purpose of the Registration of Persons Act, 2015, as stipulated under Section 2, is to, among other things, remove duplication from the processes and laws related to the registration of persons. However, the current legal mandate, as provided under Section 5 of the Act, omits the registration of marriages as commanded under Article 18 of the 1995 Constitution of the Republic of Uganda, which would be necessary for the completion of the registration cycle of a person from birth, identification, marriage and death.

The administration of marriage function is currently a mandate of the Uganda Registration Services Bureau (URSB), a government entity established under the URSB Act Cap 210. However, on 22nd February

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2021, Cabinet, under Minute No. 43 (CT 2021), decided to merge, mainstream and rationalise Government Agencies and Public Expenditure to facilitate efficient and effective service delivery. This was premised on the government's need to create institutional harmony, eliminate functional duplication overlaps, and curb the high cost of administering the agencies.

Effectively, the function of the administration of marriage laws was recommended to be transferred to NIRA to consolidate the registration of all natural persons from birth, identification, marriage and death under one agency; hence, the proposed amendment of the Registration of Persons Act, 2015.

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3 POLICY AND PRINCIPLES 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), adopted by the Cabinet on 22nd February 2021.

4 REMEDIES PROPOSED IN THE BILL

The Bill seeks to amend the Registration of Persons Act, 2015, Act 4 of 2015, to

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- a) to transfer to the National Identification and Registration Authority (NIRA) the power to administer and give effect to the laws on civil registration, including the Children Act, Cap. 59, the Customary Marriage (Registration) Act, Cap. 248, the Marriage Act, Cap. 251, the Hindu Marriage and Divorce Act, Cap. 250 and the Maniage and Divorce of Mohammedans Act, Cap. 252, thereby, inter-alia, relieving the government of the financial drain on its resources and the burden of wasteful administration and expenditure by rationalising civil registration in one agency and not two;
- b) facilitate efficient and effective service delivery by clearly delineating the mandates and functions of the National Identification and Registration Authority in respect to civil registration, thereby

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avoiding duplication of mandates and functions with other government agencies and departments;

c) promote 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;

d) to restructure and re-organise the National Identification and Registration Authority to effectively perform the civil registration function by eliminating bloated structures and functional ambiguities in respect to civil registration.

5 METHODOLOGY

During the consideration of the Bill, the Committee met with and received written memoranda from the following;

- i. Ministry of Internal Affairs (MIA)
- ii. National Identification and Registration Authority (NIRA)
- iii. Uganda Registration Services Bureau (URSB)

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5.1 Document Review

The Committee referred to the following documents.

- i. The Constitution of the Republic of Uganda, 1995
- ii. The Registration of Persons Act, 2015
- iii. The Uganda Registration Services Bureau Act Cap 210
- iv. The Children's Act Cap 59
- v. The Customary Marriage (Registration) Act Cap 248
- vi. The Marriage Act Cap 251
- vii. The Hindu Marriage and Divorce Act 250
- viii. The Marriage and Divorce of Mohammedans Act 252
- ix. The Marriage of Africans Act Cap 253

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6 SALIENT OBSERVATIONS ON THE BILL

During the deliberations on the Rationalisation of Agencies and Public Expenditure (RAPEX), officials from the Ministry of Public Service informed the Committee that the overall objective of implementing recommendations on the RAPEX was to eliminate the mandate, structural and functional duplications and overlaps, eliminate wasteful expenditures; and realise short term and long-term savings to be utilised for the provision of other critical government services. As such, the Committee has made observations on transferring URSB's function of administering marriage laws to NIRA and the Registration of Persons (Amendment) Bill, 2024, as demonstrated below.

6.1 Registration of Marriages at NIRA.

The Committee observes that the transfer of the administration of marriage function from URSB to NIRA will effectively mandate NIRA to administer and give effect to the laws on civil registration. This entails licensing churches to celebrate marriages, maintaining all marriage registers, and maintaining Muslim and Hindu divorce registers, among others. By nature of these activities, face-to-face interactions between the registration officers and clients are required.

Additionally, civil registration generates non-tax revenue (NTR). URSB informed the Committee that in FY2021/21 and FY2022/23, the function generated NTR of UGX 1.43 billion and UGX 1.645 billion, respectively. However, it is noteworthy that NIRA lacks a permanent home and currently rents office space at Kololo Independence grounds under the management of the Uganda People's Defence Forces. Further, the Committee is conscious of the need to have all departments and functions of NIRA under the same house for purposes of command and control for the efficient discharge of service delivery. Also, the operations of NIRA have, on several occasions, been affected by national ceremonies and effectively disrupted service delivery. The Committee, since FY2022/23,

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has accordingly recommended and advocated for the provision of funding to NIRA for the acquisition of a permanent home, but to no avail. To this end, the Committee envisages disruptions in delivering this critical service at the current NIRA offices.

Recommendation.

The Committee, therefore, recommends that the government should provide the critical funding required to acquire a permanent NIRA home to smoothen service delivery. In the interim, NIRA and URSB should build consensus to accommodate the would-be NIRA staff in executing this function at the current premises for continuity and smooth delivery of this critical service.

6.2 Commencement.

The Committee observes that the Bill does not provide a definite commencement date, which could affect the smooth transition of the civil registration functions from URSB to NIRA. The Committee opines that the commencement date of this Act is required to establish a timeframe within which the Law shall come into force to ensure a smooth transition of the civil registration functions from URSB to NIRA.

Recommendation.

The Committee, therefore, recommends that a provision be made to enable the Minister to appoint a Commencement date to enforce the Law.

6.3 Interpretation Clause.

Clause 1 of the Bill is the interpretation Clause, and it defines some significant words used in the Act. However, the Committee noted that the word "Minister" has been used in some provisions in the Bill, yet it is not defined under the interpretation Clause.

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Recommendation

The Committee, therefore, recommends that the interpretation Clause be amended to include the definition of the "Minister".

7 CONCLUSION

The Committee has reviewed the Bill and made proposals deemed fit to achieve the set objectives of RAPEX. Therefore, the Committee recommends that the Bill be considered for second reading subject to the proposed amendments attached hereto and any other modifications the House may propose and approve.

I beg to report.

PROPOSED AMENDMENTS TO THE REGISTRATION OF PERSONS (AMENDMENT) BILL, 2024

INSERTION OF NEW CLAUSE IMMEDIATELY BEFORE CLAUSE 1

The Bill is amended by inserting immediately before clause 1 the following—

“Commencement

This Act shall come into force on date appointed by the Minister in consultation with the Minister responsible for Justice, by statutory instrument.”

Justification

- *To stagger the commencement of the Act to ensure that the Act comes into force when the Minister of internal Affairs is sure that NIRA is able to deliver on the functions that have been transferred to it.*
- *To coordinate the commencement of the Uganda Registration Services Bureau (Amendment) Act with the commencement date of the Registration of Persons (Amendment) Act to ensure smooth transition of the civil registration functions from URSB to NIRA.*

CLAUSE 1: INTERPRETATION

Clause 1 of the Bill is amended by inserting immediately after the definition of the word “Government”, the following-

“Minister” means the Minister responsible for Internal Affairs;”

Justification

- *To define the Minister responsible for commencing the Bill.*

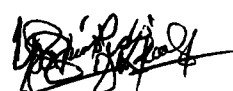


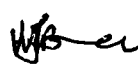

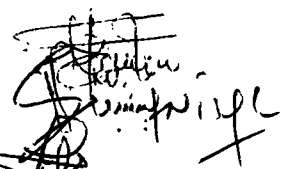
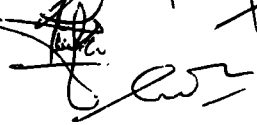
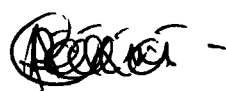

CLAUSE 4: AMENDMENT OF SECTION 5 OF ACT 4 OF 2015

Clause 4 of the Bill is amended in the proposed subsection (1a) by substituting for the phrase “section 54” the phrase “sections 54 and 43I”.

Justification

- *To transfer to NIRA the mandate to register guardianship orders provided for under the section 43I of the Children*

**COMPOSITION OF THE COMMITTEE ON DEFENCE AND INTERNAL AFFAIRS,
3RD SESSION, 11TH PARLIAMENT**

No	Name	Constituency	Party	Signature
1	Hon. Wilson Kajwengye-C/P	Nyabushozi	NRM	
2	Hon. Ngompek Linos-D/CP	Kibanda North	NRM	
3	Hon. Namanya Naboth	Rubabo	FDC	
4	Hon. Okot Moses Junior Biteke	Kioga	FDC	
5	Hon. Olanya Gilbert	Kilak South	FDC	
6	Hon. Lamwaka Margaret	Chua East-Kitgum	Ind	
7	Hon. Komol Emmanuel	Dodoth East County-Kaabong	Ind	
8	Hon. Arinaitwe Rauben	Isingiro West-Isingiro	Ind	
9	Hon. Museveni William	Buwekula South-Mubende	Ind	
10	Hon. Lubega Bashir Sempa	Mubende Municipality	NRM	
11	Hon. Wakooli Godfrey	Buiiru County	NRM	
12	Hon. Okeyoh Peter	Bukooli Islands	NRM	
13	Hon. Nakwang Christine Tubo	DWR-Kaabong	NRM	
14	Hon. Opolot Simon Peter Okwalinga	Kanyum	NRM	
15	Hon. Ssekikubo Theodore	Lwemiyanga	NRM	
16	Hon. Kyoto Ibrahim Mululi	Budiope West	NRM	
17	Hon. Kauma Sauda	DWR-Iganga	NRM	
18	Hon. Niyonsaba Alex	Bufumbira South	NRM	
19	Hon. Mugabe Donozio Kahonda	Ruhinda South	NRM	
20	Hon. Ocheri Jimbrick Noman	Labwor	NRM	
21	Hon. Kintu Alex Brandon	Kagoma North	NRM	
22	Hon. Lokii Peter Abrahams	Jie County	NRM	
23	Hon. Nyamutoro Phiona	National Female Youth	NRM	
24	Hon. Ssebikaali Yoweri	Ntwetwe	NRM	
25	Hon. Aeku Patrick	Soroti County	NRM	
26	Hon. Katabaazi Francis K	Kalungu East	NUP	
27	Hon. Kiwanuka Abdallah	Mukono County North	NUP	
28	Hon. Nambooze Betty Bakireke	Mukono Municipality	NUP	
29	Hon. Odur Jonathan	Erute South	UPC	
30	Hon. Lt. Gen. Elwelu Peter	UPDF		