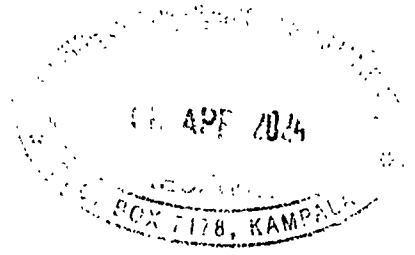




PARLIAMENT OF UGANDA



**REPORT OF THE SECTORAL COMMITTEE ON LEGAL AND  
PARLIAMENTARY AFFAIRS ON THE UGANDA REGISTRATION  
SERVICES BUREAU (AMENDMENT) BILL, 2024.**

**OFFICE OF THE CLERK TO PARLIAMENT  
PARLIAMENT BUILDINGS  
KAMPALA-UGANDA**

**APRIL, 2024**

## 1.0. INTRODUCTION

On 9<sup>th</sup> April, 2024, a Bill entitled “The Uganda Registration Services Bureau (Amendment) Bill, 2024” was read for the first time and was in accordance with Rule 128 of the Rules of Procedure referred to the Committee on Legal and Parliamentary Affairs for scrutiny.

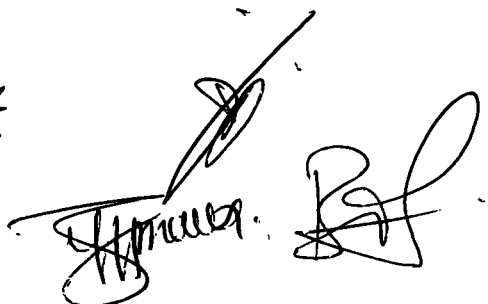
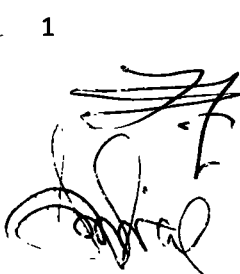
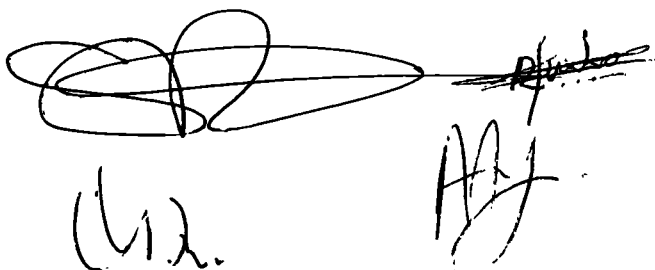
## 2.0. OBJECTS OF THE BILL

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 22nd February 2021 and is contained in Cabinet Minute No. 43(CT 2021) by amending the Uganda Registration Services Bureau Act, Cap 210 to transfer to the National Identification and Registration Authority (NIRA), the power to administer and give effect laws governing civil registration in Uganda, specifically, the Children Act, Cap. 59, the Customary Marriage (Registration) Act, Cap. 248 and the Marriage Act, Cap. 251.

The Bill will have the effect of harmonizing civil registration functions of Government in relation to natural persons in Uganda under one entity, by transferring those civil registration functions that are currently performed by URSB in relation to natural persons, to NIRA. The functions that are proposed to be transferred to NIRA are-

(a) In relation to marriages in Uganda-

- (i) the celebration and registration of civil marriages under the Marriage Act;
- (ii) the registration of all faith based marriages, customary marriages and civil marriages in Uganda;
- (iii) the creation, maintenance and update of registers relating to matters required for registration under the Marriage Act and the Customary Marriage (Registration) Act and all other laws regulating marriages in Uganda;



- (iv) The licensing and registration of churches that would wish to celebrate marriages under the Marriage Act; and
- (v) the holding and dissemination of information in relation to marriages celebrated in Uganda, including the issuance of single status letters to Ugandans wishing to have their marriages solemnised outside Uganda. The letter confirms that the applicant is single and has capacity to enter into a marriage.

(b) In relation to children, the creation, holding and updating of an adopted children register in which there is registered, particulars of adoption of children in Uganda.

The Bill will therefore delineate the civil registration functions performed by NIRA and URSB, by ensuring that NIRA registers and performs all civil registration functions relating to natural persons in Uganda (from birth, through marriage, to the death of an individual) while URSB performs the civil registration functions in relation to juridical persons and non-incorporated entities in Uganda.

### 3.0. METHODOLOGY

In the process of analyzing the Bill, the Committee interacted and received memoranda from; -

- (1) The Minister of Justice and Constitutional Affairs;
- (2) The National Identification and Registration Authority (NIRA); and
- (3) Uganda Registration Services Bureau (URSB).

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#### 4.0. FINDINGS OF THE COMMITTEE ON THE BILL

This part of the report examines the amendments proposed in the Bill and further reviews the Bill in regard to its legality, effect and effectiveness in relation to other laws and the mischief it intends to cure.

##### 4.1. Transfer of the Civil Registration functions from URSB to NIRA

Clauses 3 and 4 of the Bill proposes to amend the Uganda Registration Services Bureau Act, Cap 210 to transfer to the National Identification and Registration Authority (NIRA), the power to administer and give effect laws governing civil registration in Uganda, specifically, the Children Act, Cap. 59, the Customary Marriage (Registration) Act, Cap. 248 and the Marriage Act, Cap. 251.

The Committee is aware that the civil registration function of Government in relation to natural persons is performed by two agencies of Government, namely, the Uganda Registration Services Bureau (URSB) and the National Identification and Registration Authority (NIRA).

For a long time, all the civil registration services of Government were performed by URSB, a Government agency created under section 3 of the Uganda Registration Services Bureau Act, Cap 210 (URSB Act). URSB provided civil registration and other forms of registration services including -

- (a) Business Registration - registration of companies, business names, partnerships, documents, debentures and chattels securities;
- (b) Intellectual Property Registration - registration of Patents, Utility models, Industrial designs, Trademarks, Copyright and Neighboring Rights.
- (c) Civil Registration – registration of births and deaths, registration of all marriages, licensing churches to celebrate marriages, solemnizing civil marriages and issuance of letters of single status.
- (d) Handling of insolvency matters - which include bankruptcy, winding up of companies and corporate rescue mechanisms.

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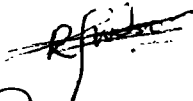
In addition, URSB was also responsible for administering and giving effect to the relevant laws and for providing registration services and collection of and account for all revenue provided for under those laws. The laws that URSB was responsible for were enumerated under the First Schedule to the URSB Act and included-

- (a) The Bankruptcy Act
- (b) The Births and Deaths Registration Act
- (c) The Building Societies Act<sup>4</sup>
- (d) The Business Names Registration Act
- (e) The Chattels Transfer Act
- (f) Section 54 of the Children Act
- (g) The Companies Act
- (h) The Customary Marriage (Registration) Act
- (i) The Marriage Act
- (j) The Partnership Act
- (k) The Patents Act
- (l) The Registration of Documents Act; and
- (m) The Trademarks Act.

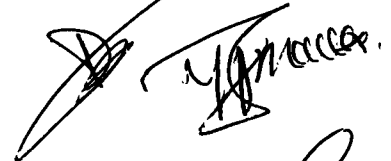
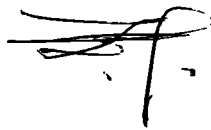


In 2015, Parliament enacted the Registration of Persons Act, 2015 and in section 2 of the Act, the purpose of the Act is stated as-

- (a) to remove duplication from the processes and laws relating to registration of persons;
- (b) to harmonise and consolidate the law on registration of persons;
- (c) to establish a central registration body for the registration of all persons in Uganda;



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(d) to establish a national identification register of all persons in Uganda; and

(e) to provide for access and use of the information contained in the national identification register.

The Registration of Persons Act, 2015 created in section 4, the National Identification and Registration Authority, with the mandate to create, manage, maintain and operate the National Identification Register, register citizens of Uganda, to register non-citizens of Uganda who are lawfully resident in Uganda and to register births and deaths, among other functions enumerated in section 5 of the Registration of Persons Act, 2015.

Following the enactment of the Registration of Persons Act, 2015, the civil registration function of Government was shared between NIRA and URSB, with URSB carrying out functions of registration of all marriages, licensing churches to celebrate marriages, solemnizing civil marriages and adoptions and issuance of letters of single status, while NIRA is solely responsible for registration of all aspects in relation to a person, right from birth, change of name and death of an individual.

The Bill now proposes to consolidate the civil registration functions of Government in relation to natural persons in Uganda under one entity, by transferring to NIRA, those civil registration functions that are currently performed by URSB in relation to natural persons in Uganda so that URSB remains with mandate over juridical persons in relation to business registration, intellectual property registration and insolvency matters.

The Committee has considered the proposal to transfer the civil registration functions from URSB to NIRA and supports it for the following reasons-

(a) the proposals in the Bill will consolidate the civil registration functions of Government in relation to natural persons under one entity. The consolidation of the civil registration function of Government will relieve the Government of the financial drain on its resources and the burden of wasteful administration and expenditure by facilitating the efficient and effective service delivery by clearly delineating the mandates and

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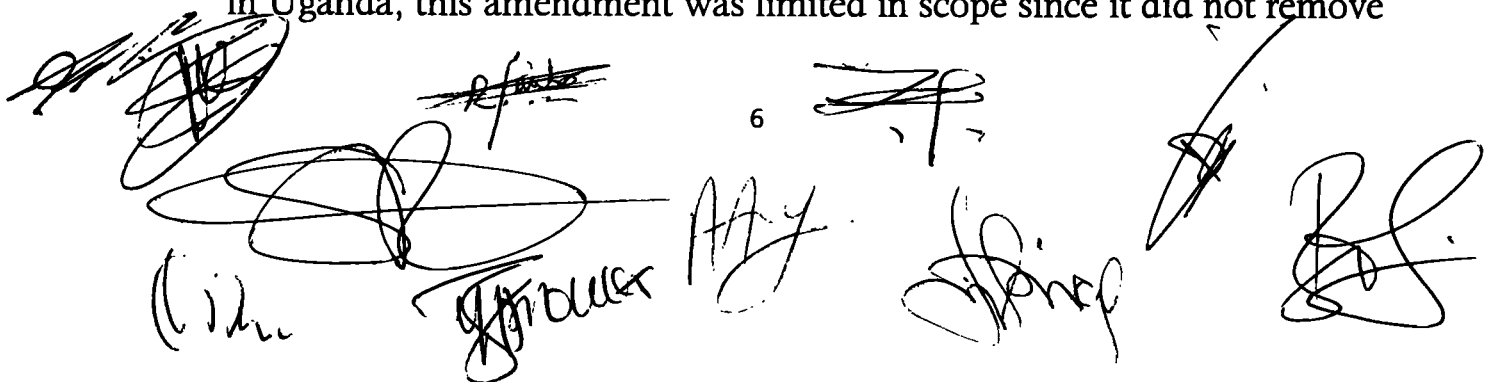
functions of NIRA and URSB, thereby avoiding duplication of mandates and function.

The Committee is concerned that Uganda Registration Services Bureau Act and the Registration of Persons Act, 2015 are not in harmony in as far as the civil registration of natural persons is concerned since both exercise jurisdiction over civil registration aspects. The Committee notes that whereas it is evident that Parliament had intended to remove duplication from the processes and laws relating to registration of persons by harmonizing and consolidating all aspects of laws relating to the civil registration of natural persons under NIRA as prescribed in sections 2 and 5 of the Registration of Persons Act, this was not achieved since certain aspects of civil registration of natural persons were inadvertently left under the URSB Act.

The Committee is of the considered opinion that the enactment of the Registration of Persons Act, 2015 and the creation of NIRA meant that the civil registration function of Government was to be consolidated under one agency, being NIRA, and was not meant to be a shared responsibility between NIRA and URSB.

The enactment of the Registration of Persons Act, 2015 was meant to ensure that URSB retains jurisdiction over business registration while NIRA retained jurisdiction over civil registration in relation to all aspects relating to the registration of persons and individuals in Uganda, being all registrable aspects of a natural person from birth, change of registered particulars of the individual, marriage and death.

The Committee is of the considered opinion that whereas there was an attempt at consolidating the Uganda Registration Services Bureau Act and the Registration of Persons Act, 2015 under section 86 of the Registration of Persons Act, 2015 by removing from the functions of the URSB, the administration of the laws relating to the registration of Births and Deaths in Uganda, this amendment was limited in scope since it did not remove

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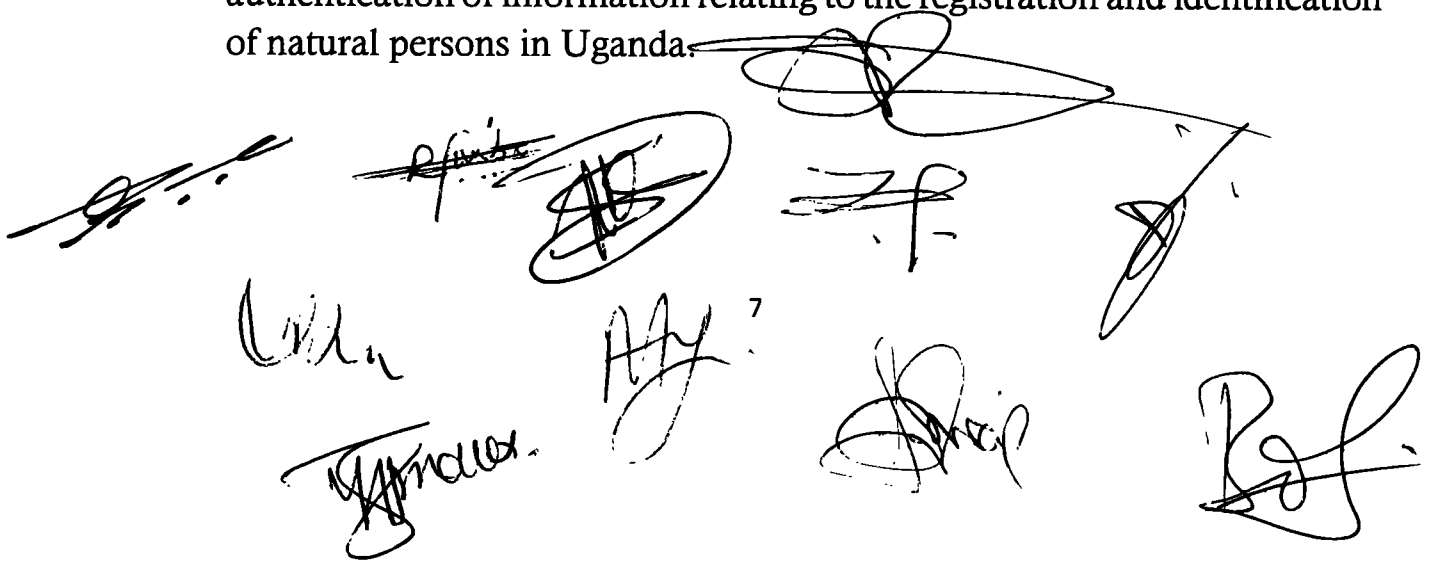
from the first schedule to the Uganda Registration Services Bureau Act all the other aspects of civil registration in relation to natural persons.

This means that the aspects of civil registration in relation to natural persons such as the registration of births and deaths, registration of all marriages, licensing churches to celebrate marriages, solemnizing civil marriages and issuance of letters of single are still performed by URSB instead of being performed consolidated under NIRA.

The Committee finds that the amendments proposed in the Bill will therefore give full effect to section 2 of the Registration of Persons Act, 2015, by transferring from the Uganda Registration Services Bureau Act to NIRA, all matters of civil registration. The amendment will result in NIRA concentrating solely on civil registration while URSB will concentrate on business registration, intellectual property and insolvency matters. This will remove the duplication of functions in relation to civil registration of natural persons currently existing under the Uganda Registration Services Bureau Act and the Registration of Persons Act, 2015.

(b) The proposal in the Bill will create a one stop shop for all matters relating to the civil registration of natural persons in Uganda under NIRA thereby removing the need for individuals to seek civil registration services from both NIRA and URSB over the same subject matter.

(c) The Bill will also ease the harmonization and incorporation of information relating to registrable aspects of a natural person into the National Identification Register established under the Registration of Persons Act. This will also ease the coloration, verification and authentication of information relating to the registration and identification of natural persons in Uganda.

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## Recommendation

*The Committee recommends that 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 and the Marriage Act, Cap. 251 be transferred from URSB to NIRA as proposed in the Bill.*

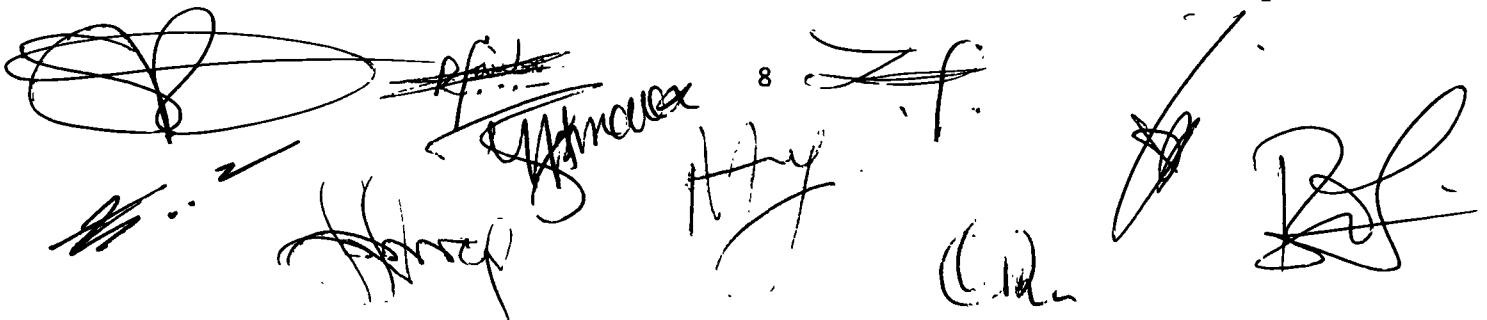
### 4.2. NIRA readiness to execute on the new mandate

The Committee received presentation from URSB who supported the proposal to transfer the civil registration functions to NIRA as proposed in the Bill. The Executive Director of URSB informed the Committee that the transfer of the civil registration functions performed by URSB over natural persons to NIRA has been in the pipe lines since the enactment of the Registration of Persons Act, 2015 and was merely delayed by the amendment to the Uganda Registration Services Bureau Act.

On its part, the National Identification and Registration Authority, the entity receiving the functions agreed to the proposals in the Bill and assured the Committee that it will execute the mandate granted to it. NIRA assured the Committee that the transfer of the civil registration function from URSB to NIRA will be handled in a smooth manner since the staff in the Department of Civil Registration at URSB as well as the equipment and processes are to be transferred from URSB to NIRA to execute the same mandate.

Notwithstanding the above, concern was raised about the readiness of NIRA to ensure a smooth transfer of the functions of URSB without disruption or without compromising on service delivery to the public. The Members are concerned that if the transition processes are not handled smoothly and in a coordinated manner, the public is likely to face challenges due to disruption of services arising from the lack of readiness to deliver on the new mandate.

In order to build the capacity of NIRA to deliver on the new mandate, there is need for NIRA and URSB to coordinate the transfer of functions to NIRA in order to ensure that functions are only transferred to NIRA only where NIRA has obtained the capacity to deliver on the new mandate. This will require the

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commencement of the Bill to be staggered to enable URSB continue providing the services as NIRA builds capacity to provide the services.

**Recommendation**

*The Committee recommends that the transfer of the civil registration functions to NIRA be staggered until NIRA builds capacity to deliver on the new mandate.*

**5.0. COMMITTEE RECOMMENDATION**

In light of the above, the Committee recommends that “The Uganda Registration Services Bureau (Amendment) Bill, 2024” be read a second time and be passed into law subject to the following amendments.



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# PROPOSED AMENDMENTS TO THE UGANDA REGISTRATION SERVICES BUREAU (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 commence on a date appointed by the Minister, in consultation with the Minister responsible for internal Affairs, by statutory instrument.”

### **Justification**

- *To stagger the commencement of the Bill in order to afford NIRA adequate time to deliver on the new mandate. This will minimize disruption and ensure a smooth transfer of the civil registration functions from URSB to NIRA.*
- *To ensure that NIRA only takes over the civil registration functions which have been hitherto performed by URSB when the Minister of Justice in consultation with minister of Internal Affairs is satisfied that NIRA can deliver on the new mandate.*

## CLAUSE 1: INTERPRETATION

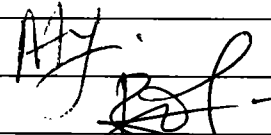
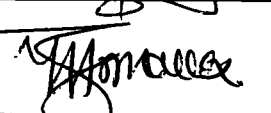
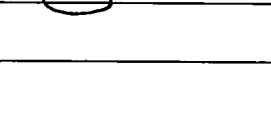
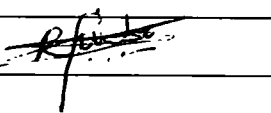

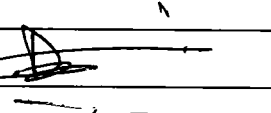
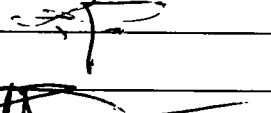
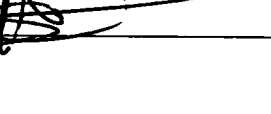

Clause 1 of the Bill is amended by inserting immediately after the definition of the word “government” the following-

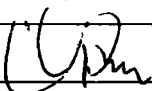
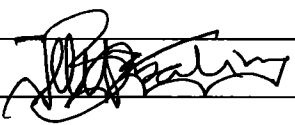

“Minister” means the Minister responsible for Justice;”

### **Justification**

*To define the Minister responsible for commencing the provisions of the Bill once assented to by the President.*

**SIGNATURE SHEET FOR THE REPORT OF THE COMMITTEE OF LEGAL AND PARLIAMENTARY AFFAIRS ON THE UGANDA REGISTRATION SERVICES BUREAU (AMENDMENT) BILL, 2024**

| NO. | NAMES                             | CONSTITUENCY          | SIGNATURE   |
|-----|-----------------------------------|-----------------------|---|
| 1   | Hon. Rwakoojo R. Gureme           | Gomba West County     |   |
| 2   | Hon. Mutembuli Yusuf              | Bunyole East          |    |
| 3   | Hon. Okiror Bosco                 | Usuk County           |    |
| 4   | Hon. Nkwasiibwe Zinkuratire Henry | Ruhaama County        |    |
| 5   | Hon. Odoi Benard                  | Youth Eastern         |   |
| 6   | Hon. Odoi Oywelowo Fox            | West Budma North East |   |
| 7   | Hon. Oseku Richard Oriebo         | Kibale County         |    |
| 8   | Hon. Baka Stephen Mugabi          | Bukooli County North  |   |
| 9   | Hon. Byarugaba Alex Bakunda       | Isingiro South        |  |
| 10  | Hon. Kamusiime Caroline           | DWR-Rukiga            |   |
| 11  | Hon. Okia Joanne Aniku            | DWR Madi Okollo       |   |
| 12  | Hon. Remegio Achia                | Pian                  |   |
| 13  | Hon. Achayo Lodou                 | Ngora County          |  |
| 14  | Hon. Zijan David Livingstone      | Butembe County        |  |
| 15  | Hon. Teira John                   | Bugabula North        |   |
| 16  | Hon. Silwany Solomon              | Bukhooli Central      |  |
| 17  | Hon. Musigunzi Yona               | Ntungamo Municipality |   |
| 18  | Hon. Werikhe Christopher          | Bubulo West           |   |
| 19  | Hon. Malende Shamim               | DWR Kampala           |   |
| 20  | Hon. Lubega Medard Ssegona        | Busiro East           |   |
| 21  | Hon Ssekitoleko Robert            | Bamunanika County     |  |

|    |                                  |                     |   |
|----|----------------------------------|---------------------|---|
| 22 | Hon. Mpunga Mathias              | Nyendo-Mukungwe     |   |
| 23 | Hon. Jonathan Odur               | Erute South         |  |
| 24 | Hon. James Mugira                | UPDF                |   |
| 25 | Hon. Asuman Basalirwa            | Bugiri Municipality |  |
| 26 | Hon. Alum Santa Sandra<br>Ogwang | DWR Oyam            |   |
| 27 | Hon. Abdu Katuntu                | Bugweri county      |   |
| 28 | Hon. Niwagaba Wilfred            | Ndorwa County       |  |