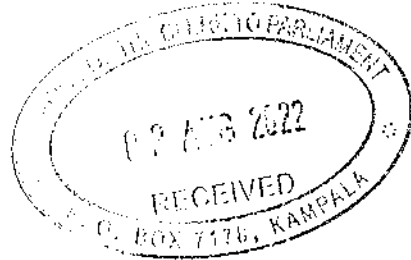
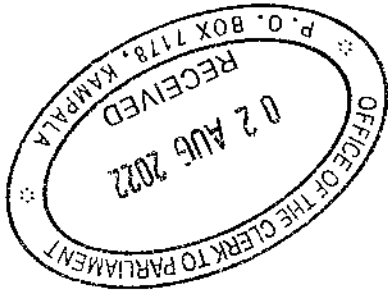


PARLIAMENT OF UGANDA



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REPORT OF THE COMMITTEE ON PRESIDENTIAL AFFAIRS ON THE KAMPALA CAPITAL CITY (AMENDMENT) BILL, 2021

AUGUST, 2022

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INTRODUCTION

On Wednesday 4th May, 2022, a Bill entitled “The Kampala Capital City (Amendment) Bill, 2021” was read for the First Time in accordance with Rule 128 of the Rules of Procedure of Parliament and referred to the Committee on Presidential Affairs for scrutiny.

The object of the Bill is to amend section 77 of the Kampala Capital City Act, 2010 to empower the Minister responsible for the Capital City, in consultation with the Minister responsible for finance and the Minister responsible for the public service, to determine the remuneration payable to the Speaker and Deputy Speaker of the Council of Kampala Capital City Authority and the speakers and the deputy speakers of division urban councils.

1.0. BACKGROUND

The amendments made to the Kampala Capital City Act, under the Kampala Capital City (Amendment) Act, 2020, created a number of offices including the office of the Speaker and the Deputy Speaker of the Council of the Authority under section 8A and the offices of the speakers and the deputy speakers of the division urban councils in section 29A.

These offices are in addition to the offices already established under the Kampala Capital City Act, 2010 and these are; the offices of the Lord Mayor and the Deputy Lord Mayor in section 9, councilors of the Council created in section 6, mayors and deputy mayors of division urban councils created in section 28 and chairpersons and councilors of division urban councils created under section 38.

Notwithstanding the creation of the additional political offices as enumerated above, section 77 of the Kampala Capital City Act, 2010 was not amended under the Kampala Capital City (Amendment) Act 2020 to provide for the remuneration of the office bearers of the newly created offices of the Speaker and the Deputy Speaker of the Council of the City Authority, and the speakers and the deputy speakers of the divisional urban councils. Subsequently, section 77 of the Act currently directs the Minister responsible for Kampala Capital City, in consultation with the Minister responsible for finance and the Minister responsible for the public service, to determine the remuneration payable to the Lord Mayor, Deputy Lord Mayor and councilors of the Authority and the mayors, deputy mayors, chairpersons and councilors of a division urban council only.

The implication of this is that, the Speaker and the Deputy Speaker of the Council of the Authority and the speakers and the deputy speakers of the division urban councils, are only remunerated as councilors and not as speaker and deputy speaker and this deprives them of the entitlement of the offices they are holding.

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This amendment, therefore seeks to empower the Minister responsible for Kampala Capital City, in consultation with the Minister responsible for finance and the Minister responsible for the public service, to determine the remuneration payable to the Speaker and Deputy Speaker of the Council of the Authority and the speakers and the deputy speakers of the division urban councils.

METHODOLOGY

The Committee, in exercise of its powers granted under Rule 129 (2) of the Rules of Procedure of Parliament:

(a) Interacted with;

1. The Minister responsible for Kampala Capital City and Metropolitan Affairs, Hon. Hajat Minsa Kabanda;
2. Minister of State for Kampala Capital City and Metropolitan Affairs, Hon. Kyofatogabye Kabuye;
3. The Attorney General;
4. The Speaker and Deputy Speaker of the Council of Kampala Capital City Authority;
5. The Executive Director of Kampala Capital City Authority, Ms. Dorothy Kisaka;
6. Speakers and deputy speakers of Division urban councils;

(b) Reviewed relevant literature including the Kampala Capital City Act, 2010 and the Kampala Capital City (Amendment) Act, 2020, the Local Government Act, Cap 243 and the Constitution of the Republic of Uganda, 1995.

2.0. ANALYSIS OF THE PROVISIONS OF THE BILL

This part of the report examines the proposed amendments contained in the Kampala Capital City (Amendment) Bill, 2021, its constitutionality and relevance.

2.1. CLAUSE 1: COMMENCEMENT

Clause 1 makes provision for the commencement of the Bill which requires that once enacted into law, the Bill shall be deemed to have come into force on the 1st day of February, 2020, the date on which Kampala Capital City (Amendment) Act, 2020 commenced.

The above provision gives a retroactive application to the Bill which means that the amendment made in the Bill will apply to all persons who were occupying the offices of Lord Mayor, Deputy Lord Mayor, Speaker and Deputy Speaker of the Council of the Authority, councilors of the Council, mayors and deputy mayors of the division urban

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councils, speakers and deputy speakers of the urban councils, chairpersons and councilors of lower urban councils on the 1st day of February, 2020.

Observation

The Committee observes that much as the Kampala Capital City (Amendment) Act, 2020 created a number of offices including the office of the Speaker and the Deputy Speaker of the Council of the Authority under section 8A and offices of the speaker and the deputy speaker of the division urban councils in section 29A, it did not cater for remuneration of the office bearers.

The Committee further observes that, the implication of the proposed retroactive implementation of the Bill would cause double payment for office bearers whose remuneration was already catered for under section 77 of the Kampala Capital City Act, 2010.

Recommendation

The Committee recommends that, the retroactive application of the Bill sought for in Clause 1 be limited only to the Speaker and the Deputy Speaker of the Council of the Authority and the speakers and the deputy speakers of the division urban councils for which offices were created under the Kampala Capital City (Amendment) Act, 2020 in order to avoid double payment.

2.2. CLAUSE 2: AMENDMENT OF SECTION 77

Clause 2 of the Bill proposes substitution of the entire section 77 of the Kampala Capital City Act, 2010 which is reproduced below:

"77. Remuneration of members of Council and lower urban councils;

The Minister shall, in consultation with the Minister responsible for finance and the Minister responsible for the public service, determine the remuneration payable to the Lord Mayor, Deputy Lord Mayor and councillors of the Authority and the mayor, deputy mayor, chairperson and councilors of a lower urban council."

The Bill sought to substitute the entire provision with the following;

"77. Remuneration of members of Council and lower urban councils;

The Minister shall, in consultation with the Minister responsible for finance and the Minister responsible for the public service, determine the remuneration payable to the Lord Mayor, Deputy Lord Mayor, Speaker and Deputy Speaker of the Council, councillors of the Council, mayors and deputy mayors of lower urban councils, speakers

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and deputy speakers of lower urban councils, chairpersons and councillors of lower urban councils.”

Observation

The Bill seeks to substitute the entire section 77 of the Kampala Capital City Act, 2010. The Committee, however, notes that section 77 already caters for the remuneration of the Lord Mayor, Deputy Lord Mayor, Speaker and Deputy Speaker of the Council, councillors of the Council, mayors and deputy mayors of the lower urban councils, the speakers and the deputy speakers of the lower urban councils, chairpersons and councillors of lower urban councils, and the Committee therefore notes that it is not necessary to substitute the entire section 77.

Recommendation

The Committee recommends that, section 77 is amended by inserting the offices of the Speaker and the Deputy Speaker of the Council of the Authority and the speakers and the deputy speakers of the lower urban councils which were created by the Kampala Capital City (Amendment) Act, 2020 but their remuneration was not provided for.

3.3 ADDITIONAL AMENDMENTS TO KAMPALA CAPITAL CITY (AMENDMENT) BILL, 2021

The Committee received a memorandum from the Authority regarding the need to further amend the Kampala Capital City Act and accordingly, consulted with the office of the Attorney General, the Minister responsible for finance and referred to the Rules of Procedure of Parliament.

Based on the legal, financial and procedural guidance obtained, the Committee restricted itself to the following as guided by Rule 129 (3) and (4) as reproduced below:

Rule 129 (3) and (4) specifically provide that -

(3) Except in cases of very minor amendments, and subject to rule 132, all proposed amendments to a Bill referred to a Committee shall be presented to the Committee by the person proposing the amendment and the Committee shall scrutinize it together with the Bill.

(4) 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.”

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The following therefore, are the specific additional amendments the Committee considered based on the legal, financial and procedural guidance obtained:

3.3.1 Amendment to section 6A on the functions of the Council

The Committee identified a gap in section 6A of the Kampala Capital City (Amendment Act), 2020 under the functions of the Council specifically section 6A(c) which provides that one of the functions of the Council of Kampala Capital City Authority is “to review and approve budget proposals made by the Executive Director”. However, the mandate of budget preparation lies with the city executive committee.

The committee also notes that this mandate of the city executive committee is not expressly provided for under the Kampala Capital City Act.

Observation

The Committee observes that the function of making budget proposals lies with the City Executive Committee of the Council.

Recommendation

The Committee therefore;

- (i) *recommends for the substitution of the word “Executive Director” with “City Executive Committee of the Council”. This is to ensure clarity and consistency in the functions of the City Executive Committee.*
- (ii) *further recommends that provision be made to mandate the City Executive Committee to prepare the annual budget of the Authority.*

3.3.2 Terms of service of the speakers and the deputy speakers of division urban councils

The Committee was informed that, the Kampala Capital City (Amendment) Act, 2020 does not provide for clear terms of service for the speakers and the deputy speakers of the division urban councils and yet these were provided for the Speaker and the Deputy of the Council of the Authority.

The Committee established that, whereas the law is silent on the terms of service of the speaker and deputy speaker of the division urban council, the office bearers serve on full-time basis.

Recommendation

The Committee recommends amendment of section 29A of the Act, to provide for the operation of the office of the speaker at the division urban council on full-time basis.

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3.3.3 Convening meetings of the lower urban councils under section 45 of the Kampala Capital City Act, 2010

The Committee received the proposal to amend section 45 of the Kampala Capital City Act, 2010 to remedy a conflict between section 45(1) and 29C (a) on the functions of speaker of division urban councils which is reproduced below:

Whereas section 45(1) specifically provides that -

(1) The meetings of a division urban council shall be convened and presided over by the mayor;

Section 29C provides that -

(a) A speaker shall preside at all meetings of the division urban council

The Committee established that, this was an error because the mandate to convene meetings at division urban councils is for the office of the speaker and the deputy speaker provided under section 29(c) of the Kampala Capital City (Amendment) Act, 2020.

The Committee established that, section 45 of the Kampala Capital City Act, 2010 provides for the meetings of the lower urban councils. This was replaced with section 29(c) of the Kampala Capital City (Amendment) Act, 2020. However, section 45(1) was not repealed.

The Committee therefore considers this proposal as an urgent matter to resolve in the governance of the division urban councils.

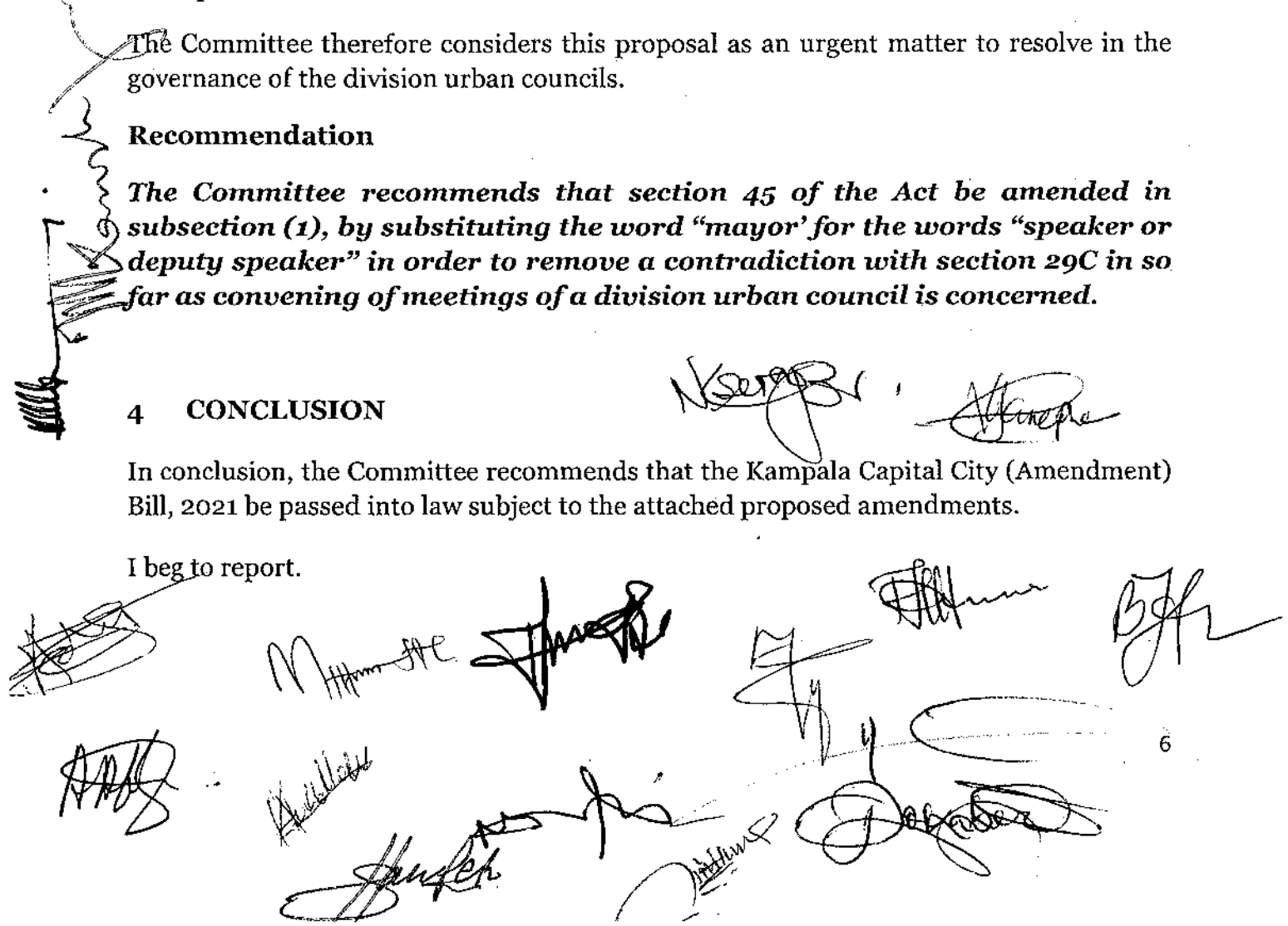
Recommendation

The Committee recommends that section 45 of the Act be amended in subsection (1), by substituting the word "mayor" for the words "speaker or deputy speaker" in order to remove a contradiction with section 29C in so far as convening of meetings of a division urban council is concerned.

4 CONCLUSION

In conclusion, the Committee recommends that the Kampala Capital City (Amendment) Bill, 2021 be passed into law subject to the attached proposed amendments.

I beg to report.



PROPOSED AMENDMENTS TO THE KAMPALA CAPITAL CITY (AMENDMENT) BILL, 2021

CLAUSE 1: COMMENCEMENT

Clause 1 is substituted with the following—

- (1) Subject to subsection (2), this Act shall come into force upon publication in the Gazette.
- (2) The offices referred to in section 2 shall be deemed to have come into force on the 1st day of February 2020.

JUSTIFICATION

To ensure the retroactive application of the Bill applies only for the remuneration of the Speaker and the Deputy Speaker of the Council of the Authority and the speaker and deputy speakers of the division urban councils.

CLAUSE 2: AMENDMENT OF SECTION 77 OF ACT 1 OF 2010

Clause 2 of the Bill is substituted for the following—

“2. Amendment of section 77 of Act 1 of 2010

Section 77 of the Kampala Capital City Act, 2010, in this Act referred to as the principal Act, is amended—

- (a) by inserting immediately after the words “Deputy Lord Mayor”, the words **“Speaker, Deputy Speaker”**;
- (b) by substituting for the word “Authority”, the word **“Council”**; and
- (c) by inserting immediately after the word “chairperson”, the words **“speaker, deputy speaker”**.

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JUSTIFICATION

To empower the Minister responsible for the Capital City, in consultation with the Minister responsible for finance and the Minister responsible for the public service, to determine the remuneration payable to the Speaker and the Deputy Speaker of the Council of Kampala Capital City Authority and speakers and deputy speakers of division urban councils.

INSERTION OF NEW CLAUSES

Insert immediately after clause 1, the following new clauses—

“Amendment of section 6A of principal Act

Section 6A of the principal Act is amended in paragraph (c), by substituting for the words “**executive director**”, the words “**city executive committee**”.

JUSTIFICATION

This is to ensure clarity and consistency in the functions of the City Executive Committee.

“Amendment of section 8 of principal Act

Section 8 of the principal Act is amended by substituting for subsection (1), the following—

“(1) The Council shall have power to make ordinances for the proper management of the Capital City.”

JUSTIFICATION

The ordinances are intended for the proper management of the Capital City as provided in section 6A (b) of the Act.

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“Amendment of section 14B of principal Act

Section 14B of the principal Act is amended—

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

“(ba) prepare the annual budget of the authority;”

JUSTIFICATION

To expressly provide for the mandate of the city executive committee to make budget proposals of the Council.

“Amendment of section 29A of principal Act

Section 29A of the principal Act is amended by numbering the current provision as subsection (1), and inserting immediately thereafter, the following—

“(2) The speaker of a division urban council shall serve on full time basis.”

JUSTIFICATION

The Amendment proposed to section 29A of the principal Act is intended to ensure that, the speaker of the division urban council serve on full time basis, just like the Speaker and deputy Speaker of the Council as prescribed in section 8A.

“Amendment of section 45 of principal Act


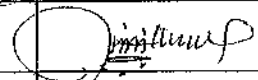
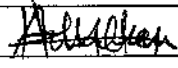
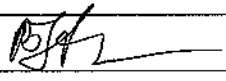
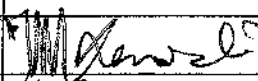

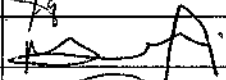


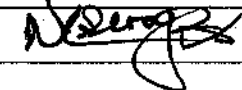
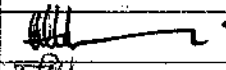

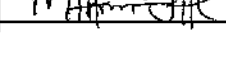
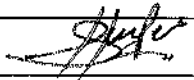
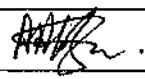
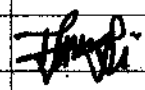
Section 45 of the principal Act is amended in subsection (1), by substituting for the word mayor”, the words “speaker or deputy speaker”.”

JUSTIFICATION

1. *The Amendment proposed to section 45 of the principal Act is to remedy a mistake in section 45 (1) which allows meetings of the a division urban council to be convened and presided over by the mayor yet the duty to convene and preside over meetings of a division urban council is bestowed on and exercised by the speaker or deputy speaker of the division urban council under section 29C.*

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**SIGNATURE SHEET FOR THE MEMBERS OF THE PARLIAMENTARY COMMITTEE
ON PRESIDENTIAL AFFAIRS**

SN	NAME	CONSTITUENCY	PARTY	SIGNATURE
1.	Hon. Ababiku Jesca (Chair)	DWR, Adjumani	NRM	
2.	Hon. Noame Kabasharira (Deputy Chair)	Rushenya County	IND	
3.	Hon. Karubanga Jacob Ateenyi	Kibanda South	NRM	
4.	Hon. Auma Hellen Wandera	DWR, Busia	NRM	
5.	Hon. Acora Nancy	DWR, Lamwor	IND	
6.	Hon. Zijjan David Livingstone	Butembe County	IND	
7.	Hon. Kamukama Benjamin	Ruhama County E.A.S	NRM	
8.	Hon. Oneka Lit Denis Amere	Kitgum Munic.	FDC	
9.	Hon. Aseera Stephen	Buhaguzi East	IND	
10.	Hon. Kawalya Abubaker	Rubaga North	NUP	
11.	Hon. Lagen David	Agago County	NRM	
12.	Hon. Nyeko Derrick	Makindye Div. East	NUP	
13.	Hon. Mbabazi Janepher Kyomuhendo	DWR, Kagadi	NRM	
14.	Hon. Adome Francis Lorika	Moroto Munic.	NRM	
15.	Hon. Ezama Siraji Brahan	Aringa County	NRM	
16.	Hon. Kunihira Faith Philo	DWR, Kyenjojo	NRM	
17.	Hon. Ssasaga Isaiah Johny	Budadiri County East	FDC	
18.	Hon. Busingye Penina Kabingani	Elderly, Central Region	NRM	
19.	Hon. Alyek Judith	DWR, Kole	NRM	
20.	Hon. Mamawi James	Adjumani East, County	NRM	
21.	Hon. Masiko G. Henry	UPDF Representative		
22.	Hon. Taaka Agnes	DWR, Bugiri	NRM	
23.	Hon. Okot Peter	Tochi County	DP	
24.	Hon. Kibaaju Naom	Sheema County, North	NRM	
25.	Hon. Awany Tony	Nwoya County	NRM	
26.	Hon. Nsaba Buturo	Bufumbira East	NRM	
27.	Hon. Chemutai Evelyn	DWR, Bukwo	IND	
28.	Hon. Twalla Fadil	Tingey County	NRM	
29.	Hon. Ssegirinya Muhamad	Kawempe North	NUP	
30.	Hon. Lokoru Albert	Tepeth County	NRM	