



PARLIAMENT OF UGANDA

REPORT OF THE COMMITTEE ON PUBLIC SERVICE AND LOCAL GOVERNMENT ON THE NATIONAL RECORDS AND ARCHIVES (AMENDMENT) BILL, 2024

**Office of the Clerk to Parliament
Parliamentary Buildings
KAMPALA**

February 2024

1.0 INTRODUCTION

Rt. Hon. Speaker and Hon. Members,

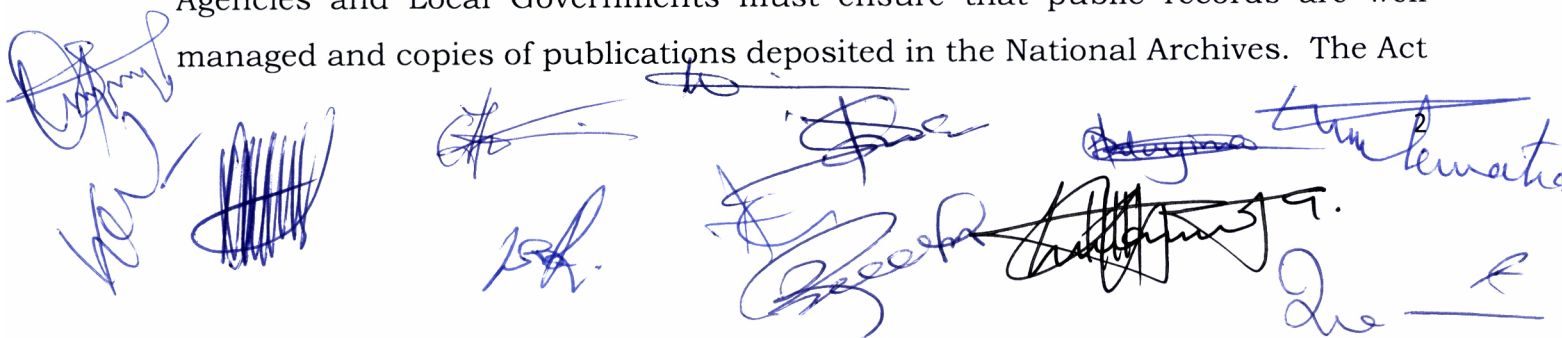
The National Records and Archives (Amendment) Bill, 2024 was read for the first time on Tuesday 20th February, 2024 and referred to the Committee on Public Service and Local Government for scrutiny in accordance with Rule 129 (1) of the Rules of Procedure of Parliament of the Republic of Uganda.

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

2.0 BACKGROUND

National Records and Archives are a vital and valuable part of a Country. In Uganda, keeping national records started way before independence in the 1950s. The records at the time were kept at the Protectorate Secretariat in Entebbe after the Secretariat Archives was established under the Chief Secretary's Office. When Uganda obtained independence in 1962, the records were transferred to the Government of Uganda under the Department of Management Information Services, in the Office of the President. In 1990, following the recommendation of the Public Service Review and Re-Organisation Commission Report, the National Records and Archives were transferred from the Office of the President to the National Records Centre and Archives under the Ministry of Public Service, where they are to-date.

In 2001, the National Records and Archives Act was enacted to provide for the rationalised management of all Government and other public records and archives, for the preservation, utilisation and disposal of such records and archives, and for other related matters. Under this Act, Ministries, Departments, Agencies and Local Governments must ensure that public records are well managed and copies of publications deposited in the National Archives. The Act



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further provides for the establishment of an Agency called the National Records and Archives Agency to oversee the proper management of public records and archives. Much as the Act was assented to on the 7th June, 2001 and commenced on the 15th of June, 2001, the Agency was never operationalised and the functions under the Act continue to be carried out by the Ministry of Public Service.

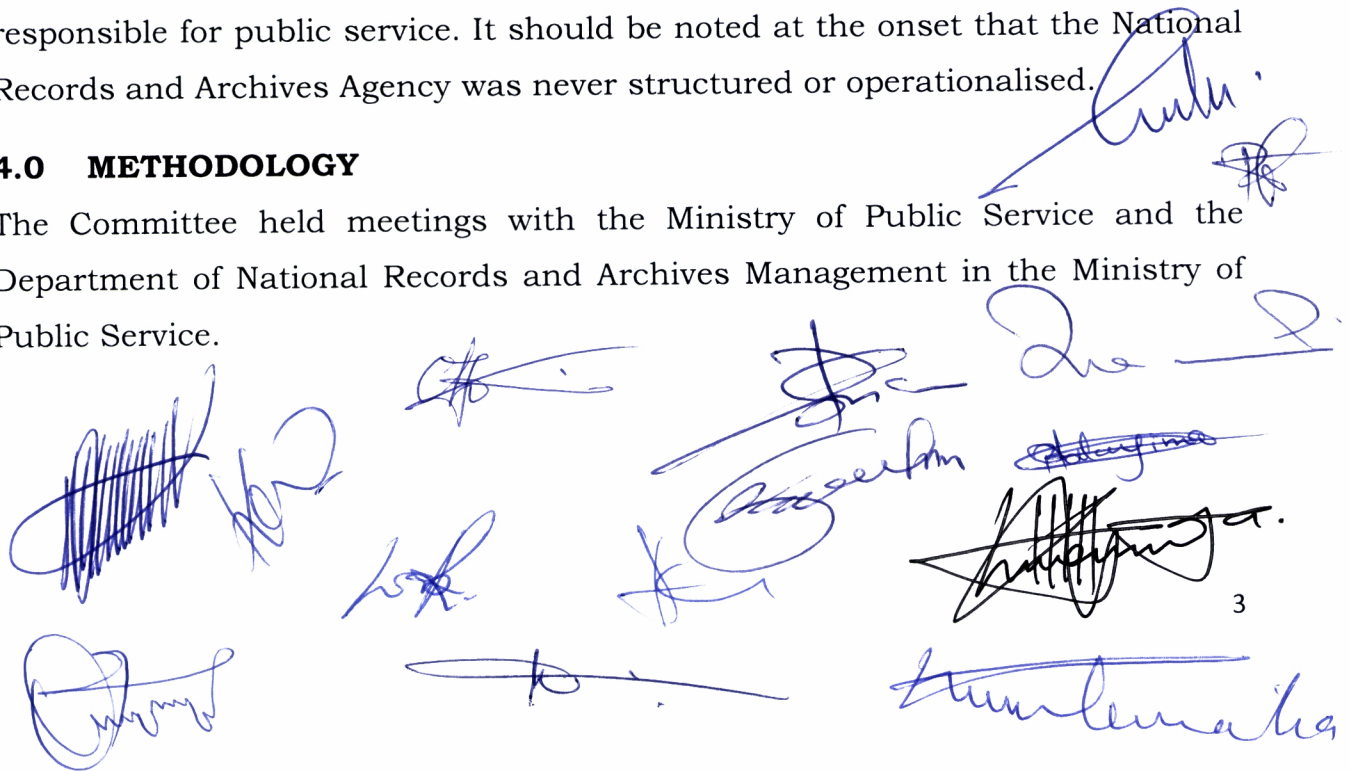
On the 22nd of February, 2021, under Minute No.43 (CT 2021) Cabinet adopted the policy of rationalisation where certain government agencies, commissions and authorities would be merged, mainstreamed or dissolved to reduce public expenditure and facilitate effective and efficient service delivery. One of the Agencies affected by the RAPEX policy is the National Records and Archives Agency which was established under the Act but never operationalised or structured.

3.0 OBJECT AND POLICY OF THE BILL

The object of the Bill is to give effect to the Government policy for Rationalisation of Government Agencies and Public Expenditure (RAPEX) which was adapted by the Cabinet on 22nd February 2021. The Bill thus seeks to amend the National Records and Archives Act, 2001, Act 12 of 2001, to dissolve the National Records and Archives Agency, and to transfer the functions of the Agency to the Ministry responsible for public service. It should be noted at the onset that the National Records and Archives Agency was never structured or operationalised.

4.0 METHODOLOGY

The Committee held meetings with the Ministry of Public Service and the Department of National Records and Archives Management in the Ministry of Public Service.



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5.0 COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

The Committee made the following observations on the salient provisions of the Bill;

Clause 4: Interpretation

Clause 4 of the Bill seeks to amend section 2 of the Principal Act, the interpretation section. This amendment seeks to do away with all reference to the National Records and Archives Agency in the definition section, to place the Minister in its stead. It is a consequential amendment to the dissolution of the Agency whose functions are transferred to the Ministry.

The Committee observes that Clause 4 is necessary, however;

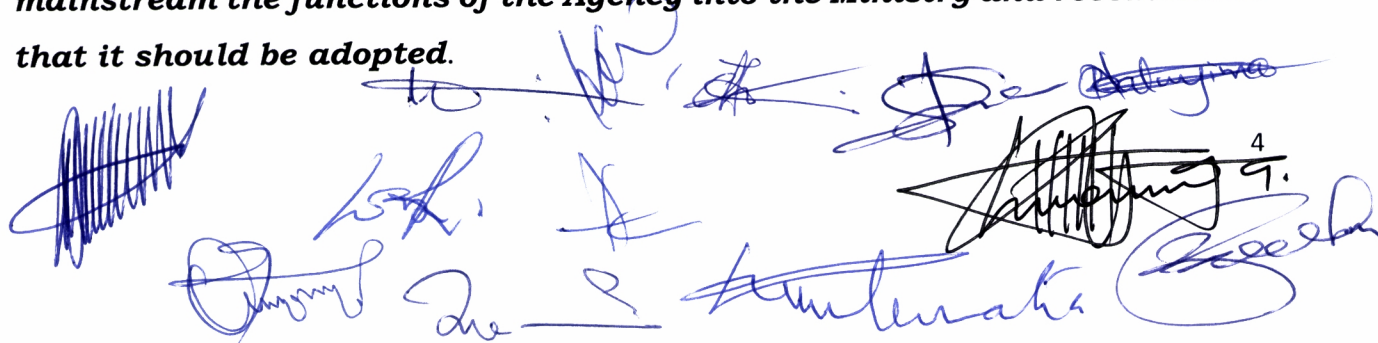
- (a) the definition of “Minister” should be amended to speak to the Ministry under clause 6 of the Bill (Ministry responsible for Public Service) and
- (b) the word “Ministry” needs to be defined under this clause because it is not defined in the principal Act.

The Committee recommends that clause 4 is adopted with the necessary amendments.

Clause 5: Amendment of Section 5

Clause 7 proposes that the headnote of section 5 (functions of the Agency) is substituted with “Functions of the Ministry”. Clause 7 also proposes that the word “Agency” in the provision is substituted with the word “Ministry”. This clause shall in essence transfer the functions of the Agency to the Ministry.

The Committee observes that Clause 4 is a necessary amendment to mainstream the functions of the Agency into the Ministry and recommends that it should be adopted.



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Clause 8: Substituting the word “Director” in the principal Act

Clause 8 proposes that the word ‘Director’ wherever it appears in the principal Act, is substituted with the word “Ministry”.

The Committee observed that the definition of “Director” was deleted under clause 4 so there is need to delete it from the entire Act, which has been done under this clause. However, the headnote of clause 8 is unclear in so far as it provides for “Act of principal Act” and not an “amendment of a section in the Act” or an “insertion of a new clause in the Bill”.

The Committee recommends that Clause 8 should be deleted and provided for as an amendment of a section in the Act.

Clause 14: Amendment of section 18 of the principal Act

Clause 14 of the Bill proposes that Section 18 (1) of the principal Act is amended by substituting for the words “his or her” the words “the Ministry’s”.

The Committee observes that this is a proper amendment to correct the grammatical error in the provision, however-

- (i) the grammatical error in section 18(3) should also be corrected, and
- (ii) the cross reference to section 25 in section 18(3) should also be deleted because section 25 has been repealed under clause 15.

The Committee recommends that Clause 14 should be adopted with amendments.

Cause 17: Amendment of section 31 of the principal Act

Clause 17 of the Bill amends section 31 of the principal Act which provides for the mandate of the Ministry to make Regulations. The purpose of this

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amendment is to remove the words “advise of Advisory Committee” and to improve on the drafting of section 31 of the principal.

The Committee observes that section 25 of the principal Act also provides for regulations by the Minister to prescribe the fees that may be charged for the supply of copies, the certification of copies and the provision of other services. However, section 25 has been repealed under clause 15 yet the prescription of fees is necessary in the Act.

The Committee recommends that Clause 17 should be adopted with amendments to add the prescription of fees by regulation.

6.0 ADDITIONAL AMENDMENTS BY THE COMMITTEE

The Committee recommends the following additional amendments to the principal Act which were not captured in the Bill;

Section 7 of the principal Act

Section 7 of the principal Act stipulates the responsibilities of the creators of public records for their proper management, where Section 7(a) mandates the Heads of organs of State to nominate a Senior Officer in each organ of State to superintend the action taken there in respect of this Act.

The Committee observed that the use of the word “nomination” is not reflective of the mandatory spirit stipulated in the section.

The Committee therefore recommends that section 7 should be substituted to ensure that a senior officer is designated for that purpose and not merely nominated.

Section 9 of the principal Act.

Section 9 states that in respect of public records created, received and maintained by public corporations and parastatal organizations, the responsibilities set out in sections 7 and 8 of the Act shall be those of Chairpersons of the Boards of those corporations or organizations.

The Committee observed that instead of chairpersons of the boards of those corporations or organizations, it is pertinent that the Accounting Officers of the respective corporations or organizations are responsible for the mandate under sections 7 and 8 such as the creation and maintenance of documentation of their respective institutions for purposes of accountability.

The Committee recommends that the roles assigned to Chairpersons of boards in Section 9 of the Principal Act be assigned to the Accounting officers.

7.0. CONCLUSION

Despite the establishment of the National Records and Archives Agency in the principal Act, it is important to note that this Agency was never operationalised. The functions of the Agency that were envisioned under the Act have been and continue to be carried out by the Ministry of Public Service. Therefore, the intention of the rationalisation of this Agency under the Bill and mainstreaming its functions into the Ministry is appropriate.

Rt. Hon. Speaker and Hon. Members, the Committee recommends that the Bill be considered for Second Reading subject to the proposed amendments attached hereto.

I beg to report.

**PROPOSED AMENDMENTS TO THE NATIONAL RECORDS AND ARCHIVES
(AMENDMENT) BILL, 2024**

CLAUSE 4: Amendment of section 2 of principal Act

Clause 4 is amended by inserting immediately after paragraph (b) the following-

“(c) by inserting immediately after the definition of “Minister” the following-

“**Ministry**” means ministry responsible for public service;

(d) in the definition of “Minister”, by substituting for the words “the administration of this Act” the words “public service”.

Justification

- To define a key word used in the Act.
- To align the definition of “Minister” with the definition of “Ministry”.

CLAUSE 7: Amendment of section 5 of principal Act

Clause 7 is amended by inserting immediately after paragraph (b) the following-

“(c) by substituting the word “Director” the word “Ministry, and wherever it appears in the principal Act.”

Justification

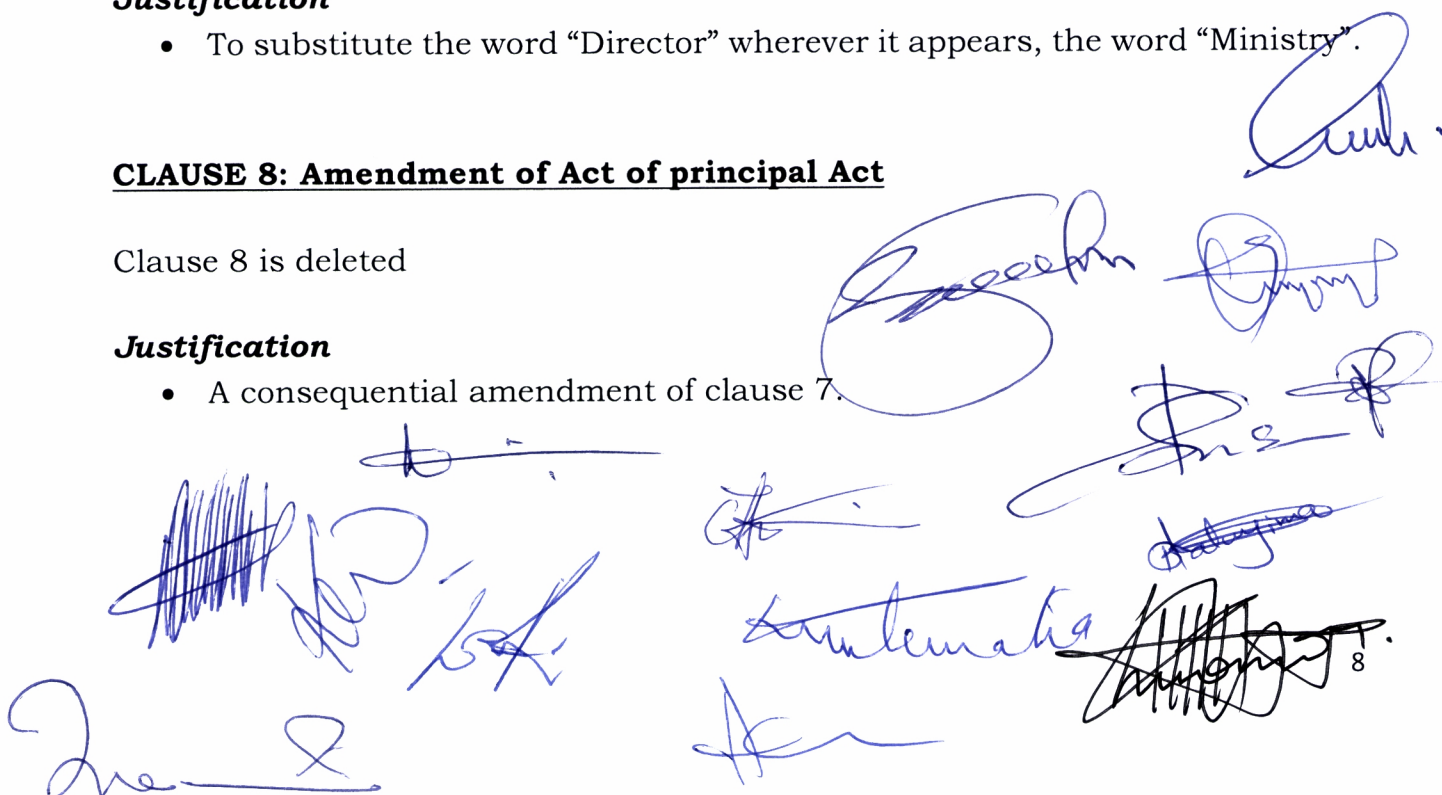
- To substitute the word “Director” wherever it appears, the word “Ministry”.

CLAUSE 8: Amendment of Act of principal Act

Clause 8 is deleted

Justification

- A consequential amendment of clause 7.



Insertion of new clause immediately after clause 9

The Bill is amended by inserting immediately after clause 9 the following-

“Amendment of section 7 of principal Act.

Section 7 of the principal Act is amended by substituting for paragraph (a) the following-

“(a) ensuring that a senior officer is designated to superintend the action taken in each organ of State in respect of this Act;

Justification

For clarity and to ensure that a senior officer is designated for that purpose.

Insertion of new clause immediately after clause 10

The Bill is amended by inserting immediately after clause 10 the following-

“Amendment of section 9 of principal Act.

Section 9 of the principal Act is amended by substituting for the words “chairpersons of boards”, the words “accounting officers”

Justification

For clarity

CLAUSE 17: Amendment of section 31 of principal Act

Clause 17 of the Bill is substituted with the following-

“Section 31 of the principal Act is substituted with the following-

“31. Regulations

The Minister may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or which are necessary or convenient to be prescribed, including the fees to be charged for the

supply of copies, the certificate of copies and the provision of the other services under this Act, by the Ministry.”.

Justification

- *To specifically provide for the prescription of fees to be charged by the Ministry.*

CLAUSE 14: Amendment of section 18 of principal Act

Clause 14 of the Bill is substituted with the following-

“Section 18 of the principal Act is amended-

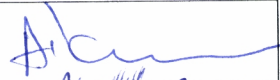
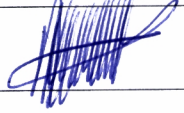

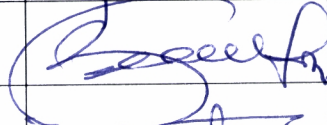

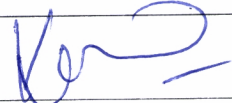
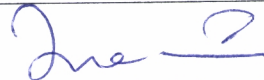
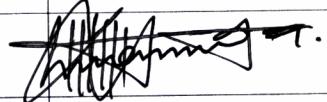
- (a) in subsection (1), by substituting for the words “his or her” the words “it’s”;
- (b) in subsection (3), by substituting for the words “he or she”, the word “it” and for the words “sections 25 and 31, the words “section 31”.

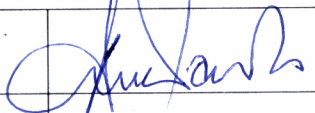
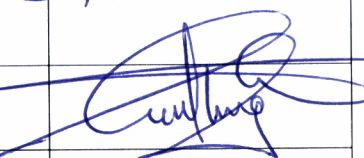


Justification

- *To remove a repealed cross reference from the provision and to correct the grammar.*



LIST OF MEMBERS OF THE PUBLIC SERVICE AND LOCAL GOVERNMENT COMMITTEE WHO SIGNED THE REPORT ON THE NATIONAL RECORDS AND ARCHIVES (AMENDMENT) BILL, 2024

NO.	NAME	CONSTITUENCY	PARTY	SIGNATURE
1.	Hon. Ojara Martin Mapenduzi C/P	Bardege-layibi	Ind	
2.	Hon. Apolot Christine D/CP	DWR-Kumi	NRM	
3.	Hon. Abwoli Kunihira Agnes	Workers	NRM	
4.	Hon. Adriko Yovan	Vurra County	NRM	
5.	Hon. Alero Tom Aza	West Moyo	NRM	
6.	Hon. Amero Susan	DWR Amuria	Ind.	
7.	Hon. Baatom Ben Koryang	Dodoth West	NRM	
8.	Hon. Bwire Sanon Nadeeba	Bulamogi	NRM	
9.	Hon. Chelimo Reuben Paul	Kongasis	NRM	
10.	Hon. Emigu Julius Peter	Ochero	FDC	
11.	Hon. Isingoma Patrick Mwesigwa	Hoima East Division	IND	
12.	Hon. Kamateneti Josyline	DWR-Ntungamo	NRM	
13.	Hon. Kanushu Laura	Pwd	NRM	
14.	Hon. Katusabe Atkins	Bukonzo West	FDC	
15.	Hon. Lematia Ruth Molly Ondoru	Maracha East	NRM	
16.	Hon. Lwanga Jimmy	Njeru Municipality	NUP	
17.	Hon. Mugole David Stephen	Kabweri	NRM	

18.	Hon. Mboizi Arthur Waako	Budaka County	IND	
19.	Hon. Modoi Isaac	Lutsheshe	NRM	
20.	Hon. Mugabi Muzaale Martin Kisule	Buzaaya	NRM	
21.	Hon. Nakabuye Juliet Kakande	DWR Masaka	NUP	
22.	Hon. Naluyima Betty Ethel	DWR Wakiso	NUP	
23.	Hon. Nambooze Teddy	DWR Mpigi	NUP	
24.	Hon. Omoding Emmanuel	Serere County	IND	
25.	Hon. Twinobusingye Jovanice	Kiruhura	NRM	
26.	Hon. Wandwasi Robert	Bungokho South	NRM	