



THE PARLIAMENT OF UGANDA

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In any correspondence on
this subject please quote No.

14th May, 2019

**Rt. Hon. Speaker
Parliament of Uganda
Kampala**

Dear Sir,

PROPOSED AMENDMENTS TO ROADS BILL 2018

I write to submit to you the proposed amendments to the Roads Bill 2018. As an author of the Minority report, I dissented from the decision of the Committee and the proposed amendments, I therefore wish to forward the following proposed amendments for the House to consider and adopt.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Jonathan Odur'.

Jonathan Odur (MP)

Erute County South

Cc. The Chairperson Physical Infrastructure Committee

Cc The Clerk

PROPOSED AMENDMENTS TO ROADS BILL 2018

1. Clause 2: Interpretation

“Road reserve”

Substitute for the definition of road reserve the following;

“Road reserve means *an area of land acquired by ~~government~~ ^{road authority} and set aside for future road construction”*

Justification: Road reserves should exclude the portion of the road and to allow for flexibility in providing different road reserves for example on the sides of the road for single carriage ways and in the middle for dual carriage ways for better protection from encroachers.

2. Substitute clause 3(3)(d)

Substitute clause 3(3) (d) with the following

City Authorities: City roads.

Justification

Parliament passed the motion for introduction of more cities that should be catered for in this new law being enacted.

3. Declaration of road reserve.

Clause 14 (1)

Substitute for sub-clause (1) the following

“The Minister may, by statutory instrument, declare a road reserve on any land acquired by ~~Government~~ ^{road authority} for road construction not exceeding 20 meters from center line of the road”

Justification: To ensure that the Minister only makes a declaration of road reserves on land acquired by Government and to limit the maximum land to be declared road reserve.



4. In Clause 14

Insert a new sub-clause immediately after sub-clause 1 as follows;

“For avoidance of doubt, the Minister shall not declare a road reserve on any land which has not been acquired through prompt payment of fair and adequate compensation to a land owner or person having interest in or over the land prior to the taking of possession or acquisition of land under the declaration”

Justification: To comply with Article 26 and 237 of the 1995 Constitution of Republic of Uganda

5. Substitute for sub-clause (2) the following

“Subject to subsection (1), the Minister may declare and gazette different widths of road reserves for different classes of roads not exceeding 20 meters from the center line of the road.

Justification

The Minister should be given right to declare the width of any road as longer as that width does not exceed twenty meters from the center line of the road.

6. Clause 53: Road Furniture

Clause 53(3)

Redraft sub-clause (3) to read as follows;

“A person who intentionally removes or maliciously damages road fixture commits an offence and is liable on conviction, to a fine not exceeding ninety six currency points or imprisonment not exceeding four years or both”

Justifications:

(1) To comply with Law Revision (Fines and other Financial Amounts in Criminal Matters) Act 2008 that provides that *‘In any written law to which this Act applies and in force immediately before the commencement of this Act, where a fine is prescribed in relation to a term of imprisonment, the ratio of the fine to imprisonment shall be two currency points to each month of*



imprisonment.

(2) To provide for **mens rea** ingredient in committing the offence as well as ensuring consistency in proportionality of the fine to imprisonment.

(3) *Consequential amendment to fines and imprisonments in Clauses 65, 66, 76, 71, 72, 7, 74,*

7. Transitional provision

Insert a new clause immediately after clause 79 as follows

Nothing in this Act shall affect the rights accrued as a result of existing roads before the coming into force of this Act.

“Justification: To avoid retrospective application of the law and to protect the current developments along national roads which complied and observed the 15 meter distance from center line of national roads.

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