

BILLS SUPPLEMENT

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Bill No. 21

Implementation of Government
Assurances Bill 2008

THE IMPLEMENTATION OF GOVERNMENT ASSURANCES
BILL, 2008

MEMORANDUM.

1. Policy and principles

The Bill seeks to introduce a law on Government assurances. It seeks to establish a legal framework through which promises and undertakings given to Parliament by ministers and agents of Government will be enforced and implemented by the relevant Ministers and agents.

The Bill therefore is intended to ensure that the Government is accountable to Parliament and the people they represent in Parliament which will promote transparency in the functioning of the Government.

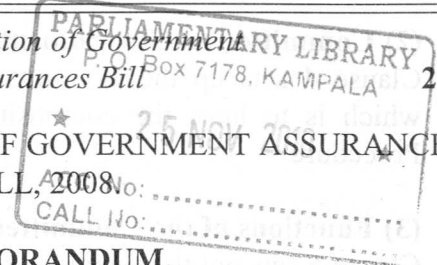
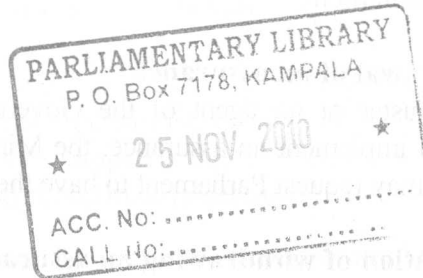
2. Provisions of the Bill

The Bill comprises three parts. It seeks to introduce a law on expediting and implementing Government assurance and ensuring fulfilment of the assurances as described in the following paragraphs—

(1) Definition of Government assurance

The Bill defines the expression Government assurance in clause 1 to include Government undertakings. Thus the definition reads as follows—

“Government assurance” means as undertaking which is given by a minister or an agent of the Government in Parliament in the manner specified in section 3.



Assurance is also defined to read as follows—

“assurance” means a Government plan, programme or activity which is to be considered or approved by Parliament.

(2) Committee on Government Assurances

Clause 4 sets up the Committee on Government Assurances which is to have the composition specified in the Rules of Procedure.

(3) Functions of the Committee

Clause 5 sets out the functions of the Committee which include scrutinising Government assurances, promises and undertakings, notifying Parliament of statements that may have been in Parliament by a minister which constitute an assurance. The Committee is also charged with the duty of monitoring the implementation of Government assurances and performing any other duties that may be assigned to the Committee by Parliament.

(4) Categories and implementing of assurances

Clause 7 specifies what constitutes a Government assurance to include—

- (a) a promise or an undertaking by a minister, a department or an agent of the Government;
- (b) a Government plan, programme or an activity for which funds have been approved by Parliament; and
- (c) the manifesto of the ruling party which shall be tabled in Parliament by the minister in charge of the presidency or the Leader of Government business.

(5) Period of implementation (Clauses 9 and 10 of the Implementation of Government Assurances Bill)

The Bill sets out a time frame for the fulfilment of Government assurances. However the responsible minister may request Parliament for an extension of the period where the assurance has not been fulfilled within the specified period.

(6) Withdrawal of assurances

Clause 11 provides that a minister may have the assurance withdrawn where it is impossible to implement the assurance. Where the assurance is withdrawn it ceases to be an assurance.

(7) Offences and penalties

According to clause 13, a person who obstructs the implementation of an assurance commits an offence. The clause also creates an offence where a person who makes an assurance fails to implement the assurance.

HON. ISSA KIKUNGWE,
Chairman, Standing Committee on Government Assurances.

THE IMPLEMENTATION OF GOVERNMENT
ASSURANCES BILL, 2008.

ARRANGEMENT OF CLAUSES.

PART I—PRELIMINARY

1. Interpretation

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3. Composition of Committee
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PART III—CATEGORIES AND IMPLEMENTATION OF ASSURANCES

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10. Implementation statements
11. Withdrawal of an assurance
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PART IV—OFFENCES AND PENALTIES

13. Obstructing implementation of a Government assurance

A Bill for an Act

ENTITLED

**THE IMPLEMENTATION OF GOVERNMENT
ASSURANCES ACT, 2008.**

**An Act to provide for expediting the implementation and
fulfilment of Government assurances and other related matters.**

PART I—PRELIMINARY

1. Interpretation

In this Act, unless the context otherwise requires—

“agent of Government” includes a Minister, Permanent Secretary, Under Secretary and any person delegated by a Minister;

“assurance” means a Government plan, programme or activity which is to be considered or approved by Parliament;

“chairperson” means the Chairperson of the Committee on Government Assurance;

“Clerk” means the Clerk to Parliament, a deputy clerk or any other person performing the duties of the clerk by direction of the Speaker;

“Committee” means the Parliamentary Committee on Government Assurances established under section 2;

“department” includes a Government department, agency or institution;

“Government assurance” means an undertaking which is given by a Minister or an agent of the Government in Parliament in the manner specified in section 6;

“Leader of Government Business” means the Prime Minister or a person to whom the duties of leader of government business have been delegated;

“Parliament” means the Parliament of Uganda;

“session” means a period beginning with the date when Parliament commences to sit upon being summoned by the Speaker by proclamation under clause (2) of article 95 of the Constitution and ending with the date when it is prorogued by the Speaker under clause (3) of article 95 when it is dissolved under article 96 of the Constitution; and

“Speaker” means the Speaker of Parliament and Deputy Speaker shall be construed accordingly;

PART II—COMMITTEE ON GOVERNMENT ASSURANCES

2. Committee

There shall be a Committee known as the Committee on Government Assurances.

3. Composition of Committee

The composition of the Committee shall be as specified in the Rules of Procedure of Parliament.

4. Functions of the Committee

The Committee on Government Assurances shall—

- (a) scrutinise assurances, promises and undertakings given by a Minister, a department or an agent of the Government in Parliament;
- (b) notify the relevant minister, department or the agent of the Government of a delay or inadequacy in the implementation of the assurance, promise or undertaking;
- (c) consider the statements that are made in Parliament in order to identify the promises which constitute assurances and notify the relevant minister, agent of the Government or department where an assurance is identified in a statement which is made by the minister, an agent or a department of Government;
- (d) monitor the fulfilment and implementation of Government assurances and report its findings to Parliament;
- (e) exercise any other functions that may be assigned or referred to the Committee by the Speaker; and
- (f) perform any other functions that may be required to be performed by the Committee under the Rules of Procedure of Parliament.

5. Sessional reports

The Committee shall, during the first meeting of a session of Parliament make a statement on the status of the assurances made in Parliament during the immediate previous session.

PART III—CATEGORIES AND IMPLEMENTATION OF ASSURANCES

6. Government assurances

(1) A Government assurance may be given by a Minister, a department or an agent of the Government in Parliament.

- (2) An assurance shall constitute—
 - (a) a promise or an undertaking given by a Minister or an agent of the Government in Parliament;
 - (b) a Government plan, programme or an activity for which funds have been approved by Parliament;
 - (c) a specific issue on which information is requested and a promise is given in Parliament by a Minister, an agent or a department of the Government; or
 - (d) the manifesto of the ruling party which shall be tabled in Parliament in the first session of Parliament by the Minister in charge of the Presidency or the Leader of Government Business.

7. Categories of assurances

The categories of assurances shall include—

- (a) emergency assurances, which shall be implemented within four weeks from the date of making the assurance;
- (b) short time assurances, which shall be implemented within six months from the date of making the assurance;
- (c) mid term assurances, which shall be implemented within one year from the date of making the assurance; and
- (d) long term assurances, to be implemented in a period of more than two years from the date of making the assurance.

8. Time frame for implementation

(1) A person who makes an assurance shall give the time frame within which the assurance shall be implemented.

(2) Where the person who makes an assurance does not give a time frame within which the assurance shall be implemented, the Committee shall identify the category under which the assurance falls and communicate the time frame to the responsible Ministry or Government department.

9. Extension of period of implementation

(1) A Ministry, an agent or a department of the Government may request Parliament for an extension of the period within which to implement an assurance where the Ministry, an agent or a department of the Government cannot complete the implementation of the assurance within the period prescribed in section 8.

(2) An application for extension of the period of implementation shall state the reasons for which the extension is required.

(3) Where an extension is granted, the extension shall not exceed half of the period allowed for the fulfilment of the assurance.

(4) An extension of the period of implementation of an assurance shall only be granted once.

10. Implementation statements

(1) A Government Ministry, an agent or a department of the Government shall submit an implementation statement to Parliament—

- (a) half way through the period of implementing the assurance;
- (b) when requesting for an extension of the period of implementing the assurance; and
- (c) on completing the implementation of the assurance.

(2) The implementation statement shall state—

- (a) the assurance;
- (b) the steps which have been taken to implement the assurance;

(c) value for money for work already done; and

(d) how far the Ministry, the agent or department of the Government has gone towards the completion of the assurance.

(3) A Ministry, agent or a department of the Government may submit to Parliament any other implementation statement upon request by Parliament.

11. Withdrawal of an assurance

Where a minister or an agent of the Government realises that it is impossible to implement an assurance, the Minister or the agent of the Government may request Parliament to have the assurance withdrawn.

12. Implication of withdrawing an assurance

Where an assurance is withdrawn under section 11, it shall cease to be an assurance.

PART IV—OFFENCES AND PENALTIES

13. Obstructing implementation of a Government assurance

(1) A person who wilfully obstructs the implementing of a Government assurance commits an offence and is liable on conviction to imprisonment for a period not exceeding five years.

(2) Subject to this Act, a Minister who makes an assurance and fails to implement the assurance commits an offence and upon being given a fair hearing may be subjected to the provisions of article 118 of the Constitution.

(3) Any agent who is not a Minister who makes an assurance and fails to implement the assurance commits an offence of gross misconduct and is liable on conviction to suffer any of the penalties below—

- (a) dismissal;
- (b) termination of appointment; or
- (c) demotion.