

BILLS SUPPLEMENT

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Bill No. 2 *The Administration of Parliament (Amendment) Bill* 2019

**ADMINISTRATION OF PARLIAMENT (AMENDMENT)
BILL, 2019**

MEMORANDUM

Object of the Bill

The object of the Bill is to amend the Administration of Parliament Act to provide for the manner of choosing the back bench Members of the Commission, the Leader of the Opposition, the Chief Opposition Whip and Party Whips; to establish the office of Deputy Leader of Opposition and Deputy Chief Opposition Whip; to provide for the tenure of party Whips and to establish the office of dean of Independent Members of Parliament.

Defects with the current legislation

In designating the backbench members of the Commission, the Administration of Parliament Act allocated only one position to be filled by the opposition yet the party in government was allocated three positions. Furthermore, the provision did not take into account the existence of other shades of opinion in Parliament including independent Members and special interest groups. This state of affairs has led to the subjugation of the views of the opposition and other shade of opinion on the Commission considering that the other members of the Commission, being the Speaker, the Minister responsible for Finance, the Prime Minister and the three back bench members of the Commission are drawn from the party in Government.

The manner in which the back bench members of the Commission are selected is not transparent and there is no accountability of the

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back bench members to Members of Parliament whose interests they represent. Whereas section 2 (2b) of the Administration of Parliament Act requires the four backbench members of the Commission to be nominated by their parties and chosen through an elective process, rule 11 (4) of the Rules of Procedure of Parliament requires that the back bench members are designated by their party whips. The application of section 2 (2b) and Rule 11(4) has resulted in the designation of back bench members by the party in Government and the party in opposition to Government with the greatest numerical strength among the opposition parties without affording the Members of Parliament an opportunity to elect their representative to the Commission. This has resulted in the subjugation of all other opposition political parties by the party in opposition to Government with the greatest numerical strength among the opposition parties and has led to these members paying allegiance to their political parties that nominated them rather than being accountable to the Members of Parliament whose interests they represent on the Commission.

The manner in which the Leader of the Opposition in Parliament is designated and removed is not transparent. This has led to the subjugation of the views of other opposition political parties in Parliament. It has made it impossible for the opposition members to hold the Leader of Opposition in Parliament accountable and has resulted in the Leader of Opposition in Parliament not enjoying security of tenure. It is important to note that whereas section 6B of the Administration of Parliament Act requires the Leader of Opposition in Parliament to be determined through an elective process, currently that is not the case since he or she is merely designated by the party with the highest numerical strength among opposition parties in Parliament and is imposed on the opposition Members of Parliament without their will and consent.

Likewise when it comes to the removal of the Leader of Opposition in Parliament, he or she is removed by the party at any time and without the consent or consultation of other opposition political parties as

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well as opposition members of Parliament. Whereas the Leader of Opposition is drawn from the party in opposition to Government with the greatest numerical strength among opposition political parties, such a person embodies and represents views of the opposition parties in Parliament. Therefore, the Leader of Opposition should be determined and removed from office through a process that is transparent and takes into account the views and aspirations of the opposition parties in Parliament as well as guaranteeing security of tenure for the Leader of the Opposition.

Remedies proposed by the Bill

The Bill makes provision for—

- (1) The election of the Leader of Opposition in Parliament to be by secret ballot and to be open to all members of opposition political parties in Parliament;
- (2) the removal of the Leader of Opposition in Parliament to be preceded by an independent investigation by a committee established by the Speaker of Parliament and on specified grounds;
- (3) the office of Deputy Chief Opposition Whip;
- (4) the election of Opposition Chief Whip and the Deputy Opposition Chief Whip to be by secret ballot and be open to all members representing opposition political parties in Parliament;
- (5) the removal of the Opposition Chief Whip and the Deputy Opposition Chief Whip and for such removal to be preceded by an independent investigation by a committee established by the Speaker of Parliament and on specified grounds; and
- (6) the designation of a Dean of Independent Members of Parliament.

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Kabale Municipality .

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2019

ARRANGEMENT OF CLAUSES

Clause

1. Amendment of Cap. 257
2. Replacement of section 6A of the Principal Act
3. Replacement of section 6B of the Principal Act
4. Replacement of section 6C of the Principal Act
5. Replacement of section 6I of the principal Act
6. Insertion of a new section 6K
7. Insertion of new section 6L
8. Insertion of new section 6M

A Bill for an Act

ENTITLED

**ADMINISTRATION OF PARLIAMENT (AMENDMENT)
BILL, 2019**

An Act to amend the Administration of Parliament Act to provide for the manner of electing the back bench Members of the Commission, the Government Chief Whip, Leader of the Opposition in Parliament, the Chief Opposition Whip and Party Whips; to establish the office of Deputy Leader of Opposition in Parliament and Deputy Chief Opposition Whip; to provide for the tenure of party Whips; to establish the office of Dean of Independent Members of Parliament; and for related matters.

BE IT ENACTED by Parliament as follows:

1. Amendment of Cap. 257

The Administration of Parliament Act, in this Act referred to as the principal Act, is amended in section 2 as follows—

- (a) in subsection (2), by inserting immediately after the word “opposition” the following-“and independent members”

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(b) **by substituting for subsection (2b), the following—**

“(2b) The Independent Member referred to in subsection (2) shall be designated by the Speaker, on consultation with independent Members, from amongst Independent Members of Parliament.

(c) **Replacement of section 6A of the Principal Act**

The principal Act is amended by substituting for section 6A the following—

“6A. Leader of the Opposition and Deputy Leader of Opposition

(1) As required by article 82A of the Constitution, there shall be in Parliament under the multiparty system, a “Leader of the Opposition”

(2) The Leader of the Opposition in Parliament shall be deputized by the Deputy Leader of Opposition in Parliament.

2. Replacement of section 6B of the Principal Act

The principal Act is amended by substituting for section 6B the following—

“6B. Election of Leader of the Opposition and Deputy Leader of the Opposition

(1) The Leader of the Opposition and the Deputy Leader of the Opposition shall be elected by the Members of the parties in opposition to the Government.

(2) The party in opposition to Government having the greatest numerical strength in Parliament shall nominate at least three Members for the Leader of the Opposition and at least three Members for the Deputy Leader of the Opposition from

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whom the Leader of the Opposition and Deputy Leader of the Opposition shall be elected.

(3) The election of the Leader of the Opposition and Deputy Leader of the Opposition shall be—

- (a) by secret ballot; and
- (b) presided over by the Clerk to Parliament.

(4) A person shall be declared elected Leader of the Opposition or Deputy Leader of the Opposition if he or she has obtained the largest number of votes cast in his or her favor.

(5) A person elected Leader of the Opposition or Deputy Leader of the Opposition under this section shall assume that office upon a formal announcement by the Speaker.”

3. Replacement of section 6C of the Principal Act

The principal Act is amended by substituting for section 6C the following—

“6C. Tenure of the Leader of the Opposition and Deputy Leader of the Opposition

(1) The Leader of the Opposition and the Deputy Leader of the Opposition shall hold office for a period of five years or the duration of Parliament in existence at the time of election.

(2) The Leader of the Opposition and the Deputy Leader of the Opposition ceases to hold that office if —

- (a) removed by Members of the opposition parties that elected him or her;
- (b) he or she resigns from that office;
- (c) he or she leaves the party which elected him or her;

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- (d) he or she ceases to be a Member of Parliament under article 83 of the Constitution;
- (e) the party which elected him or her ceases to have the position in Parliament described in section 6B(1).

(3) The Leader of the Opposition and Deputy Leader of the Opposition shall only be removed under subsection (2) (a) on the following grounds—

- (a) physical or mental incapacity rendering such a person incapable of performing the functions of the office of Leader of Opposition or the Deputy Leader of the Opposition;
- (b) misconduct or misbehavior likely to bring hatred, ridicule, contempt or disrepute to the office of the Leader of the Opposition or Deputy Leader of the Opposition; and
- (c) refusal to perform the functions of the Leader of the Opposition or Deputy Leader of the Opposition.

(4) The process of removing the Leader of the Opposition and the Deputy Leader of the Opposition shall be initiated by a notice in writing to the Speaker.

(5) The notice shall be signed by at least one third of all the Members belonging to opposition parties in Parliament.

(6) Upon receipt of a notice referred to in sub section (5), the Speaker shall, within seven days, institute a committee comprising of three people, headed by a judge of the High Court and two other eminent persons, none of whom being a Member of Parliament.

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(7) The committee appointed under subsection (6) shall inquire into the matter and report to the Speaker recommending whether or not the Leader of the Opposition or Deputy Leader of the Opposition ought to be removed from office.

(8) Where the Committee recommends for the removal of the Leader of the Opposition or Deputy Leader of the Opposition, the Speaker shall communicate in the House the removal of the Leader of the Opposition or Deputy Leader of the Opposition.”

4. Replacement of section 6I of the principal Act

The principal Act is amended by substituting for section 6I the following—

“6I. Chief Opposition Whip and Deputy Chief Opposition Whip

(1) There shall be in Parliament a Chief Opposition Whip and a Deputy Chief Opposition Whip.

(2) The Chief Opposition Whip and Deputy Chief Opposition Whip shall be elected by the Members representing opposition parties in Parliament.

(3) The party in opposition to Government having the greatest numerical strength in Parliament shall nominate at least three Members from whom the Chief Opposition Whip and Deputy Chief Opposition Whip shall be elected.

(4) The election of the Chief Opposition Whip and Deputy Chief Opposition Whip shall be—

(a) by secret ballot; and

(b) presided over by the Clerk to Parliament.

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(5) A person shall be declared elected as Chief Opposition Whip or Deputy Chief Opposition Whip if he or she has obtained the largest number of votes cast in his or her favor.

(6) A person elected Chief Opposition Whip and Deputy Chief Opposition Whip under this section shall assume that office upon a formal announcement by the Speaker.

(7) The role and functions of the Chief Opposition Whip and Deputy Chief Opposition Whip shall be to ensure due attendance and participation of Members in Parliamentary proceedings and voting in Parliament of Members of the opposition parties in Parliament.

(8) The Chief Opposition Whip and Deputy Chief Opposition Whip shall also perform such functions as may be prescribed by the Rules of Procedure of Parliament.

5. Insertion of a new section 6K

The principal Act is amended by inserting immediately after section 6J the following new section—

“6K. Tenure of Chief Opposition Whip and other whips in Parliament

The Chief Opposition Whip, Deputy Chief Opposition Whip and Party Whips shall hold office for a period of five years or the duration of Parliament in existence at the time of their election.

6. Insertion of a new section 6L

The principal Act is amended by inserting immediately after section 6K the following new section—

“6L. Removal of Chief Opposition Whip and other whips in Parliament

(1) The Chief Opposition Whip, Deputy Chief Opposition Whip and Party Whip shall cease to hold that office—

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- (a) if removed by Members of the party that elected him or her;
- (b) if he or she resigns from that office;
- (c) in case of the party whips, if he or she is removed from office by the party that designated him or her;
- (d) if he or she leaves the party which elected him or her;
- (e) if he or she ceases to be a Member of Parliament under article 83 of the Constitution;
- (f) in case of the Chief Opposition Whip and Deputy Chief Opposition Whip, if the party which elected him or her ceases to have the position in Parliament described in section 61(4) respectively.

(2) The Chief Opposition Whip, Deputy Chief Opposition Whip and Party Whip shall only be removed under subsection (2) (a), on the following grounds—

- (a) physical or mental incapacity rendering such a person incapable of performing the functions of the office he or she occupies;
- (b) misconduct or misbehavior likely to bring hatred, ridicule, contempt or disrepute to the office he or she occupies;
- (c) refusal to perform the functions of the office he or she occupies; and
- (d) failure to comply with the lawful orders of Members of the party or organisation that elected him or her.

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(3) The process of removing a Chief Opposition Whip and Deputy Chief Opposition Whip shall be initiated by a notice in writing to the Speaker.

(4) The notice shall be signed by at least one third of all the Members belonging to the parties in opposition in Parliament.

(5) Upon receipt of a notice referred to in sub section (5), the Speaker shall institute a committee comprising of three people, headed by a judge of the High Court and two other eminent person none of whom being a Member of Parliament.

(6) The committee appointed under subsection (6) shall inquire into the matter and report to the Speaker recommending whether or not the Chief Opposition Whip or Deputy Chief Opposition Whip ought to be removed from office.

(7) Where the Committee recommends for the removal of the Chief Opposition Whip or Deputy Chief Opposition Whip, the Speaker shall communicate in the House the removal.”

7. Insertion of a new section

The principal Act is amended by inserting immediately after section 6L the following new section—

6M. Dean of Independent Members of Parliament

(1) There shall be in Parliament a Dean of Independent Members of Parliament.

(2) The Speaker shall, in consultation with Independent Members of Parliament, designate a Dean from amongst Independent Members of Parliament.

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(3) The Dean shall hold office for five years.

(4) The role and function of the Dean is to ensure due attendance, participation of independent members in Parliament proceedings.

(5) The Dean shall also perform other functions including—

(a) keeping Independent Members informed of Parliamentary business; and

(b) co-operating with the Speaker in putting into effect and coordinating agreed Parliamentary business.

(6) The Dean shall, in performing the functions referred to in subsection (1) and (2), consult the Speaker.

(7) The Dean shall cease to hold that office if he or she—

(a) removed from office by the Speaker;

(b) resigns from office;

(c) ceases to be an independent Member of Parliament;

(d) ceases to be a Member of Parliament under article 83 of the Constitution;

(8) The Dean of Independents may only be removed by the Speaker in subsection (7) (a) on the following grounds—

(a) physical or mental incapacity rendering such a person incapable of performing the functions of the Dean of Independents;

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- (b) misconduct or misbehavior likely to bring hatred, ridicule, contempt or disrepute to the office of Dean of Independents; and
- (c) refusal to perform the functions of the Dean of Independents.

(9) Nothing in this Act shall be interpreted as preventing an Independent Member from being designated as Chairperson or deputy Chairperson of a Committee of Parliament.

(10) In this section, “Dean” means a Member designated by the Speaker to look after the conduct of Independent Members of Parliament in relation to business of the House or Committee.

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