



PARLIAMENT OF UGANDA

PARLIAMENTARY DEBATES

(HANSARD)

OFFICIAL REPORT

THIRD SESSION - FIRST MEETING

THURSDAY, 17 AUGUST 2023



IN THE PARLIAMENT OF UGANDA

Official Report of the Proceedings of Parliament

THIRD SESSION - 19TH SITTING - FIRST MEETING

Thursday, 17 August 2023

Parliament met at 2.02 p.m. in Parliament House, Kampala.

Youth Day celebrations, which will take place on 18 August 2023 at Kigezi High Primary School in Kabale District.

PRAYERS

(The Deputy Speaker, Mr Thomas Tayebwa, in the Chair.)

You will recall that every year, Uganda joins the rest of the UN fraternity on the 12th of August to commemorate International Youth Day. The commemoration of the day is consistent with the UN General Assembly Resolution 54/120 of 1999, that designated this important day of reflection and rededication to youth development. The day was designated for purposes of celebrating the youth potential and taking stock of what has been accomplished in the area of youth empowerment, growth and development.

The House was called to order.

COMMUNICATION FROM THE CHAIR

THE DEPUTY SPEAKER: Honourable colleagues, I welcome you to today's sitting. I will get space a bit later and we handle matters of national importance.

The day provides us with an excellent opportunity to review our interventions, reflect, refocus and strategise for the coming year. This year, we could not, as a country, celebrate the day on 12 August 2023 due to circumstances beyond our control.

MINISTERIAL STATEMENT ON
THE COMMEMORATION OF
INTERNATIONAL YOUTH DAY, 18
AUGUST 2023

THE DEPUTY SPEAKER: Honourable colleagues, I have received a request from the Minister of Gender, Labour and Social Development. They are hosting the President tomorrow in Kabale; so, the whole team is already on the ground. She has requested me to allow the Government Chief Whip to present the statement of the ministry on her behalf, and this is allowed under our Rules of Procedure. So, Government Chief Whip, please, take a maximum of 10 minutes.

The theme for this year's commemoration is "Accelerating Recovery from COVID-19 and Full Implementation of the 2030 Agenda". The theme enjoins us to take stock of how young people's businesses have taken advantage of the micro and macroeconomic policies to recover from COVID-19. At the same time, we reflect on how we are faring in attaining the 17 Sustainable Development Goals.

2.05

THE GOVERNMENT CHIEF WHIP (Mr Hamson Obua): Thank you, Mr Speaker. I rise to brief you about this year's International

Mr Speaker, since the previous commemoration of 2022, the Ministry of Gender, Labour and Social Development has spent the bigger part of 2022 to 2023 consolidating the gains of last

year, developing and designing programmes aimed at empowering the youth, and building their resilience amidst various economic shocks, trials and tribulations.

These include the following:

- (i) Initiating the development of the National Action Plan on Youth, Peace and Security, consistent with the UN General Assembly Resolution 2250 of 2015.
- (ii) Completing development of the out-of-school youth sexuality education guidelines.
- (iii) Finalising the designing of the National Service Scheme for Uganda.
- (iv) Disseminating the national coordination mechanism for youth programmes and setting up coordination structures at national and subnational levels.
- (v) Disseminating the national strategy to end teenage pregnancy and early marriages in Uganda.
- (vi) Preparing the masses to understand and embrace the Parish Development Model approach to grassroots empowerment through mind-set change.
- (vii) Providing technical back-stopping to programmes aimed at holistic empowerment of the youth by implementing partners in the sector.
- (viii) Previous events and government initiatives such as the Youth Livelihood Programme have seen over 22,341 businesses financed to a tune of Shs 178,388,438,729, benefiting 258,953 youth all over the country. UWEP, whose beneficiaries include the youth, has been accessed by 217,969 beneficiaries, supporting 19,723 projects to the tune of Shs 127,282,840,207 since their respective inception.

Mr Speaker, we could have, as a country, done better, but we belong in the financial drought zone. We could not do any better than the call for financial irrigation.

Finally, allow me, on behalf of the Minister of Gender, Labour and Social Development and the Government of the Republic of Uganda, to invite you and all the honourable Members of Parliament to Kabale, specifically Kigezi High Primary School, for the national celebrations of the International Youth Day, tomorrow, 18 August 2023, starting at 10.00 a.m.

His Excellency the President of the Republic of Uganda is expected to preside over as the chief guest.

Mr Speaker, I beg to submit. Thank you.

THE DEPUTY SPEAKER: Thank you, honourable minister. Honourable colleagues, this statement was provided for under Rule 52 (2) of our Rules of Procedure. I may allow debate and I would want to allow debate, but in a situation where all ministers are not around and they have really given us cause as to why they are not around, I think it would not do any harm if the celebrations go on – this statement is also simply for information purposes – and then, on Wednesday, I will give it one hour on the Order Paper and we debate it. *(Applause)*

This is because the Government Chief Whip will not be able to commit on issues that are not under his docket. So, I will provide for space on Wednesday so that we can debate it when the ministers are here.

Government Chief Whip, inform the Minister of Gender, Labour and Social Development to be here on Wednesday and we have a debate on the issues.

MR SSEWUNGU: Thank you, Mr Speaker. I am the Vice-Chairperson of the Committee on Government Assurances and Implementation and we have given a number of reports from our committee to the Clerk, but they are not given space on the Order Paper.

The committee we run focuses on the promises made by the Government on the Floor of Parliament. I wonder why! We might be rendered a weak committee, yet our performance is fruitful. I think this is the third time I am raising the same matter; why are our reports not given a chance on the Order Paper?

Mr Speaker, I still have a challenge in the committee. There is an investigation we are making on the compensation of war victims in Acholi, Teso subregion where we visited - you gave us funds to go for fieldwork because ours is evidence-based, after interfacing. When we went to Lango, Acholi, and Soroti, we saw a number of people that were compensated, but the records were not clear. We are seeking your permission-

THE DEPUTY SPEAKER: No, I have not allowed him yet.

MR SSEWUNGU: You see, I want to respect him as a professor, but he must have read the Rules of Procedure; where you have a procedural matter, you cannot raise a point of order at the same time. But a professor is a professor, Mr Speaker. *(Laughter)*

So, Mr Speaker, we seek your indulgence: We went to the field, but at an appropriate time, we shall seek for your indulgence to allow us to give a list of people who were compensated so that people can see and judge if they were genuine or not.

From the little research we did, the number of people we met were not the right people. But we got them from the Attorney-General.

Above all is our committee report - because in the previous Parliament, they were just tabling reports of evidence. But we have done our work and my members are asking why our reports are not being tabled so that they are debated by Members, and give more information on what we found on site. Thank you, Mr Speaker.

THE DEPUTY SPEAKER: Honourable

chairperson, you should have come to my office and raised this issue. We could have done better. But I understand your issue; only that this week I had given priority to this very critical Bill, the narcotic drugs Bill after the other one had been annulled by the court. It is a very big crisis, but next week I will give you space.

MR SSEWUNGU: Most obliged, Mr Speaker.

MR TEBANDEKE: Thank you, Mr Speaker. Under Rule 87, the decision of the Speaker or the presiding officer becomes an order observed in the proceedings of the House.

Mr Speaker, two weeks before recess, I raised an issue against the Government's failure to sign a trade protocol between Uganda and China to smoothly run the transaction in fish maws, which has created a decline in the performance of stakeholders.

By record, between 2018 and 2022, Uganda had about 35-

THE DEPUTY SPEAKER: No. For the procedure, you do not need to go into history. What is your procedural matter?

MR TEBANDEKE: Mr Speaker, is it procedurally right for us to proceed when the Front Bench is violating the decision of the Speaker who had commanded the Minister of Internal Affairs to come and report in two weeks' time?

I waited on Tuesday when we resumed, yesterday and even today, but the Minister of Internal Affairs is not around. But you committed the *-(Interjection)-* Minister of Foreign Affairs.

But you committed the honourable Government Chief Whip to take on responsibilities. Isn't it procedurally right that by your power, under Rule 87, you command the Sergeant-At-Arms to look for the Minister of Foreign Affairs, wherever he is, to come and give a response because stakeholders' businesses are declining, yet they are the taxpayers?

THE DEPUTY SPEAKER: Thank you. Honourable member, sometimes you are safer raising your procedural matter without referring to which rule. You see, foreign relations are matters of the Executive. We can only guide. This Parliament cannot order the Government to go and sign an agreement with another country. We do not have that power, honourable colleague, and I want it to go on record and I want it to be repeated; we do not have that power. That is the work of the Executive.

If you had only asked why doesn't the minister come and update the House, I would understand. But, now you want me to even arrest - I can understand you are raising a very critical issue.

Government Chief Whip, please ensure that the minister comes and updates the House on the issue raised by the honourable member. If that commitment was done, let the minister come, and I hope when he comes, he will not feel threatened that he will be arrested here. Colleagues, I want us to move on; we have a lot of business to handle. Hon. Gilbert?

MR OLANYA: Thank you, Mr Speaker. Much as you have given your ruling on the statement presented by the honourable minister about the International Youth Day celebration - I thought the report is presented when the day is still ahead so that Members can discuss, and give their opinions so that during the celebration, the big people attending have some message to give to the youth.

I would like to seek your guidance if it is procedurally okay so that we discuss when the date is still ahead rather than after - when the day has already passed.

THE DEPUTY SPEAKER: Thank you. Now, honourable member, you have said that the purpose of that discussion would be for us to give our views so that the big people can pick a message to give to the youth. But the people who are going to speak on that are not here and you can understand - Kabale is very far. We cannot say that attend Parliament today

and tomorrow be in Kabale on time for the celebrations.

Therefore, this is an information paper; no resolution is made on it. I think we shall even have an enriched discussion because now we shall have heard their speeches, we shall have heard the speech of the President, and we shall be able to dissect all that has been said.

But if they were here- and the budget used, by that time we shall know how much has been spent. Otherwise, I would have loved indeed - no, Hon. Ssekikubo, you have just entered. *(Laughter)*

MS CHRISTINE AKELLO: Thank you, Mr Speaker. With reference to your ruling, I only wanted to make an observation. The Youth Livelihood Programme (YLP) is one of the programmes that have benefitted a number of youth in the country as indicated. I only wanted to request that they also add on the recovery gaps in terms of amounts of money-

THE DEPUTY SPEAKER: Please, that is what we shall debate on Wednesday. Hon. Maurice, procedure?

MR KIBALYA: Thank you, Mr Speaker. In line with your guidance, since the minister himself or herself will be there - I do not know who will be presenting that day - wouldn't it be procedurally right that as the minister is presenting, they give us a more enriched statement than what the Government Chief Whip read? We expected something bigger than that.

Wouldn't it be procedurally right so that as he or she comes to present, more information is given as far as the development of youth and those programmes are concerned?

THE DEPUTY SPEAKER: "Enriched" is relative. What if this is what the minister has? Will you open her head and put in more and say; "Now go and serve it in Parliament"?

I think what is very important when we are debating is, pick out what you feel are gaps and

bring them out. That is the purpose of debating. Otherwise, if she satisfies all of us at once, then no need for debate. Thank you.

Honourable colleagues, before we go to item 4, there is an item which is ready. Parliament had handled it but the committee was requested to go back and make a few revisions. Therefore, I would like us to handle item 6 before item 4.

MOTION FOR THE ADOPTION OF
THE REPORT OF THE COMMITTEE
ON FINANCE, PLANNING AND
ECONOMIC DEVELOPMENT ON THE
MICRO-FINANCE DEPOSIT TAKING
INSTITUTIONS (REVISION OF
MINIMUM CAPITAL REQUIREMENTS)
INSTRUMENT 2022

2.23

THE CHAIRPERSON, COMMITTEE ON FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (Mr Amos Kankunda):

Indeed, like the Speaker has said, this report was already made by the committee. However, there was a minority report over one issue, that is, the minimum capital requirement for Micro-Finance Deposit-Taking Institutions (MDIs). The minority report was requesting that we consider Shs 2 billion whereas the main report proposed Shs 10 billion.

Mr Speaker, I am tendering the minutes of the reconciliation process. I hereby lay.

I am also reporting that in the process, we invited, in addition to the methodology we used, the Association of the MDIs of Uganda Cooperative Alliance.

Mr Speaker, allow me to go straight to the observations and recommendations.

When we considered the position of the minority report, we discussed the following issues:

The observation is that the majority of the MDIs are still operating under tier 4, yet these institutions are not legally allowed to take deposits. In order to enhance financial inclusion, there is a need for a legal regime that

enables the majority of the MDIs to mobilise deposits. Currently, there are only four MDIs in the country with a very limited footprint and branch network in the country.

The committee observes that since the MDIs vary in size of their balance sheet and shareholding value, in order to ensure equity among them, especially aspiring tier 4 institutions, the minimum paid up capital requirement should not be a one-size-fits-all. Instead, it should be premised on pro rata basis; that is, the size of the balance sheet of an MDI and that of a tier 4 that is aspiring to be an MDI.

Therefore, the minimum paid up capital requirement of the MDI should be a function or a percentage of the balance sheet of each MDI and the Bank of Uganda should annually review the proposed instrument within one year and determine the right percentage of the minimum paid up capital requirement which would determine a percentage.

In the meantime, for the minimum capital requirement, the four MDIs we interfaced with seem to be comfortable with Shs 10 billion.

However, the committee observed that considering Section 110 of the Tier 4 Microfinance Institutions and Moneylenders Act, 2016 which brings tier 4 institutions under control of the central bank, the minimum share capital should be above Shs 500,000,000. The increment in the minimum paid up capital for the MDI also affects them. In effect, this will affect their organic growth in light of the proposed stringent capital requirement.

Therefore, the committee recommends that a harmonised position of a minimum paid up cash capital requirement for MDIs be set at two hundred and fifty thousand currency points and be reviewed yearly.

Mr Speaker, this means that the minimum capital requirement position that has been reconciled is Shs 5 billion.

We also commend that within nine months after approval of this statutory instrument, the Ministry of Finance, Planning and Economic

Development should present to Parliament a proposal for the minimum paid up capital requirement of MDIs to be determined as percentage of the balance sheet value.

Mr Speaker, the point, as we said should not be a one-size-fits-all -

THE DEPUTY SPEAKER: Chairperson, you are not debating. You are reading a committee report (*Laughter*).

MR KANKUNDA: Much obliged, Mr Speaker. The Ministry of Finance, Planning and Economic Development should review Section 110 of the Tier 4 Microfinance Institutions and Moneylenders Act, 2016 and Sections 2, 4 and 7 of the Micro-Finance Deposit-Taking Institutions Act, 2023 to ensure the Regulation of the Tier 4 Microfinance Institutions is aligned.

Tier 4 Microfinance Institutions under the control of the central bank as per Section 110 Tier 4 Microfinance Institutions and Moneylenders Act, 2016 should be exempted from this statutory instrument. I hereby submit, Mr Speaker.

THE DEPUTY SPEAKER: Thank you, chairperson. I can see Hon. Kivumbi did not sign, however, much he agreed. So, I need to confirm with him.

2.29

MR MUWANGA KIVUMBI (NUP, Butambala County, Butambala): Thank you, Mr Speaker. Earlier, our position was that Shs 2 billion would suffice.

When we went to the committee and listened to the plea of Bank of Uganda, Ministry of Finance, Planning and Economic Development and others, the middle ground was that for now, we live with Shs 5 billion, which the chairperson of the committee has elaborately put forward in the report. Largely, we agree with the position presented by the chairperson of the committee. However, it is up to this House to see if it is fair, and take a decision.

Mr Speaker, I have two concerns: One, given what is happening, our sovereignty remains at hazard as long as we are not able to mobilise local deposits. The difference between MDI and Tier 4 Microfinance Institutions is that these tier 4 institutions are not deposit taking institutions. So, my voters and other people who go to the other market and sell their cattle cannot deposit their money in the evening in a tier 4 institution. This is why we are making a point that if we do not encourage institutions that can receive deposits to go to the farthest point of our country, a lot of our people will remain with their money in their bedrooms and that non-mobilised money deprives us money we can lend to businesses to grow the economy.

Therefore, we think when we come back after a year's review, we shall have an eagle eye to see whether it would not be prudent to bring that Shs 5 billion still down to deepen the reach of people who deposit their money every day in the evening in order to mobilise local resources.

The other one is the continued domination of financial institutions by foreign agents. How can *Mama Mboga*, the woman selling tomatoes, be loaned money by a *mzungu*? And the next day they will impose on us all manner of conditions.

Therefore, it is important to encourage indigenous investors to go into the space of moneylending. That is how we shall secure our sovereignty. I beg to move.

THE DEPUTY SPEAKER: Thank you. The principle is very simple; whether you are a foreign or indigenous bank, the deposit of your client is critical. When you lose money, you do not know whether it was for a foreign or local bank; you have lost money.

It is good we struck that balance; it is very critical for us to protect our depositors. Honourable minister, do you agree with this position? Do you think it can suffice for now?

MR MUSASIZI: Mr Speaker, I would like to thank the committee and the Shadow

Minister of Finance, Planning and Economic Development for coming up with this middle ground. We would have preferred the Shs 10 billion but since we cannot get it, the Shs 5 billion is good enough. I therefore agree with the position.

THE DEPUTY SPEAKER: Thank you. Colleagues, this matter was handled and debated for long.

I now put the question that the report of the Committee on Finance, Planning and Economic Development on the Microfinance Deposit-taking Institutions' (Revision of Minimum Capital Requirements Instrument), 2022 be adopted.

(Question put and agreed to.)

Report adopted.

THE DEPUTY SPEAKER: Thank you, committee and Hon. Kivumbi, Shadow Minister of Finance, Planning and Economic Development, Hon. Musasizi and colleagues.

Clerk, extract a copy of the recommendations, resolution, the *Hansard* and transmit them to the relevant agencies.

BILLS COMMITTEE STAGE

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES CONTROL BILL, 2023.

2.36

THE CHAIRPERSON, COMMITTEE ON DEFENCE AND INTERNAL AFFAIRS (Mr Wilson Kajwengye): Mr Chairperson, clause 26 concerns service of notice of application for a restraint order. It is amended by deleting subclause (4) and the justification is:

1. Clause 26(4) contravenes clause 23 and the spirit behind the issuance of a restraint order by converting restraint proceedings into proceedings of attachment of a person's property before conviction of

an offence. By their nature, restraint proceedings only prevent dealing in property and do not act as an attachment of property, which is dealt with under forfeiture provisions.

2. The provision goes beyond the spirit of a restraint order, which prohibits dealing in the property when criminal proceedings are pending.
3. Attachment of property is allowed when there is a final decision of court.

I beg to submit.

THE DEPUTY CHAIRPERSON: Honourable minister?

GEN. MUHOOZI: I concur with the amendments.

THE DEPUTY CHAIRPERSON: Thank you. Colleagues, yesterday, we emphasised that these provisions that either give court power or take it away are sometimes not necessary. Whichever way, court has that jurisdiction.

I now put the question that clause 26 be amended as proposed.

(Question put and agreed to.)

Clause 26, as amended, agreed to.

Clause 27

MR KAJWENGYE: Mr Chairperson, clause 27 is a restraint order. The Committee on Defence and Internal Affairs proposes that we should substitute the following and it should read:

- i. "27(1) Where an application for a restraint order is made under section 23 and court is satisfied with the matters referred to in that section in relation to the respondent, the court may make a restraint order prohibiting the respondent or any other person acting on his or her behalf from disposing of or in any way dealing with

the property specified in the order or any interest in the property except in the manner that may be specified in the order.

- ii. (2) Without prejudice to subsection (1), a bank shall not pay to a respondent or any other person, on the order or on behalf of the respondent, any money from sums held in any account by the bank in the name of the respondents.”

Justification

1. The restraint order only caveats any dealing in property but does not vitiate ownership. The purpose of the restraint order is to preserve the status quo. The property remains the property of the accused.
2. The proposal to transfer property of the affected, by a restraint order to the official receiver, has the effect of interfering in the propriety interest of the owner of the property before the person is convicted of an offence. This goes beyond the effect of a restraint order.
3. This provision is, therefore, misplaced and should only apply where court convicts a person of an offence and orders for a forfeiture of property or proceeds of a crime to the state.

I beg to submit.

THE DEPUTY CHAIRPERSON:
Honourable minister?

GEN. MUHOOZI: Mr Chairperson, the justification is sound and the amendments are allowed.

MR NANDALA-MAFABI: Mr Chairperson, I want the chairperson of the committee to clarify to me: Under the Constitution of Uganda, a Government debt is a first call on anybody’s account. Supposing this respondent had Government tax, what will happen if a person gets a debt for a purpose of Government?

MR KAJWENGYE: Thank you, Mr Chairperson. This law is only restricted to properties that are considered proceeds of the crime of narcotic drugs and psychotropic substances. It has nothing to do with whether you owe money. Those are different proceedings in court.

MR NANDALA-MAFABI: I am just saying, you have one account and it collects everything, including money from drugs but at the same time, you have a business where they have assessed a tax and the tax is due.

If you pass this in this state, it means the Government will not collect this tax because you are saying “anybody”, yet the law says that a Government debt is a first call on anybody’s account.

THE DEPUTY CHAIRPERSON: Hon. Nandala, who is applying for this restraint order? It is the same government and it is saying: “These are proceeds of crime; so, do not take it away.” You are restrained from taking it away from the bank, until investigations are done. So, the money is still with the Government and it is the Government to choose which way it goes.

I do not think the Government would want to benefit from the proceeds of crime. We cannot protect the Government and say: “As the Government, you can benefit from proceeds of crime, but individuals cannot.” So, since it is all by the Government, let us move that way.

I put the question that – yes, Hon. Odur?

MR ODUR: Mr Chairperson, my concern is not far from his, except that where I am the respondent and I am sick and need money for medical help, can’t I apply to the court so that it is now the court that gives the orders?

If it pleases the committee chairperson, we could add, “except on the order of court”. Remember, you still suspect me and I am not yet guilty and this matter is before court. If I have my money and I am seriously sick, can’t I apply, like these cases where we go, get our

passports, travel and then come back. This is so that the court has some liberty and can even deal with the concerns that Hon. Nandala-Mafabi has raised.

THE DEPUTY CHAIRPERSON: Honourable minister?

GEN. MUHOOZI: On the surface of it, I would buy his argument. However, what if it is going to exhaust all the money that is being held?

THE DEPUTY CHAIRPERSON: When it comes to matters of court, we cannot limit the court. I think Hon. Jonathan Odur is raising an important point because the court will not, anyhow, just allow this party to benefit from proceeds of crime. Someone can show that: “Look, I am being frustrated. Someone has put this on me; I am just being frustrated.”

For example, I could be going into elections and someone wants to block my money. So, someone can go and work on it, get an order and try to block my money. However, I move to court and say: “No! There is even not much evidence being given here.”

So, if the discretion is with the court, it is neutral in this matter. Honourable minister, I think that would not be a problem.

MR KAJWENGYE: Thank you, Mr Chairman. Actually, the concerns of Hon. Jonathan Odur and Hon. Nandala are covered in the subsequent clause 29. This was for purposes of making sure that your rights are actually not infringed on.

THE DEPUTY CHAIRPERSON: I put the question that clause 27 be amended, as proposed.

(Question put and agreed to.)

Clause 27, as amended, agreed to.

Clause 28, agreed to.

Clause 29

MR KAJWENGYE: Mr Chairperson, clause 29 concerns the effect of a restraint order.

The committee proposes that it be amended-

- a) In subsection (1) by substituting for the words “transfer of”, the words “dealings in”;
- b) By substituting for subclause (2)(a), the following -

“(2) Nothing in subsection (1) shall prevent court from enforcing a mortgage, charge or any other transaction against any property in respect of which a restraint order is made, where the court is satisfied that –

- (a) The mortgage, charge or transaction was registered or executed before the restraint order was granted;
- (b) The mortgage, charge or transaction was created bonafide for valuable consideration without notice of the application referred to in section 23; and
- (c) The person in whose favour the mortgage, charge or transaction was created and registered was not concerned with, or privy to, the commission of a specified offence by the person against whom the restraint order is made.”

The justification for this is:

1. To expand the provision to prohibit all dealings in land as opposed to prohibiting transfers in land, as proposed in the Bill, since the word “dealings” covers more than “transfers”;
2. In order to protect the sanctity of restraint orders from abuse and to allow court to give effect to mortgages, charges and transactions that were entered into before the restraint order was made; and

3. To harmonise clause 29 with clauses 23 and 24.

I beg to submit.

THE DEPUTY CHAIRPERSON:
Honourable minister?

GEN. MUHOOZI: I am advised to include what was paragraph (b) of clause 29 and it reads:

“(b) The recovery of any revenue due to the Government...” - which I think is the point Hon. Nandala had raised – “... or a local government by sale of any property in respect of which a restraint order is made.”

THE DEPUTY CHAIRPERSON: Would that suffice, Hon. Nandala?

MR NANDALA-MAFABI: Mr Chairperson, that one is okay, but the problem is in sickness.

THE DEPUTY CHAIRPERSON: No; we covered that. We included Hon. Jonathan Odur’s proposal.

MR NANDALA-MAFABI: Did we?

THE DEPUTY CHAIRPERSON: Yes; the one of the court. Honourable colleagues, let me guide you. Yesterday, I guided properly and said that unless we concede – I insist and call that you concede – when I say “amended as proposed” a matter which a Member raised and has not conceded, that is part of the amendments carried. When the Clerk is cleaning the Bill, he picks out all those issues on the *Hansard*.

Hon. Odur had proposed that we include “unless directed by court”, which we covered.

MR ODUR: Mr Chairperson, I would now like to withdraw it, having looked at clause 36. I think it will take care of that.

THE DEPUTY CHAIRPERSON: Okay. When cleaning up, we shall take it up. Hon. Oguzu Lee, did you have an issue with that?

MR OGUZU: My issue was that the exception alluded to by Hon. Jonathan Odur was not clearly captured. It would infringe on someone’s right to medical care because there would have been no prior charge.

THE DEPUTY CHAIRPERSON: Thank you. Is there something different from this?

MR AMOS OKOT: Thank you, Mr Chairperson. My point here is regarding the component where it says, “The mortgage, charge or transaction was registered or executed before the restraining order was granted”.

Here, I was thinking we put a time period of at least - “executed six months before the restraining order was granted” so that nobody - because sometimes people hurry in a period of time, and find themselves registering. But if it is given six months before, then those who hurry, and the corruption that we know exists in every corner, may debar them. That is my proposal.

THE DEPUTY CHAIRPERSON: Why don’t we leave out the court since we consider the court to be neutral in these matters?

MR AMOS OKOT: This is not about the court itself. I may be a culprit in that case. Then, if I have already seen that I am going to lose, a few days before the court could have given an order, you rush, change the whole thing. After changing, you come, and they give an order only to find that the property is no longer in your name. But if it is six months before that time, that kind of dubious act would have been mitigated.

THE DEPUTY CHAIRPERSON: No, please, we cannot legislate in futility because if someone, for example, has already taken his money and used it for other things, you cannot come and say you took money five months ago, so you bring it back. We restrain you. You restrain what is available. What is not available, you cannot restrain. Colleagues, let us move on. We are going to rotate on many things.

MR EKANYA: Mr Chairperson, I want to thank you very much. We cannot legislate in anticipation, in fear, in a vacuum.

THE DEPUTY CHAIRPERSON: You are done! The honourable minister proposed that we maintain clause 29(b). So, I put the question that clause 29(b) be amended as proposed.

(Question put and agreed to.)

Clause 29, as amended, agreed to.

Clause 30

MR KAJWENGYE: Mr Chairperson, clause 30 is the duration of restraint order. For clause 30, there is substituted, the following -

“30. Duration of restraint order

Subject to this part, a restraint order in respect of any property shall remain in force until the restraint order is revoked by the court.

A person may apply to court to revoke a restraint order on any of the following grounds:

- (a) Where the charges against the person in respect of whom the restraint order was made and dismissed or discontinued, or the person against is discharged or acquitted;
- (b) Upon death of the person against whom the restraint order is made; or
- (c) Where the property in respect of which it is made is forfeited to the State.”

Justification

- i. To expand the provisions relating to the termination of the restraint order to include other grounds including dismissal by court and the death of the accused person which abates criminal proceedings.
- ii. To harmonise clause 30 with clauses 33 and 35.

I beg to submit.

THE DEPUTY CHAIRPERSON: Committee chairperson, I want you to clarify something from your amendments. Do you mean that if you had property and it was suspected to be proceed of crime, if you died, your family should go and enjoy proceeds of crime? Because that is what your proposed amendment is saying? The moment you die, the property is free. But it was a suspected proceed of crime from the onset, and the same happens to corruption cases. We know the corruption cases here; the accused who have died, but the state must go on and - this is taxpayers’ money. Hon. Nandala?

MR NANDALA-MAFABI: Mr Chairperson, that is one of the things, because even a family can kill a man and enjoy the - that could cause death. They can decide that let us kill him or her to enjoy the proceeds of the crime because the law says it will be - or they can fail.

Mr Chairperson, there are times when somebody can - let me give you an example; the Attorney-General has got a restraining order. He decides to use the court with delaying tactics, and you stay in court for over 10 years and you may even die.

Wouldn’t it be important that also court can make a decision whereby if the state may have lost interest in the case or they are just playing delaying tactics to punish a person, how do you cater for that? We should put something to deal with late justice issues.

MR OTINGIW: Mr Chairperson, I wanted the chairperson of the committee to try and clarify on the issue of, for example, property owned by companies or by partners. Maybe the husband and the wife own the property; in this case, how does it go in terms of restraining since the ownership is not one person, it is a limited property? Secondly, it is a home owned by the family, maybe the husband and the wife.

THE DEPUTY CHAIRPERSON: No, that cannot apply here. The clause we are on is for

duration. So, I do not want us to bring other things beyond duration. Hon. Jonathan?

MR ODUR: Actually, Mr Chairperson, you have observed correctly. Under this subheading we are dealing with duration. So, by introducing amendments, raising grounds for revocation, we are mixing the spirit of that. So, I wanted to persuade the chairperson to allow the clause to stand as it is. Then when we go to clause 33 where revocation is provided for those grounds, then it can be catered for under that. Also where necessary, we soiree can modify clause 35 as well when we get there.

THE DEPUTY CHAIRPERSON: Honourable minister?

GEN. MUHOOZI: But the Chairperson's question on death terminating remains unanswered - is it ahead?

THE DEPUTY CHAIRPERSON: Yes, under clause 33. We can handle it when we get there. Hon. Oguzu Lee?

MR OGUZU: I think it is important for expeditious trials or investigations or concluding the matter, a restraint order must revoke upon expiry of, say, two years. That will place the Government with the responsibility to conclude these matters. Otherwise, there is a very big risk of someone using this particular clause or section as a political tool to deal with opponents. So, I propose strongly that upon expiration, say, of two years, a restraint order must expire.

THE DEPUTY CHAIRPERSON: Colleagues, I think we can have this clause the way it is, because what you are considering is that court is a neutral arbiter in the matter. You know, sometimes interfering with the works of court, trying to limit it while investigating narcotics, is not easy. This is a very complicated exercise; it is not a cup of tea.

MR ODUR: Mr Chairperson, when you look at clause 33, a period of 30 days is actually provided; it is still ahead but it takes care of the concerns. That you can actually apply after 30

days. When a restraining order is issued, court will then entertain you.

THE DEPUTY CHAIRPERSON: Yes. The court will listen to you as per its discretion saying, "Here you can or cannot grant it."

MR NANDALA-MAFABI: Mr Chairperson, your statement on the *Hansard* is very dangerous. When you say, "Investigating drugs like narcotics takes many years," people will assume even the Speaker of Parliament said it takes long. And somebody will come and clamp your property and claim it takes many years, when doing nothing.

THE DEPUTY CHAIRPERSON: Let me use the words "It is complicated".

MR NANDALA-MAFABI: Maybe.

THE DEPUTY CHAIRPERSON: Thank you. Honourable chairperson, do you agree with the proposal by the minister that we maintain the clause as is? You need to be on record.

MR KAJWENGYE: I concur with the honourable minister and I beg that we move on.

THE DEPUTY CHAIRPERSON: I put the question that clause 30 stands part of the Bill.

(Question put and agreed to.)

Clause 30, as amended, agreed to.

Clause 31

MR KAJWENGYE: Mr Chairperson, clause 31 deals with offences in respect of the restraint order. Clause 31 of the Bill is amended by substituting for the words, "for not less than" the words "for a period not exceeding."

The justification is that it complies with Section 37 of the Interpretation Act to prescribe the maximum penalties that may be suffered by a person convicted under this Act. I submit.

GEN. MUHOOZI: Amendments allowed.

THE DEPUTY CHAIRPERSON: I put the question that clause 31 be amended as proposed.

(Question put and agreed to.)

Clause 31, as amended, agreed to.

THE DEPUTY CHAIRPERSON: I would like to request our IT administrator to mute everyone on *Zoom*. If anyone desires to submit, he or she should inform us and then we allow him or her. However, I would like to appreciate the very active colleague. *(Laughter)*

Clause 32

MR KAJWENGYE: Thank you, Mr Chairperson. In the wisdom of the committee having scrutinised the Bill, they propose to this august House to delete clause 32.

Justification

- (a) That a restraint order only caveats any dealing in property but does not vitiate ownership. The purpose of the restraint order is to preserve the status quo. The property remains the property of the accused;
- (b) The proposal to transfer property affected by a restraint order to the official receiver has the effect of interfering with the proprietary interest of the owner of the property before the person is convicted of an offence. This goes beyond the effect of a restraint order. The provision is, therefore, misplaced and should only apply where the court convicts a person of an offence and orders forfeiture of the proceeds of crime to the official receiver. I beg to submit.

THE DEPUTY CHAIRPERSON: Honourable minister?

GEN. MUHOOZI: The justification is sound and the amendment is allowed.

THE DEPUTY CHAIRPERSON: Thank you. I put the question that clause 32 be deleted.

(Question put and agreed to.)

Clause 32, deleted.

Clause 33

MR KAJWENGYE: Mr Chairperson, clause 33 deals with the exclusion of property, recognition of claims and revocation of the restraint order.

Clause 33 is amended in subclause (4)(a) by –

- a) Substituting for the word “Before” the word “After”.
- b) Substituting for the words “Complaint is made, or information is,” the words “charge is preferred”.

Justification

- i) For clarity and adopt a nomenclature used to refer to criminal complaints under the laws of Uganda;
- ii) To determine the duration of the expiry of the restraint order.

I beg to submit.

THE DEPUTY CHAIRPERSON: Honourable minister?

GEN. MUHOOZI: Allowed.

THE DEPUTY CHAIRPERSON: Thank you. I put the question that clause 33, be amended, as proposed.

(Question put and agreed to.)

Clause 33, as amended, agreed to.

Clause 34

MR KAJWENGYE: Mr Chairperson, clause 34 is substituted with the following:

“Where an application has been made to the court under section 23 for a restraint order, and the person against whom a restraint order is sought is charged with specific offences, the court may, on the application of the Attorney-General or the respondent, stay the hearings of the application made under section 23 until a final decision is made in respect of the criminal charges.”

The justification for this is to remedy an ambiguity in clause 34 since currently, the provision is not clear as to the application it is referring to.

I beg to submit.

THE DEPUTY CHAIRPERSON: Thank you. Honourable minister?

GEN. MUHOOZI: Would you, committee chairperson, be wise to qualify the length of the stay? Otherwise, it may go on forever.

THE DEPUTY CHAIRPERSON: So, are we not wise enough?

GEN. MUHOOZI: You are, Mr Chairperson.

THE DEPUTY CHAIRPERSON: He is making a humble proposal. What is your proposal, honourable minister? When you go on the Floor here, propose; do not throw a dice.

GEN. MUHOOZI: Mr Chairperson, without trying to usurp the jurisdiction of the court, I do not know whether we can use the words “reasonable time” or “six months”, to be specific.

THE DEPUTY CHAIRPERSON: Honourable minister, the court has a period in which it will determine the matter. Once we start interfering with this - Hon. Ekanya?

MR EKANYA: We have other legislation where we advise the court on time limits and there are many of them; the common one is the Parliamentary Election Act, which proposes time.

Mr Chairperson, time is very important. If you own Sheraton and you have a restraining order as a result of maybe \$1 million, and then the period extends, it will create a loss. It will also put pressure on the investigation institution to conduct an investigation, conclude so that business can continue.

Mr Chairperson, as you said earlier, it might be witch-hunting and this can affect other private businesses.

THE DEPUTY CHAIRPERSON: No. Honourable colleague, this is about the stay of hearing of the application.

MR EKANYA: So, the issue of six months is very important.

THE DEPUTY CHAIRPERSON: No. This is about the stay of hearing of the application. The one you have used for elections is for making a final decision. What if you are found guilty at the end?

Honourable colleagues, I put the question that clause 34, be amended, as proposed.

(Question put and agreed to.)

Clause 34, as amended, agreed to.

Clause 35

MR KAJWENGYE: Mr Chairperson, clause 35 concerns the death of a person to whom the restraint order is made. In the wisdom of the committee, having scrutinised the Bill, they propose to this august House to delete clause 35.

The justification is that clause 35 proposes to continue proceedings against an accused person who dies before or after a restraint order is made in contravention of clear and known principles of law that criminal proceedings abate or terminate upon the death of the accused, as was laid out in the case of *R v. Ssenyonga 1993*; that citation is there.

The death of an accused person should terminate the restraint proceedings or orders made since the accused person has not been found guilty of an offence by court to warrant the continued attachment of his or her property. I beg to submit.

THE DEPUTY CHAIRPERSON: It is a principle and again, a very thin line. Suspected proceeds of crime, for example, trade in cocaine that is in lots of monies - But again, a law is a law.

GEN. MUHOOZI: Thank you, Mr Chairman. I pray that we retain clause 35 because it is in respect of a restraint order made against the dead person, which passes on to the successor in title, who can also apply for its revocation.

THE DEPUTY CHAIRPERSON: This is on property and not the individual. We are pursuing that property.

MR KAJWENGYE: This Bill remains a property of the Government and it is their responsibility; they are the implementers. I have absolutely no qualms in agreeing with him but he should justify it. I would like to hear from the minister because the principle of law is well laid down. Retaining this contravenes the well-laid out principle of law. So, I would like to hear from the minister why we are coming up with something new, contrary to the well-laid out principles of law.

THE DEPUTY CHAIRPERSON: We can get other views, honourable minister, and then you answer at once.

MR SSEWUNGU: It is unfortunate that the Attorney-General is not around. For instance, if I am the owner of the property and I die but there is a case against me, I still have the presumption of innocence until I am proven guilty. If I am dead, how would you proceed with my property when I am not around? The principle is very clear. I wish the Attorney-General would come in and make that clarification, unless we stand over that clause.

THE DEPUTY CHAIRPERSON: Hon. Ssewungu, in law school, you were clearly taught that for every general rule, there is an exception. Can we try to dig into that exception?

MS AISHA KABANDA: Thank you, Mr Chairman. This clause takes care of two scenarios; where an application is still being heard in court and the person dies before a conclusion is made is different from where a restraint order has been granted. Where it has been granted, we should go for this person's wealth because the court concluded the matter while that person was still alive.

However, where the person passes on and is not available to make a case for himself, it is a different situation. I appeal to the House that when the person dies and execution has not been done, we should go for the wealth of this person. If the hearing is still going on, then there is no person to go against.

THE DEPUTY CHAIRPERSON: Hon. Aisha, a restraint order is not a fine. A restraint order is temporary on your property so that you do not move it. In this case, the final decision has not been made and they have not determined that it is a proceed of crime.

MR ODUR: Mr Chairman, I would like to agree with the minister and if you give me time, I will cite that authority. There is an exception in the law that criminal proceedings can only terminate with the exception of property. The legal representative - Whether you actually die or you are acquitted, once property has remained, it has to be dealt with in some way. Your legal representative should put a case before court on why that property should be lifted and given to him. I am going to give you the reference shortly.

THE DEPUTY CHAIRPERSON: This is not like a crime against an individual, for instance, murder and you say that someone can take over it. It is property; this is a suspected proceed of crime. Do we leave you to enjoy it because you died?

MR NANDALA-MAFABI: Mr Chairman, I think Hon. Jonathan has said it well, even if he is still looking for the case. This has two implications; if a person discovers that he wants this property into his hands, he can kill a human being. It is very dangerous if we put it in the law.

Second, we are dealing with property and suspicion of a crime. Now, the person who is suspected of a crime has died but the one who wants that property must come and prove that the person who died never committed the crime.

Mr Chairman, any property that deals with –

THE DEPUTY CHAIRPERSON: In criminal matters, the burden of proof -

MR NANDALA-MAFABI: The person will own the property until the State can prove that the person who died really dealt in drugs.

MR SILWANY: Mr Chairman, even I, the paralegal, can clearly see that the presumption of innocence is always there before judgment. There is no way for us to come up and put a law because this is not the first law that we are making; there are other laws that are already standing on the same principle. There is no way we should pass a law, as a House, and say that they pursue someone's property when they have died. How do you prove that it was the result of that crime or the selling of narcotic drugs because the person is already dead?

Therefore, I strongly think that we should not go for property because going for property means that –*(Interjections)*– yes, honourable members, I implore you. For instance, somebody dies when the trial is still going on. How do you prove? This is because you are innocent until judgment is done in court and you are proved guilty. I implore you to accept and we do not go for property.

THE DEPUTY CHAIRPERSON: Have you got the information?

MR ODUR: Yes, but I think we are mixing it; the restraint order is not a criminal proceeding. It has to be clear; this is a civil matter. So, the question on the principles that apply to criminal law do not even arise. That is why I heard the procedure is by notice of motion. We are dealing with civil proceedings.

THE DEPUTY CHAIRPERSON: Hon. Jonathan, you have made it very easy. That settles it because the proposed amendment is for criminal procedure. Under civil proceedings, property can still be pursued. Movement of property is a civil matter in all this.

MR MUWANGA KIVUMBI: I think we are dealing with a dicey matter. I do not want to take the - In law, they call it the “literal interpretation” being given by our colleagues. In a way, you are saying that this restraint order is interim for the State to take steps to prove. By the time it exists, they have not yet proved that this property is as a result of illicit drugs or illicit money.

In another way, you are saying that the administrator of my property, when I am dead, should also somehow inherit my crime because he has to go to court and prove that this property was not a result of - and I am not around. I find it very difficult for a Parliament to enact such a law. It is very tricky.

Mr Chairperson, I beg your indulgence and the minister's to agree - *(Interruption)*

MR SSEWUNGU: Thank you, honourable member, for giving way. Let us be open, honourable minister. You know that people are smuggling goods into Uganda - and smugglers are very rich. They have been smuggling cigarettes and they have become rich. However, after getting them, do you go to their property -*(Interjection)*- you call it cross-border trade? You know, there is even a Member from Busia here.

Mr Chairperson, I think we have to be very careful about that. Smuggling has been here from Amin's time – he brought Bob Astles

here, in coffee – but the property of the people was not attached.

THE DEPUTY CHAIRPERSON: Honourable colleagues, all the issues we are fearing are covered under subsection (2). Let us not only focus on subsection (1) without looking at subsection (2), which covers all these fears and where the court has all the power.

I put the question that clause 35 stands part of the Bill.

(Question put and agreed to.)

Clause 35, agreed to.

Clause 36, agreed to.

Clause 37

THE DEPUTY CHAIRPERSON: Committee chairperson?

MR KAJWENGYE: Mr Chairperson, clause 37 deals with the forfeiture of property. In the wisdom of the committee, they had recommended that we delete clause 37.

Justification

- i) Clause 37 is redundant since it is a duplication of clauses 41 and 42 of the Bill. Provisions of clause 37 have been incorporated in clause 42, which we shall reach.
- ii) The provision unfairly attaches all property of the person, present and future, irrespective of whether the properties were proceeds of crime or not.

THE DEPUTY CHAIRPERSON: Honourable minister?

GEN. MUHOOZI: I agree with the deletion.

THE DEPUTY CHAIRPERSON: Thank you. I put the question that clause 37 be deleted.

(Question put and agreed to.)

Clause 37, deleted.

Clause 38

MR KAJWENGYE: Mr Chairperson, clause 38 deals with certain liabilities to the forfeited property.

Clause 38 is amended by -

- (a) Substituting the headnote for “Certain liabilities to the forfeited property”;
- (b) By substituting the words “section 37 shall not”, the words “the restraint order shall not affect”.

The justification is that this is a consequential amendment as a result of deleting clause 37.

THE DEPUTY CHAIRPERSON: Consequential amendments are dealt with at the end. So, I do not know whether I should start going into consequential amendments. However, since it is a straight one, I think we can sort it out.

MR ODUR: Mr Chairperson, legislation must flow. The only problem I have is that it is parachuting from nowhere - that specific one. Now that you recognise that you are dealing with forfeiture ahead, I would suggest that that specific provision be moved after until we have dealt with clause 42.

THE DEPUTY CHAIRPERSON: So, let us do consequential amendments at the end. We shall move them after clause 46, when we are very sure. Note it down and once we finish, we shall come back to consequential amendments so that we flow easily.

Anyway, let us deal with it and then the Clerk takes note of it. The moment we go up to clause 46 and we have agreed, then, we shall maintain it. If we do not, as a consequence, we shall delete it.

I put the question that clause 38 be amended as proposed.

(Question put and agreed to.)

Clause 38, as amended, agreed to.

Clause 39

MR KAJWENGYE: Mr Chairman, clause 39 is on provision for payment of money owed.

Clause 39 is amended -

(a) In subclause (1) by substituting for the words “section 38” the words “section 42”.

The justification is that this is a consequential amendment as forfeiture is provided for in clause 42. I submit.

THE DEPUTY CHAIRPERSON: I do not know why your clerk did not help you in all these so that we have consequential amendments later. However, let us do it the way we have done the other one. We shall take note and in case we do not agree, we shall come back to it.

I put the question - yes, Hon. Nandala?

MR NANDALA-MAFABI: Mr Chairperson, I just want the chairperson of the committee to assist me. If you are paying this money, do you pay it to the official receiver or the Government of Uganda – to the Consolidated Fund? Here, what I see is the forfeiture to the receiver, yet the money should be paid directly to the Consolidated Fund.

THE DEPUTY CHAIRPERSON: Honourable committee chairperson?

MR KAJWENGYE: Money that is paid as a result of court proceedings – is that what you mean? – It is paid according to the procedure.

MR NANDALA-MAFABI: Mr Chairperson, the money you are getting is for the State, and the State has only one account - the Consolidated Fund. The moment you put more hands - either court or whatever – this money may never even reach there; it may be diverted.

So, wouldn't it be better for us to say that all the money which is owed is paid directly to the Consolidated Fund?

THE DEPUTY CHAIRPERSON: Honourable minister, why did you consider “receiver”? However, honourable colleagues, do we even need to say where it should be paid? What if you say it is paid to the State? Isn't it a standard that money paid to the State goes there?

MR EKANYA: Mr Chairperson, we currently have a problem, if you look at the Auditor-General's report, where certain monies of civil and criminal nature are paid to an account in court and other government institutions because they want to do reconciliation. At the end of the day, some of the accounting officers mix this fund and the Government does not receive all that is due. So, it is just proper that the law is very clear that this money goes to the Consolidated Fund.

MR ODUR: Mr Chairman, under clause 32, we deleted the “official receiver”. So, there is actually no provision for the appointment of the official receiver. So, in this case, consequentially, where we have the “official receiver”, we can replace it with “the State” or whichever is applicable.

THE DEPUTY CHAIRPERSON: Honourable minister, do you want to say something?

GEN. MUHOOZI: Mr Chairperson, since the property cannot be under the Consolidated Fund, can't we retain “official receiver”?

THE DEPUTY CHAIRPERSON: Yes, clarification, Hon. Aisha?

MS AISHA KABANDA: Mr Chairperson, I see a rehabilitation fund under clause 54. It says that proceeds that come out of forfeiture will go to that fund. I do not know whether they have not even already allocated it to the fund.

THE DEPUTY CHAIRPERSON: No, first of all, have we agreed to that Fund?

MS AISHA KABANDA: But the proposal—because they say, “a portion of the property forfeited to the State under Part 4, as may be assigned to the Fund by the minister responsible for finance”.

THE DEPUTY CHAIRPERSON: Yes, but we have not yet agreed to the establishment of the Fund. Anyway, let us go with the proposal of Consolidated Fund, to make it very easy. I see money going to the Government anyway. So, if we find any problem, the technical bench will advise and we can recommit that clause.

Honourable member, you had already submitted - you wanted a Consolidated Fund and we are agreeing with it.

I put the question that clause 39 be amended as proposed.

(Question put and agreed to.)

Clause 39, as amended, agreed to.

Clause 40

MR KAJWENGYE: Mr Chairperson, clause 40 is a claim by a person who commits a specified offence. Clause 40 is amended;

- a) In subclause (1) in paragraph (a) by inserting immediately after the word “succession” the words “or that the property is held by him or her in trust for the benefit of another person”.
- b. In paragraph (b), by substituting for the words “relations”, the words “any person”.
- b) In subclause (2) by substituting for the words “section 37”, the words “section 42”.
- c) By deleting subclause (3).

The justification is:

- a) It is a consequential amendment arising from the deletion of clause 37.

b) To include property held in trust among properties that can be freed from forfeiture.

c) To expand the list of persons who can gift property.

d) The deletion of subclause (3) is a consequential amendment arising from the amendment of subclause (1).

I beg to submit.

THE DEPUTY CHAIRPERSON: Yes, Hon. Ssewungu?

MR SSEWUNGU: Mr Chairperson, I pray that we make a small amendment on the notice in the newspaper of wide circulation.

THE DEPUTY CHAIRPERSON: Honourable member, in Parliament, we do not deal with small things. Even a comma is big.

MR SSEWUNGU: Yes, I am saying that, let it be of notice in a newspaper of wide circulation, and not just any newspaper.

THE DEPUTY CHAIRPERSON: Yes, I agree with you and the original text had it. So, “wide circulation” is very important. Hon. Oguzu Lee?

MR OGUZU: Mr Chairperson, I think while processing a similar law, we had such a challenge where we only have a mention of newspaper. I think the world is going digital; so, it would be good that we address ourselves to media of wide circulation. It can be radio, on the internet - but to limit it to newspapers only, would, I think, be counterproductive.

THE DEPUTY CHAIRPERSON: Now, one will even demand for *TikTok* and another one, social media. You must have a limit. Honourable minister?

GEN. MUHOOZI: Amendments agreed to.

THE DEPUTY CHAIRPERSON: Thank you. I now put the question that clause 40 be amended as proposed.

(Question put and agreed to.)

Clause 40, as amended, agreed to.

Clause 41

MR KAJWENGYE: Mr Chairperson, clause 41, is procedure in respect of forfeiture. For clause 41, there is substituted the following –

“Procedure in respect of forfeiture;

1. Where a person is convicted of a specified offence under this Act, the Attorney-General may, after conviction, apply to the High Court for an order to forfeit to the State any property owned by the convicted person that is ascertained to be proceeds of a crime under this Act.
2. Notwithstanding subsection (1), the Attorney-General may apply to the High Court for an order to forfeit to the State any property held by any person that is ascertained to be proceeds of a crime committed by a convicted person under this Act.
3. The application referred to in subsections (1) and (2) shall contain a description of the property in respect of which the forfeiture order is sought.
4. Court shall, before making an order to forfeit the property of a convicted person, comply with the rules of natural justice.

The justification is:

1. To streamline the process for applying forfeiture orders.
2. The amendment proposed in subclause (2) is for clarity and to harmonise the provision with clause 42, which duplicates the notices that are issued by the High Court.

I beg to submit.

THE DEPUTY CHAIRPERSON: Yes, Hon. Ekanya?

MR EKANYA: Thank you, Mr Chairperson. I want to seek clarification from the committee chairperson, because I have been reading- we are talking about property, but when talking about proceeds of crime, we need to look at value. I know if you pollute one tomato, it can corrupt other tomatoes, but you have brought it out clearly here, applying the rules of natural justice. That;

- (a) Use proceeds of crime to complete the construction of a property, and that property could be worth \$1 million, yet the proceeds of crime that has been investigated and established is just \$100,000. Have you taken care of that when you talk about applying the rules of natural justice?

THE DEPUTY CHAIRPERSON: Colleagues, are we even going to adjudicate on rules of natural justice? This is redundant. This is provided for in court proceedings. So, the proposal under 4 is even redundant. Let us do a clean Bill.

MR SSEWUNGU: I do not want to agree with someone's property who has been dealing in narcotics - once you get him, you are taking him for a reprimand and when you take him for sentencing, you are shaping him. Now, this person is not corrupt, but he has been committing the offence of selling narcotics. When you go to his properties and you attach them as Government, it is not proper. That is not there and I do not know where it is in the world. You could guide us, Mr Chairperson. Otherwise, you are going to charge him in court and you know he got property worth Shs 3 billion and is very rich, but he is going to be sentenced to 20 years in prison. Then, how do you come and take the property? You cannot.

Let us look at that very carefully, Mr Chairman. Is he corrupt, because under the Anti-Corruption Act, it is clear, you got assets out of Government funds; you stole. But this man was dealing in smuggling, selling narcotics and he was caught and when you take him to prison, you are shaping him. For 20 years, he is going to be in prison. So, what he has got -

the proceeds - how will you be able to know that he got them from narcotics, because I can get Shs 5 billion from narcotics and I use it to invest in another deal somewhere else. How then would you attach that property?

THE DEPUTY CHAIRPERSON: Thank you. Hon. Ssewungu, if you are saying that the property of the corrupt should be sold, what about the property from cocaine sales? As if you do not know the impact they have on the community. I think the debate should be about how you use proceeds; how the Government would use money got out of the confiscation of that property.

MR SSEWUNGU: Mr Chairman, under the Anti-Corruption Act, it is clear that Mr Ssewungu was a civil servant and he stole money from the Government and after getting his assets, they are attached by the Government because he got this wealth through corruption. Here is a gentleman whom you have just discovered selling narcotics. He is not corrupt. Once you get him, you are charging him under the law, but not the property, because you are going to sentence him and he has people he lives with at home. What if he put all these assets under the names of his children? How will you get there?

THE DEPUTY CHAIRPERSON: Honourable minister?

GEN. MUHOOZI: I think Hon. Ssewungu is trying to rephrase the objects of the Bill. He said, "The following are what we want to achieve through this Bill. Among others, the proceeds of sale of narcotic drugs and psychotropic substances". If we do not go for them, what else should we do?

THE DEPUTY CHAIRPERSON: Honourable colleagues, narcotics destroy society. You want to destroy the society, yet your family remains in comfort - they can come, see you in Luzira in a Mercedes Benz. They buy food from Serena and bring it to you as you enjoy the proceeds of crime.

MS KANUSHU: Mr Chairperson, you have said it properly. I would like to respond to Hon. Ssewungu that some laws provide that you can have both; you can be sentenced and your property can be attached.

We have seen people who commit these crimes and say "as long as I have left my family with Shs 10 billion, I can go and sleep in Luzira".

Mr Chairperson, I think we might have to consider either/or, or even both so the court can decide to attach your property and sentence you for a period of time. I do not think we should leave property for people who have committed crimes for their families to enjoy.

THE DEPUTY CHAIRPERSON: Thank you. Honourable colleagues, when a colleague is submitting at Committee Stage, please hold your peace. This is a very sensitive stage. When someone finishes, you can, then stand up and I will give you a chance.

MS AISHA KABANDA: Mr Chairperson, I do not know whether we are proceeding well. Otherwise, we handled this matter yesterday under clause 1. All the justification that is being given here was given and the House agreed in unison that over and above, the criminal charges should be forfeiture to the state. If Hon. Ssewungu wishes, he can recommit clause 1 and we see what to do.

MS ALUM: Thank you, Mr Chairperson. I am not sure whether Hon. Ssewungu was here yesterday. We passed and agreed to this as a House yesterday. He is actually trying to use this chance to recommit in a wrong way.

This is a very big issue we are handling as a country. It has a very detrimental impact on our children. We should not leave people to enjoy the proceeds of this crime or leave it to their relatives and encourage them. What shall we be doing? It will be self-defeating.

MR KOMAKECH: Thank you, Mr Chairperson. The money the dealer has gotten is actually unlawful. He dealt in narcotics that are unlawful. This means it is not about imprisoning him only. The question that would arise is: where did he get the money?

There is another aspect I would like to interest this House to. Dealing in drugs entails cartels. It is not about one man, as if selling a shop. It is either a father and a group of more others.

The provision in this law to take away money from the dealer will limit the cartels from participating in the trade.

DR MUSA: Thank you, Mr Chairperson. As you have already said, narcotics destroy society and we know there is a lot of money in drugs. People who deal in drugs get money, invest it and acquire assets.

The spirit of this law is to prevent dealing in drugs in the country. Therefore, let us come up with deterrent measures so that people do not get involved in dealing in drugs and one way is by taking property. Thank you.

MR OGWARI: Thank you, Mr Chairperson. We make laws to make people aware not to do bad acts. So, when we bend the law to favour people to do bad acts, then it does not help. If someone has stolen money and there is evidence that that person took the money from the Government, for example, the person can be convicted and the property can also be attached.

This will make people become aware that, "If I do this, this is going to happen". The honourable member has just mentioned it.

Mr Chairperson, it is true there are people who say, "I would rather steal Shs 10 billion, go to prison and my family enjoys". At the end of the day, how has the law helped us? My proposal is that the property be attached. Thank you.

DR OPIO: Thank you, Mr Chairperson. I believe the spirit behind this law is to take a person to prison to rehabilitate him or her. There are lives you have destroyed that need to be rehabilitated and there is a financing cost for that. We have said that this money should go into the Consolidated Fund. So, it is financing the rehabilitation of the lives that have been destroyed.

Mr Chairperson, I have known cases where people have gone to prison, but still operate their businesses in prison. We have seen cartels continue to operate because the person still has the funds in their account. So, the intention is to cut off the whole cycle of drug cartels. Thank you.

THE DEPUTY CHAIRPERSON: Thank you. I put the question that- Hon. Nambeshe?

MR NAMBESHE: Thank you, Mr Chairperson. I have realised that in this clause, we are likely to offend the doctrine of innocence. If attachment of property is left to the convicted person to prove that this particular property was lawfully acquired, isn't that shifting the burden of proof to the accused, which offends the doctrine of innocence?

MR ODUR: First, I want to persuade the House to reject this amendment and go by the original text. If you read the original text, it is more comprehensive. After a person has been convicted, it provides a procedure where even other people, after the conviction, the property that has been cited and any other property can actually be attached.

The procedure laid in the original text, including publishing in newspapers that now the State is interested and the Attorney-General is going to take over, gives any other person with a claim, opportunity to come.

If the chairperson is pleased and the minister is paying attention, we are better off with the original clause, other than substituting what has been proposed.

THE DEPUTY CHAIRPERSON: ...which limits the Attorney-General. If that cocaine destroyed my family - I have been seeing it everywhere in America, like the MeToo Movement - and people coming up and making claims, some under public interest litigation.

MR KAJWENGYE: I agree with the proposed amendment.

THE DEPUTY CHAIRPERSON: I put the question that clause 41 stands part of the Bill.

(Question put and agreed to.)

Clause 41, as amended, agreed to.

Clause 42

MR KAJWENGYE: Mr Chairperson, clause 42 deals with forfeiture order. It is amended -

(a) by substituting for subclause (1) the following:

“(1) At the conclusion of the proceedings under section 41, the court may, where satisfied that the property is a proceeds of a crime under this Act, make an order for forfeiture of the property to the State.”

(b) by substituting for subclause (2) the following:

“(2) The forfeiture order referred to in subsection (1) shall specify- a) The property to which the order applies;

b) Any mortgage or charge secured by or over the property;

c) The property excluded from forfeiture under Section 40;

d) The property forfeited to the State; and

e) The extent to which any property forfeited to the State is liable for arrears of revenue to a local government”.

(c) By substituting Subclause (3), the following:

“The Attorney-General shall, where court makes an order for forfeiture under subsection (1), publish in the newspaper of wide circulation in Uganda and the Gazette, particulars of the property for which an order for forfeiture has been made.”

(d) By inserting, immediately after subclause (3) the following:

“A person who has title to any property or who claims any interest in any property in respect of which a notice is published under subsection (3), may apply to court for release from forfeiture of any of his or her property within 30 days from the date of publication of the notice, stating the particulars of his or her claim”.

Where the court is satisfied that the person making an application under subsection (4) has title to the property or any interest and was not a party to the commission of the specified offence or any other offence under this Act, court may make an order for release of the property from the forfeiture”.

(e) By inserting, immediately after subclause (4), the following:

“Where the court has made an order for forfeiture of property under this section, the minister may, in consultation with the minister responsible for finance, sell the property forfeited to the State and remit the proceedings of the sale to the National Fund for Narcotic Drug and Psychotropic Substances Control established under Section 72 of this Act.”

The justification for this is:

1. For clarity; to harmonise Clauses 41 and 42;
2. To specifically require courts to make a forfeiture order;
3. To make provision for the recovery of property by persons who were not concerned with or privy to the specified offence with reference to which the application of forfeiture is made, in order to protect the proprietary rights of innocent persons; and
4. To merge clause 37 and clause 42, since they relate to the same subject matter.

I beg to submit.

MR EKANYA: Thank you very much, Mr Chairperson. I request the chairperson of the committee that it is very important for us, when making this law, to look at other relevant Acts we have in place.

For example, the Public Finance Management Act is categorical. We forbid, under that Act, creating any other fund and we tried our best to make sure that all resources are consolidated to the Consolidated Fund. Any organisation is supposed to come up with a budget, which they use to implement their programmes and request for money, and then we approve.

Secondly, under the Valuation of Property Act - because we are talking about property - this property needs to relate to the value of the proceeds of crime. Mr Chairperson, I really want to beseech the Chairperson of the Committee on Defence that property needs to be valued and related to the value of the proceeds of crime. That clarity needs to be in the law; do not leave it ambiguous.

Under the evaluation of the Physical Planning Act, supposing this is land? The district council is supposed to pass the value of a property upon which you handle civil and criminal matters. It will create ambiguity and conflict. We need to ensure that the Chief Government Valuer centralises the valuation of this property and the value is standard.

Two, we need to be clear on what the value of the proceeds of crime that has been invested in is. This needs to be guided here. However, when we just say “property”, you leave a lot of room.

THE DEPUTY CHAIRPERSON: Honourable member, we handled that issue yesterday - the issue of value. That was the issue of serious debate yesterday; I will not open it up here again today. We sorted it.

Honourable colleagues, in the public gallery this afternoon, we have pupils and teachers of St Cosmas Bakijjulula Primary School from Kalungu District. They are represented in Parliament by Hon. Joseph Ssewungu Gonzaga

and Hon. Aisha Sekindi. They have come to observe proceedings of the House. Please join me in welcoming them. *(Applause)* You can stand up and we welcome you.

Also, we have members of the Wakiso Miraa Growers and Dealers Association Limited, an umbrella body of the Uganda *Khat*/Miraa Growers and Dealers in Uganda. They have come to observe proceedings of the House this afternoon. Please, join me in welcoming them once again. *(Applause)*

Thank you.

MR NANDALA-MAFABI: Mr Chairperson, I am on the National Fund for Narcotic Drugs. If you intend to make this fund –

THE DEPUTY CHAIRPERSON: Honourable member, that is under clause 70 – I do not want us to discuss it now. Let me guide you: if the questions are around that, do not mind. Let us handle the clause the way it is then once we accept or reject the fund, we shall have a consequential amendment.

MR NANDALA-MAFABI: Mr Chairman, I have no objection to it. The only problem I wanted to make clear here is that if we are saying the money which you get is going to the drug account, you are making a mistake.

That is why I want to concur with Hon. Ekanya that all the monies which are got by the State should go to the Consolidated Fund. I want to ask the chairperson to agree that the proceeds of the sale shall be deposited on the Consolidated Fund.

THE DEPUTY CHAIRPERSON: Colleagues, you remember under clause 41, which Hon. Jonathan Odur raised, the original clause was giving a chance, even beyond the State, for people to go and make a claim.

Now, if I make a claim - because your dealings destroyed my family and I want to be compensated, but you are saying everything goes to the Consolidated Fund, how will I make my claim?

Since we retained clause 41, clauses 42 and 43 need to be retained the way they are, in order to rhyme with clause 41. However, when you go with the proposed amendment, which was rejected under clause 41, then that is when you would have all these amendments.

MR KAJWENGYE: I agree.

THE DEPUTY CHAIRPERSON: Thank you. I now put the question that clause 42 stands as part of the Bill.

(Question put and agreed to.)

Clause 42, agreed to.

Clause 43, agreed to.

Clause 44, agreed to.

Clause 45

MR ODUR: Mr Chairperson, on clause 45, the reading of the text is that where a conviction for a specified offence is set aside by the court on appeal, the person whose conviction is set aside may apply to court for a restoration of the forfeited property.

I think we are going to build up more cases in court where it is not necessary. At this stage, that appellants court can actually give an order for restoration. So, why should we now create another cost imposed to go and apply and yet you are already before court?

I wanted to make an amendment that where a conviction for a specified offence is set aside by court on appeal, the appellants court may order for restoration of the forfeited property.

THE DEPUTY CHAIRPERSON: Honourable minister?

GEN. MUHOOZI: I concede to the proposal by the Member.

THE DEPUTY CHAIRPERSON: I put the question that clause 45 be amended, as proposed.

(Question put and agreed to.)

Clause 45, as amended, agreed to.

Clause 46, agreed to.

MR KAJWENGYE: Clause 47: Arrangements regarding tracing, realisation, etc. of property in Uganda

Clause 47 is amended -

- (a) In subclause (2) by inserting immediately after the word “by” the word “statutory”;
- (b) In subclause (3) by substituting for the words “without reasonable delay” the words “within three months from the date the Statutory Order was made”.

Justification

- (i) To clarify what order the minister can make under subclause (2);
- (ii) For clarity of provision, to remove ambiguous words.

THE DEPUTY CHAIRPERSON: Honourable minister?

GEN. MUHOOZI: Amendments allowed.

THE DEPUTY CHAIRPERSON: I put the question that clause 47 be amended as proposed.

(Question put and agreed to.)

Clause 47, as amended, agreed to.

Clause 48, agreed to.

MR KAJWENGYE: Clause 49: Concealing or transferring proceeds of drug trafficking

Clause 49 of the Bill is amended –

- (a) by deleting the word “drug” where the word appears in the provision;

- (b) in subclause (3), by deleting the words “no consideration or for inadequate consideration”;
- (c) by substituting for subclause (7) the following-

“(7) A person who commits an offence under this section is liable, on conviction, to imprisonment for a period not exceeding 20 years.”

Justification

- (i) The deletion of the word “drug” is to harmonise the provision with clause 2, which defines the word “trafficking” and not “drug trafficking”, which is used in the provision.
- (ii) The amendment to subclause (3) is intended to prohibit the dealing in tainted property rather than prohibit undervaluation of tainted property as proposed in the provision.
- (iii) Subclause (7) is amended in order to comply with Section 37 of the Interpretation Act, which requires criminal provisions to prescribe the maximum penalties that may be suffered by a person convicted of the offence.

MS KAAYA: Thank you, Mr Chairperson. That means the naming of the clause should also change because it still has the word “drug”.

THE DEPUTY CHAIRPERSON: Committee chairperson, is that okay? Can you repeat for the committee chairperson?

MS KAAYA: The naming of the clause still has proceeds of “drug”. The “word” drug should still be dropped from the naming of the clause.

MR KAJWENGYE: I agree.

MR OLANYA: Thank you. Mr Chairperson, looking at the person who commits an offence, why are we providing only for imprisonment? Can we provide the provision of payment also,

like in terms of currency or both? From here, they are providing for imprisonment only.

GEN. MUHOOZI: Provided it is an addition to what is already provided; the idea is not to substitute penalty for fines. Otherwise, people will take it lightly.

MR OGUZU: Under subclause (1), I would like us to add the word “knowingly” to say: “Any person who knowingly...” This is because for you to be guilty of any criminal offence, you must really have intent. I have seen a practice in Dubai where people – Ugandans – send things to you and you are supposed to transport them. So, you may not have an idea of what you are carrying and it turns out that you have carried drugs and things like that.

So, we should be able to hold someone who, knowingly, does this responsible for the penalties and fines or charges that are contained therein. Thank you.

DR AYUME: Mr Chairperson, I do not think there is any person who will come out and say: “I knowingly transported drugs.” It will be very hard to discern and prove whether he carried the drugs knowingly or not. I would think we should leave that to the discretion of court.

THE DEPUTY CHAIRPERSON: Thank you. With that, indeed, it is an implied term. You carry drugs and you say “I did not know”. You must carry the burden. So, honourable colleagues, remind me: whenever we reach any clause that has “minister”, we must specify which minister. So, be alert.

I put the question that clause 49 be amended as proposed.

(Question put and agreed to.)

Clause 49, as amended, agreed to.

Clause 50. Prohibition of holding illegally acquired property

MR KAJWENGYE: Clause 50 is substituted for, the following –

“A person who aids in the concealment, disguise, conversion or transfer of proceeds of crime commits an offence and is liable, on conviction, to imprisonment for a period not exceeding five years.”

Justification

- i. Clause 50 is ambiguous since it does not define what amounts to “illegally acquired property”.
- ii. The provision did not create an offence and prescribe a punishment.

MR ODUR: Mr Chairperson, on clause 50, I would move for deletion. If you look at the amendment made by the committee in clause 49, it handles everything to do with the provision under clause 50 – concealment, etc. So, it would be a duplication actually.

GEN. MUHOOZI: Deletion allowed.

THE DEPUTY CHAIRPERSON: I put the question that clause 50 be deleted as proposed.

(Question put and agreed to.)

Clause 50, deleted.

Clause 51, agreed to.

Clause 52, agreed to.

Clause 53: Rehabilitation centres

MR KAJWENGYE: For clause 53, there is substituted the following –

“53. Treatment and rehabilitation centres

- (1) The Minister may establish a facility for treatment and rehabilitation of persons with substance use disorder in accordance with the Medical and Dental Practitioners Act, CAP. 272.
- (2) Notwithstanding subsection (1), a person may establish a private facility for treatment and rehabilitation of persons

with substance use disorder in accordance with the Medical and Dental Practitioners Act, CAP. 272.

- (3) The object of the facility for treatment and rehabilitation of persons with substance use disorder shall be to provide for the care, treatment, and rehabilitation of persons with substance use disorder.

The justification is that there is need for the minister to establish treatment and rehabilitation centres to increase access to medical treatment and set standards for all stakeholders providing treatment and rehabilitation of narcotics drugs, psychotropic substances and any other related substance abuse. I beg to submit.

THE DEPUTY CHAIRPERSON: Thank you. Now, colleagues, if you have a copy of the Bill under clause 52; the whole of part 5, it is provided that for interpretation purposes, the minister will be the Minister of Health. Honourable Chairman, Committee on Health.

DR AYUME: Substitute clause 53 for the following: Treatment and rehabilitation centres;

Subclause (1)

1. The minister responsible for health may establish, designate or approve treatment and rehabilitation centres for the treatment and rehabilitation of persons with substance use disorder.
2. The minister responsible for health may authorise a person to establish a private treatment and rehabilitation centre for the treatment and rehabilitation of persons with substance use disorder.
3. A person who wishes to establish a private treatment and rehabilitation centre under subsection (2) shall make an application to the Uganda Mental Health Advisory Board, established under the Mental Health Act for accreditation of the treatment and rehabilitation centre.

4. A person who has received accreditation under subsection (3) shall apply to the minister for authorisation to establish a private treatment and rehabilitation centre.

The justification is to empower the minister responsible for health to designate or appoint treatment and rehabilitation centres as well as regulate the establishment of private rehabilitation centres.

MR SSONGA: Thank you very much. First, we may need to get the true meaning of “establish.” Otherwise, it will mean the minister is going to establish a new centre. The question is, currently, why are we rehabilitating the substance abusers?

To that point, I would propose that we identify the current or existing rehabilitation centres, and give them more budget so that they can also handle substance abuse. Thank you.

THE DEPUTY CHAIRPERSON: Can you start with that, committee chairperson?

DR AYUME: Thank you very much, Mr Chairperson. I would like to recommit clause 52; interpretation of part 5.

THE DEPUTY CHAIRPERSON: No, recommitment is done after we have finished. I wanted you to respond to Hon. Songa. As I understand, the current rehabilitation centres are not provided for under the law. Are they?

DR AYUME: The facilities under the Mental Health Act also do treatment and rehabilitation, among other things.

THE DEPUTY CHAIRPERSON: Therefore, Hon. Songa is saying that we already have them. So, when you talk of establishing, should we say the ones which already exist will be provided for under the transition clause?

MR KAJWENGYE: Mr Chairperson, this is a new phenomenon that we are dealing with. The only established centre that does treatment and rehabilitation is the Butabika National Mental Referral Hospital. It is the only one recognised.

The other centres are privately established. They are so exorbitant and unaffordable. They charge a lot of money. So, what this law intends to do is to give the minister authority to establish treatment and rehabilitation centres other than Butabika National Mental Refinement Hospital.

THE DEPUTY CHAIRPERSON: Dr Bhoka Didi.

DR BHOKA: Thank you, Mr Chairperson. I would like to start by clarifying the difference between establishment and licensor. Under the Mental Health Act, Butabika is a health facility. And why we say treatment and rehabilitation, is because we consider these as health facilities.

The authority that licences health facilities is the Uganda Medical and Dental Council or any other allied health facility following laid down criteria. That clarifies the issue raised by him.

The second observation I want to make is in regard to the practice of treatment and rehabilitation. There is a third component that oftentimes is neglected, which makes many of the cases of people affected by drugs relapse, and that is the social rehabilitation component. That has acceptance within the community but also prepares them to be able to have a livelihood for them not to fall back. That should be considered within this. Therefore, instead of having treatment, I would like to propose that we have treatment, rehabilitation and social integration. Thank you.

MS NAKATO: Thank you, Mr Chairperson. I would like to add that most of these rehabilitation centres, whether private or Government- Butabika has two but they are not well equipped. We have classes of these casualties. For example, a student may be brought and put on treatment. Then after a while, he stays as if he is normal and then stealthily, again, takes opium. Then at a time, you cannot take such a person to Butabika or a rehabilitation centre.

I propose that these rehabilitation centres are by the names, but the equipment and the care,

sometimes you only find a physiotherapist, and sometimes psychologists, but not medics. I beg to submit. Thank you.

THE DEPUTY CHAIRPERSON: Thank you. Hon. Komakech, then Hon. Taaka.

MR KOMAKECH: Thank you, Mr Chairperson. I should clarify that the entire Uganda has only one rehabilitation centre, which is in Butabika. Now, it is so important that we differentiate between psychiatric patients and drug addicts who are attaining treatment.

Butabika has two units; there is an alcohol and drug unit. That is not for psychiatric patients. It is only for addicts and it can accommodate only 50 to 60 clients for the entire country. There is no other rehabilitation centre owned by the Government in this country.

When they come up with the notion of establishment, the committee chairperson correctly states that the clause mandates the Minister of Health to go region by region or in whatever place, to establish new rehabilitation centres for the treatment of addicts.

Currently, if you go to Masaka or Gulu Regional Referral Hospitals, what they do - more so in Butabika, they combine mentally-sick patients with addicts, which is wrong. But because of the inadequacy of resources and staff, that is how our country is operating. I just wanted to clarify. Thank you.

MS TAAKA: Thank you, Mr Chairperson. The laws are made according to the prevailing situations and currently, in our country, the rate at which the youth are abusing drugs is too high.

Therefore, I propose the words “the minister shall establish...” so that we have a way of following up with the minister; that it is a must to establish the rehabilitation centres throughout the country. This will enable us to have these services easily accessed by the most rural Ugandans, since right now, almost every village has at least 10 to over 30 youths

abusing drugs.

THE DEPUTY CHAIRPERSON: Honourable colleagues, I do not see anyone against the establishment because we need the centres. Do we need to say, “the minister must?” If funds allow, the minister will establish them.

MR OBOTH: Thank you, Mr Chairperson. I think that is better drafting; it will allow some discretionary powers. What you are falling short of saying is: “as long as funds permit.” Here, the law being proposed is, “the minister may establish, designate or approve...” So, it is not just a question of establishing; it is much wider and when you use the word “shall”, then you are killing the intent of this law.

When you capture it as a mandate, we believe that the Minister of Health will be the minister who cares about Ugandans and takes her work very seriously. So, the discretion will not be abused. However, this is to give him or her the latitude to perform his or her duties because next time, Hon. Jonathan could be the Minister of Health. Also in drafting, it is only proper that the word “may” is adopted internationally.

MR TEIRA: Thank you, Mr Chairperson. Whereas I entirely agree with Hon. Oboth, may we suggest, because of the gravity of the problem, to talk about regional centres as opposed to generalising that he or she may set up centres? If we refer to it regionally, then we will be able to spread them widely and reach out to different individuals who are facing the challenge.

THE DEPUTY CHAIRPERSON: Honourable colleague, in legislation, we do not do that. That becomes a policy matter, which depends on availability of funds.

I put the question that clause 53, be amended, as proposed.

(Question put and agreed to.)

Clause 53, as amended, agreed to.

THE DEPUTY CHAIRPERSON: On clause 53, the one for the Committee on Health was reinforcing the one of the Committee on Defence and Internal Affairs. We agreed that it will be cleaned up.

Clause 54

MR KAJWENGYE: Mr Chairperson, clause 54 deals with the rehabilitation fund. Clause 54 is amended by inserting in subsection (2) the following –

“money provided by medical insurance.”

The justification is that some clients under treatment and rehabilitation centres have an insurance policy covering such conditions, and therefore, in case of admission, the insurer shall pay that money to the rehabilitation fund to take care of the patient. I submit.

THE DEPUTY CHAIRPERSON: Chairperson, Committee on Health?

DR AYUME: Thank you, Mr Chairperson. The Committee on Health proposes a new amendment that clause 54 should be entirely deleted.

The justification is that it is a policy of the Government, through the Public Finance Management Act, to restrict the establishment of funds.

THE DEPUTY CHAIRPERSON: This addresses the concern which was raised by Hon. Ekanya referring to the Public Finance Management Act. Is it different in any way, Hon. Nandala-Mafabi? If it is not different, we should move. I put the question that clause 54, be deleted.

(Question put and agreed to.)

Clause 54, deleted.

Clause 55

THE DEPUTY CHAIRPERSON: Honourable colleagues, then, we would have to delete

clauses 55 and 56. I put the question that clause 55 be deleted.

(Question put and agreed to.)

Clause 55, deleted.

Clause 56, deleted.

Clause 57

DR AYUME: Thank you, Mr Chairperson. The committee proposes a new amendment by substituting “Advisory Committee for the Rehabilitation of Narcotic Addicts” with the following –

“the Uganda Mental Health Advisory Board”

“(1) The Uganda Mental Health Advisory Board is established under the Mental Health Act, 2018 and shall advise the minister responsible for health on matters that the minister may refer to the Uganda Mental Health Advisory Board relating to the administration of the centres and the treatment and rehabilitation of persons with substance use disorder.”

The justification is that the Mental Health Act defines mental illness as a diagnosis of mental health conditions in terms of accepted diagnostic criteria made by a mental health practitioner or medical practitioner authorised to make such diagnosis. One of the examples of mental health conditions includes addictive behaviour due to alcohol/substance abuse among others.

Therefore, since substance use disorder is categorised as one of the conditions that fall under the Mental Health Act, then it is best if monitoring of the treatment and rehabilitation centres is given to an already existing board doing the same work as the advisory committee for the rehabilitation of addicts that the Bill seeks to establish. Thank you.

MR EKANYA: Mr Chairperson, would it be improper, if we added “the Ministry of Health and Ministry of Education and Sports?” This is because the young people begin abusing most

of these substances at school, and some of us in this social sector face a big challenge. If you have an education minister that is not informed –

THE DEPUTY CHAIRPERSON: Honourable colleague, let us leave it out because someone will also say “add the youth minister” because the youth are the most affected.

GEN. MUHOOZI: I agree to the proposed amendments by the committee chairperson.

THE DEPUTY CHAIRPERSON: I put the question that clause 57 be amended as proposed.

(Question put and agreed to.)

Clause 57, as amended, agreed to.

Clause 58

DR AYUME: The committee proposes that clause 58 be deleted. The justification is that the functions have been incorporated under clause 57. Thank you.

THE DEPUTY CHAIRPERSON: Honourable minister?

GEN. MUHOOZI: Agreed, Mr Chairperson.

THE DEPUTY CHAIRPERSON: Honourable colleagues, I put the question that clause 58 be deleted, as proposed.

(Question put and agreed to.)

Clause 58, deleted.

Clause 59

DR AYUME: Mr Chairperson, the committee proposes insertion of a new clause immediately after clause 58 as follows –

“58. Treatment, rehabilitation and admission of persons with substance abuse disorder

(1) A medical practitioner, mental health practitioner, parent, guardian or concerned person, may refer a person with substance use disorder to a health unit or treatment and rehabilitation centre for treatment, care or rehabilitation.

(2) A person with substance use disorder who has attained the apparent age of 18 years may submit voluntarily to a health unit or treatment and rehabilitation centre for voluntary treatment and care rehabilitation in accordance with the Mental Health Act, 2018.

(3) A person shall not be provided with treatment, care or rehabilitation or be admitted at a health unit or treatment and rehabilitation centre except in accordance with Part 3 of the Mental Health Act, 2018.”

Justification

To provide the procedures for admission and treatment of persons with substance use disorder in compliance with the Mental Health Act. Thank you.

THE DEPUTY CHAIRPERSON: Honourable minister.

GEN. MUHOOZI: Additional amendments allowed.

THE DEPUTY CHAIRPERSON: Colleagues, where we are complying with another law, we usually do not have much in terms of-

MR KOMAKECH: When the Chairperson talks of 18 years, that was then when we believed that it is only adults who would participate in the usage of drugs. But, we have children as young as 10, 11, 12, 13 years. So when we state the age of 18 years, where are the young ones going to go? Because these rehabilitation centres will not admit them.

THE DEPUTY CHAIRPERSON: Honourable, we are providing for children ahead, if you read the Bill the way it is. They had to be separated.

Honourable colleagues, I put the question that a new clause be inserted as proposed.

(Question put and agreed to.)

Clause 59

MR KAJWENGYE: Mr Chairperson, clause 59 deals with committal of persons to centres. Clause 59 is amended by -

- a) Substituting in the head note with the words, "Committal of persons to facility for treatment and rehabilitation."
- b) In sub-clause (1), by deleting the words, "and that he or she is in possession of a narcotic drug or psychotropic substance only for his or her personal consumption."
- c) By inserting immediately after sub-clause (1) the following: "Notwithstanding subsection 1, a medical practitioner or a parent or guardian of a person who is satisfied that, that person is addicted to a narcotic drug or psychotropic substance may refer the person to a facility for treatment and rehabilitation of persons with substance use disorder. A court, parent or guardian shall not order or refer a person to a facility for treatment and rehabilitation of persons without the medical opinion of a medical practitioner confirming that a person is addicted to a narcotic drug or psychotropic substance.
- d) By inserting immediately after sub-clause 2(b)(vi), the word "agriculture."
- e) By inserting immediately after sub-clause 2 (f) the following words, "a consultant in psychiatry and mental health."

Justification

- i. To delete redundant words and ensure that only addicts are referred for rehabilitation.
- ii. To enable a medical practitioner, parent or guardian to refer a person addicted to a narcotic drug or psychotropic substance for treatment and rehabilitation.

I beg to submit.

THE DEPUTY CHAIRPERSON: Thank you. Hon. Ayume.

DR AYUME: The committee proposes an amendment to clause 59 as follows.

- a) By substituting for the head note, the following -

THE DEPUTY CHAIRPERSON: That is an amendment to the report.

DR AYUME: Yes, Mr Chairperson.

"Treatment, care and rehabilitation of a convicted person with substance use disorder."

- b) By substituting for subclause (1), the following -

"A court, which convicts any person for an offence under this Act may, if, it is satisfied that the person has substance use disorder, order that a part of the period of imprisonment imposed on him or her be spent in a treatment and rehabilitation centre specified by the court."

- c) In subclause (3), by substituting for the words "an addict", the words "has substance use disorder."

Justification

- i. For consistency in the use of the phrase, "substance use disorder" rather than the word "addict."
- ii. To clarify the nature of the centre to refer a convicted person with substance use disorder.

Thank you.

THE DEPUTY CHAIRPERSON: Thank you. Honourable Chairperson, Committee on Defence. Yes, I will allow -

MR KAJWENGYE: Mr Chairperson, I absolutely have no problem with these

improvements that we agreed upon under harmonisation.

THE DEPUTY CHAIRPERSON: Thank you. Hon. Cecilia Ogwal.

MS CECILIA OGWAL: Clarification, Mr Chairperson. I heard the Committee on Health suggesting that a person cannot be committed to a centre unless they get approval from a medical practitioner.

We are aware that many of these substance abusers are very aggressive and violent. In a situation where a parent or a teacher is to commit the offender to a rehabilitation centre, how do you handle such a situation where they become violent or unable to be handled by either the parents or the teachers? I wish to be guided on that.

THE DEPUTY CHAIRPERSON: Thank you. Can I first get clarification on that?

DR AYUME: Thank you, Mr Chairperson. In the clause that we inserted, if I may read, "Treatment, rehabilitation, and admission of persons with substance use disorder.

Subclause (1) is a medical practitioner, a mental health practitioner, a parent, guardian, or a concerned person, may refer a person with substance use disorder to a health unit or treatment and rehabilitation centre for treatment, care, or rehabilitation."

THE DEPUTY CHAIRPERSON: Thank you.

MRODUR: My concern is that the amendments appear to be good but do not address the spirit; this is specifically for convicts. If you open it up to bring others, I think it may cloud the intention of this specific clause.

While I agree with him that the subheading can change to the treatment of convicts because this is about court and the Attorney-General applying - if you look at the original text. If you admit it under this, it may cloud - Maybe we can make it new so that it addresses medical

personnel and other people who can be able to refer them.

DR AYUME: Mr Chairman, that is a new insertion but the one of the convicts is taken care of in clause 59, which is the committal of persons to centres.

THE DEPUTY CHAIRPERSON: The new insertion, which he read clarifying for Hon. Cecilia Ogwal, covered the general population but this one is for convicts. We are on clause 59. Hon. Jonathan Odur, do you still see gaps? We are opening up beyond convicts.

MR SSEWUNGU: Fortunately, my learned friend, the honourable Minister of State for Defence is there. You must be very careful when you address *-(Interjection)-* and the Minister of State of course. He is from Masaka, by the way.

You must be very careful; when you go to the Penal Code, the issue of insanity and state of mind is very key and someone can be acquitted. Now, with this law, as Hon. Odur is saying, we must be very careful when we take into consideration what Hon. Dr Ayume is saying about treatment and sickness where someone has to be referred to the hospital. You are looking at the crime of selling of these unwanted materials like marijuana and others but you are bringing in treatment, and yet the Penal Code is very clear on the state of mind.

THE DEPUTY CHAIRPERSON: But honourable, here it is the court, which has looked at all these other laws.

MR SSEWUNGU: Thank you, Mr Chairperson.

MS KANUSHU: Thank you, Mr Chairman. I want to be guided on the same issue that Hon. Ssewungu was raising. I know that most of the addicts or people who have mental illness cannot stand trial. I also know that there is a law on the minister's order, especially in the criminal justice system, that if someone is convicted of an offence but they have mental illness or they are insane, as the Penal Code

calls them, they are sent to jail, pending the minister's order.

So, I am looking for guidance regarding this specific provision on clause 59 and on a person with mental illness, who has been convicted of an offence and has to wait for the minister's order. I want a bit of clarity on those two laws because I am a little confused.

THE DEPUTY CHAIRPERSON: Honourable member, we are dealing with convicts of substance abuse, not mental illness.

MS KANUSHU: Mr Speaker, I am saying this because these people belong to my constituency, under the Persons with Disabilities Act – people with mental illness. I also know for a fact that most people who are addicts also have a form of mental illness. So, this is where I am coming from.

THE DEPUTY SPEAKER: This has been determined by court. Whichever way and whatever you do, it is the court which has clearly determined. It is the court that convicts any person of an offence under this Act – yes, it has concluded that you committed an offence under this Act and, therefore, you should be taken for treatment. It is not the State or anybody, but the court and it may or it may not. It is very simple.

DR AYUME: Mr Chairman, we had made a provision for a new insertion and I think the honourable member's concerns are captured in the new insertion that I will read. Thank you.

THE DEPUTY CHAIRPERSON: Honourable colleagues, I put the question that clause 59 be amended as proposed.

(Question put and agreed to.)

Clause 59, as amended, agreed to.

New clause

DR AYUME: Thank you, Mr Chairman. The committee proposes a new insertion.

Insert a new clause immediately after clause 59 as follows –

“Treatment of a prisoner or a child in a remand home with substance use disorder.

- (1) Where it appears to the officer in charge of a prison, through observation or from information provided, that a prisoner or a child in a remand home may have a substance use disorder, the officer in charge of a prison shall cause an examination of the mental health status of the prisoner or child to be carried out in accordance with the Mental Health Act.
- (2) Where as a result of the examination carried out under subsection (1), the psychiatrist, medical practitioner or mental healthcare practitioner determines that the nature of substance use disorder of the prisoner or child in a remand home can only be treated in a treatment and rehabilitation centre, the officer in charge of the prison shall apply to the court for an order to cause the prisoner or child in a remand home to be transferred to a treatment and rehabilitation centre.
- (3) Where as a result of the examination carried out under subsection (1), it is determined that the prisoner or child in a remand home can be treated in the prison or remand home, the officer in charge shall take the necessary steps to ensure that the required treatment, care or rehabilitation is provided to that prisoner or child in a remand home.
- (4) A person who makes an assessment, treats, cares for, rehabilitates or carries out any process on a prisoner or child in a remand home with substance use disorder, shall make the assessment treatment care and rehabilitation or any other process in accordance with Part VI of the Mental Health Act, 2018.”

The justification is to provide for the treatment, care and rehabilitation of prisoners and children in remand homes who have substance use disorder. Thank you.

GEN. MUHOOZI: The new insertion is allowed.

THE DEPUTY CHAIRPERSON: Thank you. Honourable colleagues, I put the question that a new clause be inserted as proposed.

(Question put and agreed to.)

New clause, inserted.

Clause 60, agreed to.

Clause 61, agreed to.

Clause 62, agreed to.

Clause 63, agreed to.

Clause 64, agreed to.

Clause 65, agreed to.

Clause 66, agreed to.

Clause 67

DRAYUME: Thank you, Mr Chairperson. The committee proposes the following amendments on clause 67, which reads: “Clause 67. Government obligation to take measures for preventing drug abuse”

The clause is amended -

- (a) In the headnote, by substituting for the words “drug abuse”, the words “narcotic drugs and psychotropic substance abuse” and, thereafter, wherever the words appear in the Bill.
- (b) In subclause (1) by substituting for the words “abuse of narcotic drugs and psychotropic substances”, the words “narcotic drugs and psychotropic substance abuse” and, thereafter, wherever the words appear in the Bill.

Justification

- i. The words “drug abuse” is derogatory, stigmatising and no longer used in the modern medical literature.
- ii. The use of the word “drug” causes confusion.

Thank you.

THE DEPUTY CHAIRPERSON: Honourable minister?

GEN. MUHOOZI: The amendments proposed are allowed.

THE DEPUTY CHAIRPERSON: Thank you, Honourable colleagues, I put the question that Clause 67 be amended as proposed.

(Question put and agreed to.)

Clause 67, as amended, agreed to.

Clause 68

MR KAJWENGYE: Mr Chairperson, Clause 68. Establishment of National Coordination Committee for Drug Control

Clause 68 is amended –

- (a) Substituting for subclause (1), the following-

“There is established a committee to be known as the “National Coordination Committee for Control of Narcotic Drugs, Psychotropic Substances and Other Substances”;

- (b) In subclause (2)-

- (i) in paragraph (a), by inserting immediately after the word “Ministry), the words “Internal Affairs”;

- (ii) by inserting immediately after paragraph (f), the following -

“a consultant in psychiatry and mental health;
a senior agricultural research officer”.

Justification

1. A committee established under this clause is for purposes of controlling the use of narcotic drugs, psychotropic substances and other substances.
2. The ministry coordinating the committee is the Ministry of Internal Affairs.
3. There is need to include in the committee, a person knowledgeable about psychoactive issues and research about agricultural products produced from the prohibited trees.

DR AYUME: Thank you, Mr Chairperson. We agree with the report on clause 68 by the committee, but we would propose the following amendments:

Clause 68 is amended –

- (a) By substituting for subclause (1) the following-

“There is established a committee to be known as the “National Coordination Committee for the Control of Narcotic Drugs and Psychotropic Substances.”

(b) in subclause (2),

- i) In paragraph (a), by inserting immediately after the word “ministry” the words “of health”

ii) in paragraph (b) –

a. by deleting sub-paragraph(i); and

b. in subparagraph (ii), substituting for the word “health” the word “Internal Affairs”

iii) By inserting immediately after paragraph (b)(iv) the following subparagraph - “Agriculture”.

iv) By inserting immediately after paragraph (b) the following; “The Solicitor-General”.

v) By substituting for paragraph (e) the following;

“Secretary to the National Drug Authority”.

vi) by inserting immediately after paragraph (f) the following –

“A consultant in psychiatry and mental health appointed by the minister responsible for health.”

The justification

(a) To restrict the role of the committee to narcotic drugs and psychotropic substances;

(b) To align the functions of the Ministry of Health in regulating control of drugs in Uganda in line with the National Drug Authority Act;

(c) The deletion of Ministry of Justice and Constitutional Affairs is to give Government legal representation on the committee.

(d) To provide for the right title as is provided under section 54, subsection (2) of the National Drug Policy and Authority Act.

THE DEPUTY CHAIRPERSON: Honourable Minister of Internal Affairs, we have had both; Ministry of Health is improving on what Ministry of Internal Affairs-

GEN MUHOOZI: The improvements by the Chairperson of the Committee on Health are allowed.

THE DEPUTY CHAIRPERSON: Thank you. Hon. Cecilia Ogwal.

MS OGWAL: Mr Chairperson, I appreciate the specification given by the Committee on Health. However, drawing from the experience we had of COVID-19, drug abuse has become

rural to the extent that villagers are very much involved.

I do not know whether in this composition we could get the LCIs or the local government team to assist in ensuring that the committee is well-versed with what goes on in the rural area.

We put them hanging on the national level but we may not be able to appreciate the gravity of the matter at the rural level. I am just seeking clarification on that.

THE DEPUTY CHAIRPERSON: That would be an operational matter. In the implementation stages, they can include the Gombolola Internal Security Officers (GISOs), religious leaders and councilors. Hon. Songa?

MR SSONGA: I have a small comment especially to the Chairperson, Committee on Defence and Internal Affairs. The last two words you mentioned were “prohibited trees”. Not all these narcotics will be trees, we can say “plants”. Thank you.

THE DEPUTY CHAIRPERSON: The Chairperson, Committee on Health had addressed that. Hon. Nandala?

MR NANDALA-MAFABI: Mr Chairman, the Chairperson, Committee on Health, is changing the chairperson from Ministry of Internal Affairs to the Permanent Secretary, Ministry of Health. Honourable minister, is this agreeable to you? Because-

THE DEPUTY CHAIRPERSON: Hon. Nandala, yesterday we held a long meeting because some of these things needed someone neutral. Both ministers – the Minister of Health and the Minister of Internal Affairs- were present, and they found that the bigger role was with the Ministry of Health. That is how they agreed on the Ministry of Health.

MR NANDALA-MAFABI: Now, if that is agreed, according to the additions of the committee, it added a Senior Agriculture Research Officer, but in the wisdom of the Chairperson, Committee on Health, he said

we put the Permanent Secretary, Ministry of Agriculture, Animal Industry and Fisheries.

Will this also still stand because we have now brought the Permanent Secretary himself or herself, instead of the Agricultural Research Officer.

THE DEPUTY CHAIRPERSON: Honourable, can you propose?

MR NANDALA-MAFABI: Since we have included the Permanent Secretary, Ministry of Agriculture, Animal Industry and Fisheries, let us delete the Senior Agriculture Research Officer. [*Hon. Muwuma rose.*]

THE DEPUTY CHAIRPERSON: Let him conclude.

MR NANDALA-MAFABI: Yes, the other issue I want to raise is that these are only permanent secretaries. What happens if they are not there? Wouldn't it be better to say, “The Permanent Secretary or their representative” - because if that does not happen, there will be no meeting.

THE DEPUTY CHAIRPERSON: Thank you. When we were in that meeting, someone gave an example - I am sorry, I should not be putting such issues directly - but someone gave an example, that there is a ministry which is being investigated because a sweeper had been appointed on the procurement committee. (*Laughter*) So, for such a sensitive committee, that is why they never wanted to take risks. Maybe, if you say the qualifications of the person who can be appointed - Hon. Milton Muwuma.

MR MUWUMA: Thank you, Mr Chairperson. In line with Hon. Nandala's submission, from the experience of the former Rural Electrification Agency (REA) Board, there was an audit report here that the Board had failed to meet because of the busy schedules of the permanent secretaries. Getting quorum had become a challenge; so, transacting business could not move on.

Therefore, if we inserted after (v) that; “Any officer designated by the Permanent Secretary”, instead of keeping these busy officers with more work.

THE DEPUTY CHAIRPERSON: Don’t you think, honourable colleagues, that to address the concern of Hon. Nandala and of Hon. Milton Muwuma and the concern of the person who made that statement - if we said, for example, “His or her representative not below the rank of a commissioner” - because they have very many commissioners in the ministries. Honourable minister, would that help?

GEN. MUHOOZI: I think, Commissioner is fair enough, Mr Chairperson.

THE DEPUTY CHAIRPERSON: I put the question that-[*Dr Ayume rose*] - you have already proposed.

DR AYUME: Mr Chairman, for the record, I want to correct something. The proposals by the Committee on Health are to substitute what was proposed by the Committee on Defence and Internal Affairs.

THE DEPUTY CHAIRPERSON: Does it cover all? Chairperson, Committee on Defence and Internal Affairs, are you satisfied?

MR KAJWENGYE: Mr Chairperson, what we agreed in the harmonisation, where they are improving on our own, we accept, we are not in disagreement. Where they are bringing anything new we also accept, it is an improvement but where they are silent, then ours is accepted because this is the main report.

THE DEPUTY CHAIRPERSON: I put the question that clause 68 be amended as proposed.

(Question put and agreed to.)

Clause 68, as amended, agreed to.

Clause 69

MR KAJWENGYE: Mr Chairperson, clause 69 addresses the functions of the committee. It is amended in subclause (1) by substituting for the words, “drug abuse and trafficking”, the words, “narcotic drugs and psychotropic substances”.

The justification is that the mandate of the committee is limited to control of narcotic drugs, psychotropic substances and other related substances, not all drugs. I beg to submit.

DR AYUME: Thank you, Mr Chairperson. The committee proposes the following amendments.

THE DEPUTY CHAIRPERSON: Is it an improvement or a replacement?

DR AYUME: We are improving what was submitted by the Committee on Defence and Internal Affairs.

- (a) In paragraph (a), by substituting the words “drug control”, the words “the control of narcotic drugs and psychotropic substances”;
- (b) By substituting for paragraph (c) the following –
 - “(c) Updating and adapting laws and regulations to control narcotic drugs and psychotropic substances.”
- (c) In paragraph (d), by substituting the word “professors”, the word “professionals”.
- (d) In paragraph (f), by substituting for the words “drug addicts”, the words “persons with substance use disorder”
- (e) In paragraph (g), by substituting the words “drug addiction”, the words “substance use disorder”.

Justification

1. The mandate of the committee is limited to the control of narcotic drugs and psychotropic substances, but not all drugs;
2. To avoid ambiguity and prevent a situation where there is a dual mandate in law, since the general control of drugs is the mandate of the National Drug Authority. Thank you.

THE DEPUTY CHAIRPERSON: Thank you. Honourable minister?

GEN. MUHOOZI: Improvements by the Chairperson of the Committee on Health are allowed.

THE DEPUTY CHAIRPERSON: Honourable Chairperson, Committee on Defence and Internal Affairs?

MR KAJWENGYE: I agree with the improvements.

MS KAAYA: Mr Chairperson, on the naming of the committee, let us come up with a name.

THE DEPUTY CHAIRPERSON: Honourable member, are you recommitting clause 68? We have already concluded it; we are on clause 69 – functions.

MS KAAYA: When you look at the naming of the committee –

THE DEPUTY CHAIRPERSON: The committee is named under clause 68, not clause 69. We are at functions.

Honourable members, I put the question that clause 69 be amended, as proposed.

(Question put and agreed to.)

Clause 69, as amended, agreed to.

Clause 70

THE DEPUTY CHAIRPERSON: There is a new clause before clause 70.

New clause

DRAYUME: Insert a new clause, immediately after clause 69, as follows:

“Remuneration of committee

The chairperson and the members of the committee shall be paid such remuneration, as the minister responsible for health may, in consultation with the minister responsible for finance and minister responsible for internal affairs specify in the instruments of appointment.”

THE DEPUTY CHAIRPERSON: Honourable minister?

GEN. MUHOOZI: New insertion accepted.

THE DEPUTY CHAIRPERSON: Honourable colleagues, I put the question that a new clause be inserted.

(Question put and agreed to.)

New clause, agreed to.

Clause 70

THE DEPUTY CHAIRPERSON: Honourable members, before we go to clause 70, I have just checked clause 69(2)(c). Honourable minister, you need to recommit this clause because here, they cannot update and adopt drug control laws and regulations. The committee can only propose. It cannot be the one to update.

Study it and see if it needs recommitment. You can take note of that and do it in a clean way. The problem is we are now interpreting. *(Laughter)*

Clause 70, Chairperson of the Committee on Health? Chairperson, Committee on Defence and Internal Affairs, don't you have an issue there?

DR AYUME: Clause 70 is about reports of the committee to be laid before Parliament.

Clause 70 is amended by substituting for the word “committee”, the words “minister responsible for health”

The justification is that the committee shall be supervised by the minister responsible for health and since it has no capacity to lay the reports before Parliament, it should be the responsibility of the minister to do so.

THE DEPUTY CHAIRPERSON: Thank you. Honourable minister?

GEN. MUHOOZI: It makes absolute sense; so, it is allowed.

THE DEPUTY CHAIRPERSON: Honourable colleagues, I put the question that clause 70 be amended, as proposed.

(Question put and agreed to.)

Clause 70, as amended, agreed to.

Clause 71

THE DEPUTY CHAIRPERSON: Chairperson, Committee on Health?

DR AYUME: Thank you, Mr Chairperson. Clause 71 is about the establishment of the Secretariat.

The committee proposes deletion of clause 71.

The justification is to avoid duplicating functions with existing entities of Government and to align the Bill with the Government policy on rationalisation of Government ministries, departments and agencies.

THE DEPUTY CHAIRPERSON: Honourable minister?

GEN. MUHOOZI: Agreed.

MR ODUR: Mr Chairperson, when you look at the committee and the functions that we have

already given to them – that is from clause 69(a) to (j) - the committee cannot function without technical support. If we delete the establishment of the secretariat, it may cripple the work of this committee.

Therefore, if we are uncomfortable with the extra cost, we may then go for designation because within the ministries, there are public officers who can be designated. Or, one of the departments or commissioners is designated as the secretary but there must be a secretariat to support them.

THE DEPUTY CHAIRPERSON: Don't you think this can be an operational matter? Do we need to legislate that there must be a secretariat?

MR ODUR: Then give the powers to the committee to do that. Otherwise, you are bringing different permanent secretaries and the rest and so, there will be a clash on who should actually be hosting. So, we can state that the committee can establish its secretariat.

THE DEPUTY CHAIRPERSON: They already have a chairperson.

MR EKANYA: I would like to beseech Hon. Jonathan Odur that the minister can handle this through a regulation or statutory instrument. That regulation or statutory instrument will be laid here. In case we are uncomfortable, we can then improve it. Thank you.

MR MUGOLE: Thank you, Mr Chairperson. In this particular regard, whereas the minister has a right to come up with an instrument, it would be prudent for us to include that the minister shall come up with a regulation.

THE DEPUTY CHAIRPERSON: Of course, we have regulations required under the Bill. The law will be read in whole.

MR MUWANGA KIVUMBI: Mr Chairperson, I had reservations when I looked at the functions which we earlier passed in clauses 29, 68 and 69. I was comforted when I read clause 71. I said, okay, clause 71 addresses this.

Mr Chairperson, I think this committee did not benchmark. Our previous committee benchmarked extensively, when we were doing the other previous law. We went to Kenya and interacted with the coordinator of a similar body. They gave us a full report of what he does and the extent to which he was fighting drugs. I do not think this committee constituted here without this secretariat will effectively be of any consequence in this fight because it goes beyond what we know. I have seen here sensitisation - You need a hands-on approach and you need to buttress this body to fight this vice effectively.

In my humble view, Chairperson, and I want to beseech the ministers because they could have harmonised. Another country that was benchmarked had this coordinator. I was looking at 71 as a mean body that would carry out these aggressive functions and do this big job in this sector. I would like to beseech us to go back to this original idea.

MR NANDALA-MAFABI: Mr Chairperson, from what I see, we have not established where the secretariat will be. Where would the committee be?

THE DEPUTY CHAIRPERSON: Ministry of Health.

MR NANDALA-MAFABI: If it is under the Ministry of Health then we can say, “Establishment of a secretariat in the Ministry of Health” and we leave it to them because they can get one of the departments to manage and be in charge. The moment you bring a secretariat here, you are trying to also create what we call a Vote and more staff, yet we are saying that for drug control, you are concerned, police is concerned, everybody is concerned. It is a combined sector. We would only have to say the Minister of Health shall host the secretariat for purposes –

THE DEPUTY CHAIRPERSON: The Government has the leeway, the Executive has the leeway. They are going to implement.

MR OBOOTH: Thank you, Mr Chairperson. I have not seen Hon. Nandala-Mafabi and I must congratulate you for - We are praying for you very fairly; you know what I mean. We shall stand by you as –

THE DEPUTY CHAIRPERSON: As a faithful.

MR OBOOTH: We shall defend you for fair hearing. The Bill is actually trying to introduce something “secretariat.” It is convenient to mention it but Government is undergoing many things now like rationalisation, and I believe that the Chairperson of the Committee on Health was alive to this. In the general administration of ministries, the reorganisation of some of these things that a secretariat would do would be put under a particular commissioner. Whereas secretariat sounds good, you know that there is a ministry which is under STI; so, I would go with the chairperson of the committee and the Ministry of Internal Affairs.

THE DEPUTY SPEAKER: Thank you. I put the question that clause 71(b) deleted as proposed.

(Question put and agreed to.)

Clause 72

MR KAJWENGYE: Clause 72 concerns the establishment of a national fund for drug control. *(Interjections)*

THE DEPUTY CHAIRPERSON: He is presenting a committee report; so, he must.

MR KAJWENGYE: It is procedure. Clause 72 is amended in subclause (1) by substituting for the words “drug control” and the words “control of narcotic drugs and psychotropic substances.”

The justification is that the mandate of the committee is limited to the control of narcotic drugs, psychotropic substances and other related material substances, and not all drugs. I beg to submit.

DRAYUME: Thank you, Mr Chairperson. The proposal by the Committee on Health seeks to override the proposal of the Committee on Defence and Internal Affairs by deletion of clause 72.

The justification I that it is a policy of Government, through the Public Finance Management Act, to restrict the establishment of funds.

GEN. MUHOOZI: Deletion allowed.

THE DEPUTY CHAIRPERSON: I put the question that clause 72 be deleted as proposed.

(Question put and agreed to.)

Clause 72, deleted.

Clause 73, deleted.

Clause 74, agreed to.

Clause 75, agreed to.

Clause 76, agreed to.

Clause 77

MR KAJWENGYE: Clause 77 is power to question and request production of documents. Clause 77 is amended by substituting for the words “police officer” wherever they appear in that clause with the words, “police officer at the rank of inspector or a person authorised”.

The justification is that the police officer at the rank of inspector is an authorised officer who can search at any time as provided by the Police Act and the person authorised is the person officially recognised by this Act. I submit.

GEN. MUHOOZI: The amendment is allowed.

THE DEPUTY CHAIRPERSON: I put the question that clause 77 be amended as proposed.

(Question put and agreed to.)

Clause 77, as amended, agreed to.

Clause 78, agreed to.

Clause 79

MR KAJWENGYE: Clause 79 concerns inspection. It is amended by substituting for the words “any police officer” wherever it appears in that clause with words “police officer at the rank of inspector”.

The justification is that the police officer at the rank of Inspector is an authorised officer who can search at any time as provided for by Police Act. I submit.

DRAYUME: Thank you, Mr Chairperson. The Committee on Health agrees with the position but wants to make a slight amendment. Clause 79 is amended by substituting for the phrase “Executive Secretary to the National Drug Authority” with the phrase “Secretary to the National Drug Authority”.

The justification is to provide for the right nomenclature under Section 51(2) of the National Drug Policy and Authority Act. Thank you.

GEN. MUHOOZI: The amendments by both committees are allowed.

THE DEPUTY CHAIRPERSON: I put the question that clause 79 be amended as proposed.

(Question put and agreed to.)

Clause 79, as amended, agreed to.

Clause 80

MR KAJWENGYE: Clause 80 concerns power to persons and vehicles. It is amended by substituting the words “any police officer” with the words “police officer with a search warrant”.

Justification

- (i) To clarify who should conduct a search to a person, vehicle, premises as provided in clause 81(1). I submit.

GEN. MUHOOZI: Amendment allowed.

MR NANDALA-MAFABI: Mr Chairperson, if we are looking at a search warrant for a motor vehicle or a ship which is running - Let us give an example of a weekend when courts are not sitting and search warrants are only issued by court.

Therefore, Mr Chairman, wouldn't it be having some exceptions to search? This is because if you are looking for a warrant to go and search a car, which is running or which is - anything can happen.

THE DEPUTY CHAIRPERSON: Honourable minister, would you like to, first, respond to that? (*Member rose*) Is it related, Hon. Isaac?

MR OTINGIWI: All along, we have been using the words "police at the rank of inspector" - allowing them to search, but in this case, the Committee on Defence and Internal Affairs seems to have omitted that and said "any policeman with a warrant".

THE DEPUTY CHAIRPERSON: On search - this is searching. Okay?

MR TEIRA: Mr Chairperson, on the use of the words "Inspector of Police", I think we are omitting something very pertinent - "someone of or above the rank of Inspector of Police". It allows even someone more superior to do the inspection. Thank you.

THE DEPUTY CHAIRPERSON: Honourable minister?

GEN. MUHOOZI: The rank of Inspector is a threshold of seniority; it can be that or above. For the matter of the search warrant, I tend to be persuaded by Hon. Nandala that we need a qualification. Where it cannot be got, you put a

proviso. Can it be acquired *ex post facto* - after the search?

THE DEPUTY CHAIRPERSON: No, clause 88 is on the power to arrest without a warrant. Hon. Teira, would you like to propose?

MR TEIRA: Yes. Mr Chairperson, most drug-related offences are usually strict liability offences. This is done because of the circumstances under which the offences are committed. So, waiting for a search warrant - sometimes, we are dealing with very smart individuals who engage themselves in these cartels.

I would suggest that we drop the whole idea of a search warrant because a drug-related offence is a strict liability offence, where you need to prove your innocence as opposed to the usual presumption of innocence.

THE DEPUTY CHAIRPERSON: Honourable colleagues, if an officer is on duty at 3.00 a.m. and a car comes - people blaring music and all that and he feels some people are smelling drugs - and he feels he should search whether these people have drugs in their car, would he need to, first, go and get a search warrant? So, there, he would be having the power to search without a warrant.

MR MUGOLE: Mr Chairperson, I suppose the reason they brought this was to presuppose that somebody could bring in drugs in your house or car. However, after having provided that there should be a senior officer at least at the rank of Inspector, I think the issue of having a warrant could be dropped and we maintain the seniority of an officer going to conduct the search.

THE DEPUTY CHAIRPERSON: (*Mr Odur rose*) Is it under clause 80?

MR ODUR: Mr Chairperson, I was also quite surprised that the minister conceded to that amendment. Already, by practice, the police have been stopping us using those powers - whether in traffic or whatever, they look at your car. It is the same. (*Interjection*) I don't know about POMA. (*Laughter*)

Therefore, I would propose that we retain it because for “premises”, it is catered for under clause 81 because they are on the power of entry. For this purpose, I think clause 80 can be retained as it is so that it does not curtail the effort.

MS CECILIA OGWAL: Mr Chairperson, I want to be assured because the police, as Hon. Jonathan Odur explained, can stop me and search my car. Knowing that drug has a negative social impact, some of us who are politicians, can be targeted. Somebody, just to malign your name, can stop you somewhere, they search you and so on. They may not find drugs, but it would be all over the papers that you were stopped and searched in check if you had drugs. *(Laughter)*

Can there be a clause that can insulate political figures? We can be targeted, particularly we in the Opposition, especially me. *(Laughter)*

THE DEPUTY CHAIRPERSON: Honourable colleagues, we had a clause that has to do with malicious - you remember, yesterday, we handled that clause extensively. Okay? So, any officer who commits such an offence is also liable for 10-year imprisonment. So, that officer also knows that they have an obligation.

Honourable committee chairman?

MR KAJWENGYE: Mr Chairperson, having listened to the convincing arguments from the august House and knowing that we should not restrict the work of the police as they conduct their usual business, I agree that we drop the issue of a search warrant.

THE DEPUTY CHAIRPERSON: We retain it.

MR KAJWENGYE: We retain it, absolutely.

THE DEPUTY CHAIRPERSON: Honourable colleagues, I put the question that clause 80 stands part of the Bill.

(Question put and agreed to.)

Clause 80, agreed to.

Clause 81

MR KAJWENGYE: Mr Chairperson, clause 81 is on the power to search premises.

Clause 81 is amended in subclause (3) by deleting paragraphs (a) and (b).

The justification is that these are consequential amendments, having deleted clauses 27 and 37. I submit.

THE DEPUTY CHAIRPERSON: Thank you. I put the question that clause 81 be amended as proposed.

(Question put and agreed to.)

Clause 81, as amended, agreed to.

Clause 82, agreed to.

Clause 83, agreed to.

Clause 84

THE DEPUTY CHAIRPERSON: I put the question that Clause 84 stands part of the Bill - Hon. Nambeshe? You see honourable colleagues, I turn around and if I do not see anyone of you... So, Hon. Nambeshe?

MR NAMBESHE: Mr Chairperson, the monitoring of the mail or consignment by the police gives discretionary powers to the police and it can easily be abused. The officer has powers to open, seize and even detain. However, I would propose that such consignment should be opened in the presence of the interested parties, say, the recipient and the sender, if possible, but also before an impartial competent judicial officer.

MR OGUZU: Mr Chairperson, the function of easily identifying if there may be drugs in a parcel or courier item could easily be executed by the postal officials. I would have liked it if we placed some responsibility on them and maybe they notify the police.

Otherwise, to say “the police will be monitoring...”, I do not know how practically possible this is going to be. Do we intend to station police officers in checking this? If we want to routinely achieve this, we should give some role to the postal and place the responsibility with them.

MR OTINGIWI: Mr Chairperson, some of this is already taking place in many countries, I believe even in Uganda. All International mail coming into the country is subject to security checks through the border. That already includes some security personnel and airport authorities. So, I do not see this changing much as it is within the Bill.

MR OBOTH: He literally spoke my mind, but I also want to comfort Hon. “Bishop” Nambeshe; he used to be a Bishop in the last Parliament. Who would abuse your mail? This actually formalises it. You no longer get that kind of mail - why are you scared that you will get that kind of mail?

This is an international practice world over; you can even Google it. I am surprised that we are just legislating it now. We should have let it pass.

THE DEPUTY CHAIRPERSON: Colleagues, it is qualified and has reasonable grounds. It is not just coming - it might be a racket or suspicion that they have come and tried to follow it up. Hon. Mushemeza?

PROF. MUSHEMEZA: Mr Chairman, this is a very good provision because it even deals with digital manoeuvres. It also provides for record by any means. We are dealing with very sophisticated people; some will be armed, and others will be using sophisticated digital mechanisms. So, I strongly propose that we maintain this provision.

MR ODUR: Mr Chairman, I beg to differ. I propose that we actually delete it. When you go to clause 85 where there is provision for seizure, if I suspect that this courier or parcel is laced with narcotic drugs and psychotropic substance, why don't I then wait and seize it in the presence of the person?

If you read clause 85, still, the police officer would be able to seize it in the presence of the person; you are avoiding a situation where I am not present. Then, it is alleged that this item was in the courier meant for me, and yet you accessed it when I was not present. Why don't you detain it, wait for me and then open it in my presence?

THE DEPUTY CHAIRPERSON: Now, colleagues, under the Police Act in Section 29 (1), police officers already have such powers. They can check any item.

Clause 85, which we are coming to, talks about seizure of narcotic drugs, some of which have come under mail and all that. Honourable minister, you can tell us whether what is provided for under Section 29 (1) of the Police Act is not sufficient or you felt we should also put it here for clarity purposes.

GEN. MUHOOZI: I think it needs reinforcement by express provision in the Bill.

THE DEPUTY CHAIRPERSON: Honourable colleagues, I put the question that clause 84 stands part of the Bill.

(Question put and agreed to.)

Clause 84, agreed to.

Clause 85, agreed to.

Clause 86, agreed to.

Clause 87, agreed to.

Clause 88

MR ODUR: Mr Chairman, this is about seizures and if you recall, when we dealt with the restraint order and forfeitures, we provided procedures of recovery, but here, we do not have a procedure.

Would the committee chairperson consider having a new clause inserted? Where they have seized your property, there should also be a mechanism to receive it back in case –

THE DEPUTY CHAIRPERSON: Honourable, you can propose. With a new clause, you can stand over other clauses.

Honourable colleagues, I put the question that clause 88 stands part of the Bill.

(Question put and agreed to.)

Clause 88, agreed to.

Clause 89, agreed to.

Clause 90

MR KAJWENGYE: Mr Chairman, clause 90 is about regulations. Clause 90, in the wisdom of the committee, is amended in subclause (2) by inserting the following:—

- a. Quality and quantity of narcotic drug or psychotropic substance an unauthorised person may be in possession with;
- b. The terms, conditions, and durations of the license issued under this Act;
- c. Class of drugs to be managed by the treatment and rehabilitation centres;
- d. Personnel and standards to be observed by the treatment and rehabilitation centres; and
- e. Fees payable under this Act.

The justification is that the minister responsible needs to have controls and measures to protect members of Ugandan society from the dangers of easy access to narcotic drugs and psychotropic substances.

We proposed to also insert a new clause, but I submit on this first, and then I will come up with the proposal for the new clause.

THE DEPUTY CHAIRPERSON: Thank you. Chairperson, Committee on Health?

DR AYUME: Thank you, Mr Chairman. The Committee on Health is in agreement with

the committee report on subclause (2), but we suggest that all the proposed paragraphs are inserted after subclause (4) because the insertions of the committee speak to health-related functions. For example, the class of drugs to be managed by the treatment and rehabilitation is a function of the Minister of Health.

The amendments of the committee are as follows; clause 90 is amended as follows:—

- a. In subclause (1) by inserting immediately after the word “minister”, the words “responsible for internal affairs”;
- b. By deleting subclause (3);
- c. In paragraph 4, by deleting paragraph (b),
- d. By inserting immediately after subclause (4) the following:

“Regulations may also provide for authorising any person who is licensed or authorised, and who lawfully operates a pharmacy, for the retailing of poisons in accordance with the provisions of the National Drug Policy and Authority Act.”

- a. To manufacture at the pharmacy in the ordinary course of retail business any preparation, mixture or extract of any narcotic drugs or psychotropic substance to which this Act applies; Or
- b. To carry on at the pharmacy the business of retailing, dispensing or compounding any narcotic drug or psychotropic substance, subject to the powers of the minister responsible for health, to withdraw the authorisation in the case of a person who is convicted of an offence under this Act, or under the National Drug Policy and Authority Act, or who cannot, in the opinion of the minister, properly be allowed to carry on the business of manufacturing, selling or distributing, as the case may be of narcotic drugs or psychotropic substances.

c. In subclause (6), by inserting the word “responsible for internal affairs” immediately after the word “minister” appearing at the beginning of subclause (6).

The justification for clarity.

MR MUWANGA KIVUMBI: Thank you, Mr Chairperson. I propose to insert a new clause, which is -

THE DEPUTY CHAIRPERSON: Can we first sort out clause 91?

MR MUWANGA-KIVUMBI: It is under clause 90.

THE DEPUTY CHAIRPERSON: Okay.

MR MUWANGA KIVUMBI: And the wording order is: “Determine the enforcement date for the prohibition of growing and dealing in a *Catha edulis*.”

The justification is to create a transitional period so that the Minister of Internal Affairs - because when you look at the Schedule to this Bill, you notice that the only new crop that is going to be banned in the schedule is this one. The others were long banned. This provision is not a new creation; the Act that was nullified had a similar clause.

Mr Chairperson, this will give due time and power to the ministers as and when they feel they have done the necessary work; they have civic educated the affected farmers, if they so wish and come on a day, and issue an instrument and enforce that date of a prohibition. I beg the indulgence of the House.

THE DEPUTY CHAIRPERSON: Honourable colleagues, I know we have a farm for marijuana in Kasese. So, it is not only *Khat*; there are others. So, we specify one plant to be catered for in the transitional clause - we should make it general because we gave all of them a chance to apply for a license. So, the transitional clause should be general.

Committee chairperson, did you provide for the transitional clause in the Bill? We need to know that because we have some plants, which are banned but are being planted under licence. So, you need a transitional clause. Hon. Muwanga Kivumbi, the issue is that we need to cover all those already -

PROF. MUSHEMEZA: The proposal from my friend, Hon. Muwanga Kivumbi, may create a situation where sections of the population may wish to negotiate with Government. If you open a window where people will negotiate with Government because of the law that has been passed, we will be creating a very dangerous precedent.

I do not buy his idea of creating that room – (*Interjection*)- I am saying that we should not create a room where a section of the population will want to negotiate with the Government on these issues.

THE DEPUTY CHAIRPERSON: Thank you. Honourable colleagues, transitional clauses are common but if someone can crosscheck for me - I think *khat* is also banned under the National Drug Authority Act. Please, just check for me to be sure. Can the Solicitor-General check for me?

We need to be sure that when we provide for a transitional clause, it is for an accepted product. Do we need a transitional clause for products the minister is going to license?

HON. MEMBERS: Yes.

THE DEPUTY CHAIRPERSON: I want to first put the question to Hon. Muwanga Kivumbi’s proposal, but first, yes honourable minister.

GEN. MUHOOZI: Mr Chairperson, one, I think we are jumping the gun because we stood over interpretation; what is a drug or narcotic substance?

Two, we also stood over the matter on when this law came into force, whether on assent or after some time and I think the idea was that

the advocates of the transition were against the immediate enforcement of this law. So, could we now determine that first because in a way, it will answer this question.

THE DEPUTY CHAIRPERSON: Colleagues, I am very cautious. I do not want the debate on khat to go on here yet it is going to be on the schedule. Let us handle this clause the way it is. When we handle the schedule and allow whatever is being proposed, then a Member can recommit this clause for us to look at it again.

MR MUWANGA KIVUMBI: Mr Chairperson, I know the Attorney-General is not here but I think yesterday, you elaborately sent us back and that led the mover of the minority report to literally withdraw that report because we had had very elaborate negotiation over the transitional period. That is why the matter was not contentious at that time.

My humble view is that as we move, as long as you commit, Mr Chairperson, that you will permit us to recommit this provision after the schedule, I think that is fine.

THE DEPUTY CHAIRPERSON: Hon. Muwanga Kivumbi, what you are saying, if I pick you very well, is that within the regulations, the minister may determine the date. Isn't it? That is fair, honourable colleagues.

I put the question that clause 90 be amended, as proposed, also covering Hon. Kivumbi's proposal.

(Question put and agreed to.)

THE DEPUTY CHAIRPERSON: Colleagues, a transitional clause is not bad. It will manage people who have been having their plants and want to apply for a license. Even in the old law, it was there. I looked at the annulled law on regulations and noticed that section 89 talked about determining the date for the enforcement of the prohibition of growing and dealing in *Catha edulis*.

THE DEPUTY CHAIRPERSON: I put the question that clause 90 as amended, stands part of the Bill.

(Question put and agreed to.)

Clause 90, as amended, agreed to.

Clause 91, agreed to.

Clause 92, agreed to.

Clause 93

MR ODUR: On clause 93(2), I have reservations about the powers we are giving the minister to amend these schedules because in the schedules, we have listed so many -

THE DEPUTY CHAIRPERSON: If you do not mind, can we first receive the proposals from the Committee on Health?

DR AYUME: Thank you, Mr Chairperson. The committee proposes to amend clause 93 in subclause (2), by substituting it with the following:

“(2) The minister responsible for health may, by statutory order in consultation with the National Drug Authority, amend the second, third, fourth and fifth schedules in the Act.

Justification

- a) The National Drug Authority is clothed with a mandate, under the National Drug Policy and Authority Act, Cap 206, to approve the list of essential drugs and the revision of the list in a manner provided by the minister. Under the Act, the minister who supervises the National Drug Authority, is the Minister responsible for Health.
- b) It is logical that the Minister responsible for Health takes charge of the function of approving the amendment of schedules.

MR OBOTH: I know the Minister of Internal Affairs will come in but the proposal the

minister made that “by statutory order.” Is that word “order” or “statutory instrument”? Do ministers issue statutory orders?

THE DEPUTY CHAIRPERSON: Okay. Statutory instrument - that is what you are proposing. Are you okay with that, honourable chairperson of the committee?

DR AYUME: Most obliged and I am in agreement. Thank you.

GEN MUHOOZI: It is the convention and I have no choice but to concur.

THE DEPUTY CHAIRPERSON: Thank you.

MR ODUR: Mr Chairperson, I agree with the amendment but I wanted this particular amendment to give Parliament to approve the list because we are talking about the list of the items on the schedule. If you read the mood of the House - we would not want the minister to sit somewhere and say, “I have removed this one.”

THE DEPUTY CHAIRPERSON: Can you propose the drafting?

MR ODUR: Yes, it should then read, “The minister may, by a statutory instrument... approved by Parliament...”

THE DEPUTY CHAIRPERSON: Thank you. I hope that is okay. Hon. Nambeshe, you had -

MR NAMBESHE: I concur with Hon. Odur’s proposal but actually, if the minister would be allowed to determine which plants or substances are prohibited in the Second, Third, and Fourth schedules. Even if you were to read the Constitution, the mandate given to Parliament in Article 79(1) on delegation of powers to make subsidiary legislation, would not allow the minister to de-legislate what Parliament has legislated. This is literally what we were going to do.

THE DEPUTY CHAIRPERSON: But we have now -

MR NAMBESHE: Yes, it is now okay.

THE DEPUTY CHAIRPERSON: Honourable colleagues, I put the question that clause 93 be amended as proposed.

(Question put and agreed to.)

Clause 93, as amended, agreed to.

Clause 94

THE DEPUTY CHAIRPERSON: Honourable colleagues, I put the question that clause 94 –

DR AYUME: Thank you very much, Mr Chairperson. The committee proposes an amendment of the National Drug Policy and Authority Act. We propose to amend clause 94 by deleting figures 26, 29, 60, subclause (1) (b) and (c) and insert the word “and” between the figures 48 and 49. The clause will read, “Sections 47, 48, and 49 of the National Drug Policy and Authority Act are repealed”.

The justification is:

- a) Section 26(1) of the National Drug Policy and Authority Act empowers the minister, by statutory instrument, to make regulations restricting persons who may supply narcotic drugs, thereby controlling the supply of those drugs. The deletion of this section will leave a gap that will contradict the international conventions;
- b) Section 29(1) of the National Drug Policy and Authority Act, Cap 206 authorises medical practitioners or dentists to keep record, in the prescribed form, of all persons who are addicted to any drug specified in the First or Second schedule to this Act and shall, at least every year, make a report to the minister specifying the names of those persons and the drugs to which they are addicted.

The deletion of the provision will negatively impact the Minister of Health in instituting an effective national programme for monitoring and rehabilitation of persons with substance

abuse disorders in the clinical context. Thank you.

THE DEPUTY CHAIRPERSON: Thank you. Honourable colleagues, I put the question that clause 94 be amended as proposed.

(Question put and agreed to.)

Clause 94, as amended, agreed to.

Clause 2

THE DEPUTY CHAIRPERSON: Honourable colleagues, we agreed to stand over clause 2, which is on the interpretation. Oh! You have a new clause after 94?

MR KAJWENGYE: Thank you, Mr Chairperson. The Committee of Defence and Internal Affairs proposes to insert a new clause, immediately after clause 94, to read as follows:

“Repeal of Narcotic drugs and Psychotropic Substances Act of 2016 –

- i. Narcotic Drugs and Psychotropic Substances Act of 2016 is repealed;
- ii. The statutory instrument made under the Act repealed under this section, which is in force immediately before the commencement of this Act, shall remain in force so long as it is not inconsistent with the provisions of this Act until it is revoked by the regulations made under this Act.

Saving provision

A license issued under the Narcotic Drugs and Psychotropic Substances Act, 20 -

THE DEPUTY CHAIRPERSON: No, is that also a new clause or under the same?

MR KAJWENGYE: It is the same.

THE DEPUTY CHAIRPERSON: Committee chairman, you are referring to a law that was nullified by the court and so, it is not in existence. We have nothing to repeal.

MR KAJWENGYE: Nothing to save -

THE DEPUTY CHAIRPERSON: There is nothing to save because the court nullified it in its entirety, including the regulations and everything.

MR KAJWENGYE: I stand to be guided.

THE DEPUTY CHAIRPERSON: No, this is very clear, honourable member. There is no need for any argument. Please, no! Court nullified it. So, there is nothing to submit because there is no law. Honourable chairperson, let us go to clause 2, on interpretation.

Honourable member, let me first check. Hon. Mugole, what is the issue that you want to raise?

MR MUGOLE: Mr Chairperson, the issue I want to raise relates to the precedent we have set as Parliament, which is consistent with what the committee chairperson is trying to put across. Whereas that law was nullified by court, the precedent we have set is that whenever we come up with a law, we set the time frame, after assent, when the general regulations will come out.

That is why I was pushing under Regulation 90, to insert a clause that says that since this is two ministries handling this, maybe we would give them 120 days after assent to come up with the general regulations for the implementation of this law. It is just like we did for social security when we gave 90 days come up with the regulations came. He is now trying to save even the regulations that were quashed by the court.

THE DEPUTY CHAIRPERSON: But honourable member, the procedure is that you can recommit a clause. We left clause 90 a long time ago. You can recommit and give your proposal.

MR MUGOLE: Thank you.

THE DEPUTY CHAIRPERSON: We go to clause 2?

MR ODUR: Mr Chairperson, before we come to clause 2, I remember yesterday we stood over clause 6 because there were interpretation issues around it. Maybe we resolve 6 first.

THE DEPUTY CHAIRPERSON: No, we could not handle clause 6 because we had not handled clause 2, because of the word “precursor”, which needed to be interpreted under clause 2, which is the interpretation clause.

So, we must start with clause 2 before going to clause 6. We do not have the word “precursor” and Members said, how do we discuss what is not yet defined? That was the argument. Otherwise, we would have handled clause 6 yesterday; that was the only issue. So, let us interpret because “precursor” was a new terminology being brought in and once we accept it, then, we can handle clause 6. So, let us go to clause 2 before we handle clause 6.

MR KAJWENGYE: Thank you. Mr Chairperson, clause 2 of the Bill deals with interpretation, and our proposal is that we have it amended –

1. By substituting the definition of the word “bank” with the following: “Bank” includes:
 - (a) a financial institution licensed under the Financial Institutions Act, 2004;
 - (b) a Microfinance Deposit-Taking Institution (MDI) licensed under the Microfinance Deposit-Taking Act, 2003;
 - (c) a microfinance institution licensed under the Tier 4 Microfinance Institutions and Money Lenders Act, 2015; and
 - (d) the Bank of Uganda;”
2. By substituting the definition of the words “*Catha edulis*” with the following:

“*Catha edulis*” means the “*Catha edulis* plant;”
3. By substituting the definition of the words “currency point” with the following: “the

currency point has the value assigned to it in the First Schedule to this Act;”

4. The definition of the words “illicit trafficking in paragraph (b), by substituting the words “khat plant” with the words “*Catha edulis*”;
- (ii) by deleting paragraph (c);
5. By deleting the definition of the words “medicinal opium;”
6. By deleting the definition of the word “ministry”;
7. By substituting the definition of the word “produce” with the following: “production, where the reference is producing a narcotic drug or psychotropic substance, means the separation of narcotic drug or psychotropic substance from the plant from which the narcotic drug or psychotropic substance is obtained;”
8. By inserting of the following definitions in their appropriate order: “Facility for treatment and rehabilitation includes a health unit as defined under Medical and Dental Practitioners Act; Medical purpose means the use of a narcotic drug or psychotropic substance for treatment or research that is provided by a medical practitioner, dentist, pharmacist or veterinary surgeon, while acting within the usual course of professional practice and in accordance with a standard of care generally recognised and accepted within the respective profession; Khat means the leaves, twigs or the bark of the *Catha edulis* plant; and Substance use disorder means a pattern of psychoactive substance use that appreciably increases the risk of harmful physical or mental health consequences to the person using a narcotic drug or psychotropic substance or others to an extent that warrants attention and advice from health professionals.”

Mr Chairperson, the justifications for the above are:

1. The amendment to the definition of the word “bank” is intended to expand the definition to cater for all the financial institutions as currently existing in Uganda;
2. The amendment of the words “currency point” is intended to harmonise the definition of the words “with its usage in the Bill,” especially in First Schedule, where a value of a currency point is assigned instead of a meaning as indicated in the definition;
3. The amendment to the definition of the words “Catha edulis” is intended to harmonise the usage of the words “and its definition”;
4. The amendment proposed to the words “illicit trafficking” is intended to harmonise this definition with the definition of the words “drug trafficking” and also to harmonise the definition with the use of the word “khat”;
5. The deletion of the words “medical opium and ministry” is intended to remove redundant words, which are not used in the Bill;
6. The substitution of the definition of the word “produce” for “production” is intended to harmonise the definition of the word “and its usage” in the Bill;
7. In the definition of the word “trafficking” the deletion of the words is intended to remove criminal liability on a person who holds out as possessing a prohibited drug when not, since the possession of a prohibited drug is a matter of fact. Extending criminal liability and punishment to a person who has not trafficked a prohibited narcotic drug or psychotropic substance is harsh and absurd; and
8. The insertion of the definition of the words “khat and “medical purposes” is for clarity and to define words, which are

used in the Bill without definition. Mr Chairman, I submit.

THE DEPUTY CHAIRPERSON: Thank you. Chairperson, Committee on Health?

DR AYUME: Thank you, Mr Chairperson. In clause 2 on the interpretation, the committee proposes the following amendments:

- (a) By deleting the definitions of the words “addict” and “Minister”; and
- (b) By inserting the following definition appropriately: “Precursor” means any substance specified in the Fifth Schedule or anything that contains any substance specified in that schedule.”

The justification is:

- (a) To eliminate redundancy created in the Bill by the word “addict” since it has been substituted with the words “substance use disorder”;
- (b) To avoid confusion in reference to the two ministers referred to under the different parts of this Bill. Therefore, it is best we clarify the minister being referred to in each particular part, either the Minister of Health or the Minister of Defence and Internal Affairs; and
- (c) The Bill is introducing a new schedule to provide for precursors. It is, therefore, important to give meaning to the word.

Thank you.

THE DEPUTY CHAIRPERSON: Thank you. Honourable colleagues, we shall go through the proposed definitions, one by one.

Bank

THE DEPUTY CHAIRPERSON: The first is on the bank. Honourable minister, are you okay with this? I do not want to carry the whole clause.

GEN. MUHOOZI: Agreed.

Minister

THE DEPUTY CHAIRPERSON: I put the question that the definition of the word “bank” be amended as proposed.

THE DEPUTY CHAIRPERSON: I put the question that the definition of the word “minister” be amended, as proposed.

(Question put and agreed to.)

(Question put and agreed to.)

Definition of bank, as amended, agreed to.

Definition of minister, as amended, agreed to.

THE DEPUTY CHAIRPERSON: I am sorry I will change the procedure because I want us to go through the proposed amendments, one by one; I do not want to bundle them.

Ministry

THE DEPUTY CHAIRPERSON: I put the question that the definition of the word “ministry” be amended, as proposed.

Catha edulis

(Question put and agreed to.)

THE DEPUTY CHAIRPERSON: I put the question that the definition of the words “Catha edulis” be amended as proposed.

Definition of ministry, as amended, agreed to.)

(Question put and agreed to.)

Production

Definition of Catha edulis, as amended, agreed to.

THE DEPUTY CHAIRPERSON: I put the question that the definition of the word “production” be amended, as proposed.

Currency point

(Question put and agreed to.)

THE DEPUTY CHAIRPERSON: I put the question that the definition of currency point be amended, as proposed.

Definition of production, as amended, agreed to.

(Question put and agreed to.)

THE DEPUTY CHAIRPERSON: I now put the question that the new definitions be inserted, as proposed.

Definition currency point, as amended, agreed to.

(Question put and agreed to.)

Medicinal opium

New definitions, adopted.

THE DEPUTY CHAIRPERSON: What is next? Medicinal opium? I put the question that the definition of medicinal opium be deleted, as proposed.

THE DEPUTY CHAIRPERSON: Yes, committee chairperson but I had not yet concluded. What was yours about?

(Question put and agreed to.)

DR AYUME: Insertion of the following definitions in the appropriate - facility for treatment and rehabilitation –

Definition of medicinal opium, as amended, agreed to.

THE DEPUTY CHAIRPERSON: You did not propose the new insertion?

DR AYUME: No, but I disagree with the proposal by the committee.

THE DEPUTY CHAIRPERSON: On insertion?

DR AYUME: On the facility for treatment and rehabilitation; the facility for treatment and rehabilitation includes a health unit, as defined under the Medical and Dental Practitioners' Act.

Mr Chairperson, treatment and rehabilitation centres are under the Mental Health Act, not the Medical and Dental Practitioners Act.

THE DEPUTY CHAIRPERSON: Committee chairperson, are you okay with that?

MR KAJWENGYE: I agree with the amendment.

THE DEPUTY CHAIRPERSON: I put the question that the amendments and new definitions be—*[A Member rose]*—Honourable member, no clarification; let us move on. If it is under the Mental Health Act, now what do we do?

I put the question that – colleagues, I have sat here for the whole day. I want us to capture where it is provided for under a certain law. We are just cross-referencing. We are adopting; there is nothing much to do. So, I am going to phrase it in a way that the record captures it, then it will be cleaned up by the Clerk and the draft team.

Therefore, I put the question that the proposed new definition and amendments by the Chairperson, Committee on Health, be adopted.

(Question put and agreed to.)

THE DEPUTY CHAIRPERSON: The record will capture it very well.

MR NANDALA-MAFABI: Mr Chairperson, I am also looking at the definition here and I see we have defined a bank –

THE DEPUTY CHAIRPERSON: But Hon. Nandala, where were you?

MR NANDALA-MAFABI: Mr Chairman, just give me –

THE DEPUTY CHAIRPERSON: No, I am also asking a question like you are doing. Where were you? *(Laughter)*

Honourable colleagues, I put the question that clause 2 be amended and *[Hon. Okia rose]* Hon. Joanne Okia.

MS OKIA: Mr Chairperson, on the definition of illicit trafficking, part (a), there is a part that says, “Cultivating any cocoa bush or gathering any portion of a cocoa plant”.

I have a challenge with the word “gathering” because I am a youth worker and many times, we go on retreats with youth. As we enter premises, we collect from them. We tell them, “If you come here, we will check you for drugs” and collect from them. I see that this word “gather” is in two places without a clear definition.

So, I, who is gathering from these youths, could be – so, I propose that either we extend it and say, “gathering for illegal use” or we actually define the word “gather”.

THE DEPUTY CHAIRPERSON: Yes, committee chairperson.

MR KAJWENGYE: The committee specifically used the word “gathering” with respect to cultivation or planting of that. There are those who say, “I did not plant” but in the Bill we say if you “gather” what you did not plant, as long as it is a prohibited plant, you are also liable.

THE DEPUTY CHAIRPERSON: You cannot gather an illegal item for proper use. Hon. Dr Ayume, what Hon. Joanne Okia is raising is for you people who are in that profession; the ones you have been catering for. Will she be in problems, if she gathers these from the youth that turn up having these drugs?

MS OKIA: I asked that question because cultivating is already defined and harvesting is included in cultivating. However, gathering is not very clearly defined yet gathering is a general word, which can mean harvesting, but as well as collecting items together in one place.

So, we either define what gathering means, as per this clause, or we expound it to say gathering for, maybe, illegal use, as prescribed in this Bill.

THE DEPUTY CHAIRPERSON: Yes, Hon. Teira.

MR TEIRA: Mr Chairperson, it points back to your guidance that we cannot gather an illegal substance for legal use. For example, it can be gathered for destruction.

I think I am persuaded by Hon. Joanne Okia, to put a limit on what “gathering” would entail, so that it turns out criminal. In a general perspective, we are too general and we may capture innocent people who might be doing it for a genuine cause.

THE DEPUTY CHAIRPERSON: I thought the people who collect this and deal with addicts are already provided for in the law. Now, if you open it up to the whole population, what are you going to have? Yes, Hon. Kibalya.

MR KIBALYA: Thank you, Mr Chairperson. People who will enforce the law are human beings. If you are a leader and you are helping to gather this illegal thing from these people and it is going either to police or any other right place, then you should not be arrested.

If we again defining “gathering” to mean one who will be gathering for use and the one who will be gathering from the illegal collectors, that will be going too far. I think the law enforcers will handle that.

THE DEPUTY CHAIRPERSON: Yes, Hon. Mugole.

MR MUGOLE: The definition of the words “gathering and collecting” is different. What she was alluding to is collecting, not gathering. Gathering is in relation to plants but collecting - because you are now collecting from people, for purposes of destroying. So, I do not think there will be a problem there.

THE DEPUTY CHAIRPERSON: Hon. Dr Ayume, you want to say something?

DR AYUME: Mr Chairperson, if there is anything that creates doubt, then I think let us try to package it well, given the gravity and magnitude of the public health threat we are trying to address.

THE DEPUTY CHAIRPERSON: Honourable colleagues, drugs are extremely deadly. It is like saying we have some people who are going to be collecting illegal firearms. He said, “My role - I volunteer. These youths who are changing - and therefore, some time, they come with firearms and I collect all these illegal firearms” and I do this and that. Hon. Joanne Okia, the people who are allowed to deal with these people are provided for. There are enforcers and rehabilitation homes. If you have a centre, it should be registered and authorised by the minister.

If you open it up, I can tell you, anyone you meet with a drug will say, “but I collected from the youth who were running away, who have changed. You know I am a Christian. I am an innocent gatherer; I am an innocent collector”. Honourable colleagues, let us not leave any room for such.

MS ANIKU: Mr Chairperson, there is a clause, which incriminates anyone who entertains such activities on their premises. So, if you –

THE DEPUTY CHAIRPERSON: Yes, you must be licensed.

MS ANIKU: If people are coming in and they are being checked –

THE DEPUTY CHAIRPERSON: You must be licensed and report. I put the question that

clause 2 be amended as proposed and the new definitions be inserted.

(Question put and agreed to.)

Clause 2, as amended, agreed to.

Clause 6

MR KAJWENGYE: Thank you, Mr Chairperson. Clause 6 is amended:

(a) by substituting subclause (1), with the following –

“(1) Subject to this Act, a person who -

(a) smokes, inhales, sniffs, chews, or otherwise uses any narcotic drug or psychotropic substances;

(b) without lawful and reasonable excuse, is found in any house, room, or place where persons resort to for purposes of smoking, inhaling, sniffing, chewing, or in any way using a narcotic drug or psychotropic substance;

(c) being the owner, occupier or concerned in the management of any premises, permits the premises to be used for –

(i) the preparation of narcotic drug or psychotropic substance for smoking or sale, or the smoking or inhaling, sniffing, chewing or otherwise using any narcotic drug or psychotropic substance; or

(ii) the manufacture, production, sale or distribution of any narcotic drug or psychotropic substance in contravention of this Act, or

(d) has in his or her possession any pipe, tool, or other utensil for use in smoking, inhaling, sniffing, or administering or in any other manner of using a narcotic drug or psychotropic substance, or any utensil used for the preparation of any other narcotic drug or psychotropic

substance for smoking, commits an offense and is liable, on conviction, to a fine not exceeding fifty thousand currency points or imprisonment for a period not exceeding 10 years or both.”

The justifications are:

(i) in compliance with Section 37 of the Interpretation Act to prescribe the maximum penalties that may be suffered by a person convicted for contravening provisions of clause 6 of this Bill; and

(ii) to expand the provision to include all other narcotic drugs or psychotropic substances. I beg to submit.

THE DEPUTY CHAIRPERSON: Thank you. Honourable colleagues, we shall not finish this Bill today. I just want us to sort the second reading part. Otherwise, we shall not finish the Bill today. We shall complete it on Tuesday. I just wanted to inform you about that.

DR AYUME: Thank you very much, Mr Chairperson. The Committee on Health proposes to amend clause 6 as follows:

Clause 6 is amended in subclause (1) by –

(a) substituting paragraph (d) with the following:

“Has in his or her possession any pipe, tool, or other utensil for use in smoking, inhaling, sniffing, or administering, or in any other manner of using a narcotic drug or psychotropic substance, or any other utensil for the preparation of a narcotic drug or psychotropic substance;

(b) Inserting, immediately after paragraph (c), the following:

“diverts a precursor of a narcotic drug or psychotropic substance under his or her possession for the illicit manufacture or production of a narcotic drug or psychotropic substance.”

The justification is:

- (a) The deletion of the words “for smoking” appearing at the end of paragraph (d) is to generally restrict the possession of utensils used for the preparation of a narcotic drug or psychotropic substance without authorisation, rather than limit it to the restriction to when the utensil is used for smoking;
- (b) The new insertion on precursors is to provide for control measures that will prevent diversion of precursors of narcotic drugs or psychotropic substances as well as provide for control measures of the unchecked illicit production and the manufacture of synthetic narcotics and psychotropic substances in laboratories; and
- (c) The insertion of precursors does not restrict access or possession of precursors, but penalises their diversion for illicit manufacture of narcotic and psychotropic substances. Thank you.

MR OGUZU: Mr Chairperson, I have listened to the proposed fines. It would seem to me that the committee did not pay keen attention to the value of the drugs and psychotropic substances we may be dealing with. For example, if you get someone with *khat* and you want this person to pay a fine of Shs 1 billion, are you being reasonable? I think we need to qualify the drugs and assign penalties based on their value. If it is cocaine, which has value - you are talking about a plant. I do not know where the Shs 1 billion will come from.

Perhaps, we will have all citizens end up in - so, Chairperson of the Committee on Health, I would like you to reflect on that so you can arrive at a reasonable figure when dealing with plants.

THE DEPUTY CHAIRPERSON: But it is up to the courts to determine; that is just the maximum.

MR OGUZU: That is the maximum but the reason we have provided for it here is to guide the courts in some cases so that they are not unreasonable in their –

THE DEPUTY CHAIRPERSON: We covered the evaluation under clause 92; it was well covered. Colleagues, let us move on.

I put the question that clause – committee chairperson, have you forgotten something on clause 6?

DR AYUME: Yes, we also propose that in clause 6(a), we substitute paragraph (d) with the following: “Has in his or her possession or manufactures...” That is what we had omitted.

THE DEPUTY CHAIRPERSON: Yes, Chairperson, Committee on Defence and Internal Affairs.

MR KAJWENGYE: I agree with the improvement.

GEN. MUHOOZI: I agree.

THE DEPUTY CHAIRPERSON: I put the question that clause 6 be amended as proposed.

(Question put and agreed to.)

Clause 6, as amended, agreed to.

THE DEPUTY CHAIRPERSON: Honourable colleagues, we had some consequential amendments. I remember clauses 8 and 14 as we were reminded by Hon. Opio. Committee chairman, can you move the amendments?

DR AYUME: In clause 14 on the nNational Drug Authority to issue a licence -

THE DEPUTY CHAIRPERSON: Start with clause 8. I do not know why you are jumping to clause 14.

DR AYUME: Mr Chairperson, it is clause 14.

THE DEPUTY CHAIRPERSON: No, you had clause 8. I took notes and this was from your side.

DR AYUME: Mr Chairman, I rise to move a motion for the re-committal of clauses -

THE DEPUTY CHAIRPERSON: No, just propose an amendment because it is a consequential amendment for clauses 8 and 14.

DR AYUME: Thank you. Clause 8, is on the removal of name from the register and the committee proposes that clause 8 be amended by inserting, immediately after the word “surgeon”, the phrase “clinical officer or a nurse with a certificate in specialist palliative care or any other person authorised by the minister responsible for health under this Act.”

The justification is to include clinical officers and nurses with specialised training in palliative care and other authorised persons who have been authorised, under clauses 4 and 7 of the Bill, to possess, prescribe and supply narcotic drugs and psychotropic substances.

THE DEPUTY CHAIRPERSON: I put the question that clause 8 be amended as - it was a consequential amendment, honourable, because we talked about those professions but they had left out – midwives, palliative care specialists and the like.

MS AISHA KABANDA: Mr Chairperson, there are other professions I would like to add. When you stayed the clause, we left them out. I wanted to move the House to add the army and police who should be deregistered when they are found guilty of the act.

THE DEPUTY CHAIRPERSON: Those are not professionals and they do not have professional bodies.

MS AISHA KABANDA: Policemen are professionals, sir, and I think policemen should be held with equal standards as doctors when they hold guns -

THE DEPUTY CHAIRPERSON: Those are enforcement officers, not professionals. That is a service.

MR OBOTH: They could be professionals when they are within the Police Act but under this Act, they are enforcers.

THE DEPUTY CHAIRPERSON: Police is not a professional discipline. Thank you. Was the other consequential amendment in clause 14? Okay, I put the question that clause 8, as amended, stands as part of the Bill.

(Question put and agreed to.)

Clause 8, as amended, agreed to.

THE DEPUTY CHAIRPERSON: I can see you are very alert. Can we supply tea from the canteen? *(Applause)*

Clause 14

DRAYUME: Clause 14 is about National Drug Authority issuing licences for export, import, manufacture, etc. Clause 14 is amended by substituting paragraph (C) with the following: “Prescribe the records to be kept for export, import, receipt, sale, manufacture, production, disposal, or distribution of narcotic drugs, psychotropic substances, or their precursors.”

The justification is to provide for the records of precursors.

THE DEPUTY CHAIRPERSON: Honourable colleagues, we stood over this clause because we wanted to define a precursor. I put the question that clause 14 be amended as proposed.

(Question put and agreed to.)

Clause 14, as amended, agreed to.

First Schedule

THE DEPUTY CHAIRPERSON: Is there any consequential amendment? Yes, Hon. Muwanga-Kivumbi.

MR MUWANGA KIVUMBI: Mr Chairperson, when we worked on the Schedules without taking it to -

THE DEPUTY CHAIRPERSON: We are going to the Schedules.

MR MUWANGA KIVUMBI: No, when we worked on the regulations and we adopted the definitions and included other things, inherently we affected the commencement date. Therefore, as a consequential amendment, I would like to move that clause 1 reads as follows: “This Act shall come into force on the date the minister, by statutory instrument, appoints.” It is consequential to what we have done. I beg to move.

GEN. MUHOOZI: I think it is the best concession.

THE DEPUTY CHAIRPERSON: Which clause is that? [Members: “*Clause 1*”] Yes, that stands. Do we need - we have gone back to the original. Okay. I put the question that clause 1 stands part of the Bill.

(Question put and agreed to.)

Clause 1, agreed to.

The First Schedule

THE DEPUTY CHAIRPERSON: Mr Chairman, did we have a consequential amendment on clause 69?

MR KAJWENGYE: In clause 69(2)(h), the words “drug abuse” were left unlike where we were changing it to “substance” -

THE DEPUTY CHAIRPERSON: Yes, you know when handling these Bills, usually you ask and I say, “No, the Bill is being cleaned up and all that”. All these are captured by our team. They clean up and ensure the Bill that goes to the President for assent addresses all those issues. So, let us go to Schedules.

The First Schedule

THE DEPUTY CHAIRPERSON: I put the question that the First Schedule stands part of the Bill.

(Question put and agreed to.)

The First Schedule, agreed to.

The Second Schedule

DR AYUME: In the Second Schedule, the committee agrees with the items listed in there but proposes an amendment by inserting the following phrase at the end of the schedule: “Any material, compound, mixture, or preparation containing any of the narcotic drugs listed in this Schedule.”

The justification is to control the use of materials that could be used in the making of narcotic drugs.

THE DEPUTY CHAIRPERSON: Yes, Hon. Nandala-Mafabi.

MR NANDALA-MAFABI: I am not objecting to what the Chairman of the Committee on Health is proposing but I want to find out about where people mix spirits, which are not supposed to be drunk and the shoe gum that children inhale and they get mad. Where is this listed in this Schedule? How do we name it?

DR AYUME: Mr Chairman, all these compounds have their primary chemical formulae and those are captured in the Schedules. For example, in precursors, you will have items like ethers, benzene, and acetone. Let us look at the ingredients rather than the brand name because one needs precursors to make the glue. Thank you.

THE DEPUTY CHAIRPERSON: Okay, thank you. I put the question that Second Schedule be amended as proposed.

(Question put and agreed to.)

The Second Schedule, agreed to.

The Third Schedule

DR AYUME: Thank you, Mr Chairman. While the committee conforms to the Third Schedule, it proposes the following amendments:

- (a) The Third Schedule is amended by inserting the word “buprenorphine” appropriately; especially the medics and I implore you, Members, to some information that I have been privileged to.
- (b) inserting the phrases below after the word “chlordiazepoxide”
- i) The isomers, unless specifically accepted of the substances whenever the existence of such isomers is possible within the specific chemical designation; Mr Chairperson, I want to give some information that was relayed by a doctor from Butabika about *Catha edulis*, and to this House, I want to propose some amendments for the withdrawal of the word “*Catha edulis*” from the list of narcotic drugs with the following evidence.
- ii) the esters and ethers, unless appearing in another schedule of the drugs in this schedule whenever the existence of such esters or ethers is possible; This plant is grown countrywide with over 18 districts participating and nearly 7.9 million Ugandans earn livelihoods from it.
- iii) the salts of the drugs listed in this schedule, including the salts of esters, ethers and isomers as provided above, whenever the existence of such salts is possible; and Therefore, categorising *Catha edulis* among the narcotic drugs would render almost all those numbers without livelihood. The unrest and the backlash that will come with it may be detrimental to the nation.
- iv) any material compound, mixture or preparation containing any of the psychotropic substances listed in this schedule.” I want to give you facts from Butabika hospital; From Dr Juliet Naku –

The justifications are:

- (a) To cater for the different forms in which these substances exist; and **THE DEPUTY CHAIRPERSON:** Honourable member, you are referring to the facts from Butabika and all that -
- (b) To control the use of substances used in the making of other formulations. **MR MATOVU:** And from the World Health Organisation –

GEN. MUHOOZI: The amendments proposed to the Third Schedule are allowed.

THE DEPUTY CHAIRPERSON: I put the question that the Third Schedule be amended as proposed.

(Question put and agreed to.)

The Third Schedule, as amended, agreed to.

The Fourth Schedule

MR MATOVU: Thank you, Mr Chairman. You know how much I have been here and learning all through. I appreciate the Members,

THE DEPUTY CHAIRPERSON: Secondly, you discussed extremely well and we agreed that there is no product that has been completely banned; they will license it.

MR MATOVU: I thank you, Mr Chairman, but I implore you to look at the issues within the nation like the Somali communities and the social unrest. I will give you an example. In the UK, they are not planting this – *(Interruption)*

MS CECILIA OGWAL: Mr Chairman, yesterday, we discussed the disaster of having

these plants or trees, as described in the Bill. I think knowing what is happening in the country at the moment, for anybody to justify the use of any of those dangerous plants or trees by the population; they are not appreciating the spirit of this Bill. The spirit of this Bill is to protect those who have not yet been captured by addiction. That is what we are trying to do; it is to deter.

Now, if you are trying to say because there are people who are depending on the plant, therefore, we should allow it, I think this is completely out of order; it is out of the spirit we are discussing and I think it is no use for us to waste time listening to the person on the Floor. *(Applause)*

MS AISHA KABANDA: Thank you, Mr Chairman. I see this Parliament being driven by sentiments rather than facts. Butabika Hospital, last year, received 7,035 patients suffering from addiction, and out of them, 44.7 per cent were suffering from an addiction to alcohol, 31.4 per cent were suffering from an addiction to cannabis, and only 2.1 per cent were suffering from an addiction to other stimulants, including Khat. We have not prohibited people from taking alcohol, which counts for 44.7 per cent.

Let me also add this - Mr Chairman, I beg that people do not speak out of sentiments. I am putting up -

THE DEPUTY CHAIRPERSON: In this House, everyone has a voice. We must listen to the honourable colleague. You have two minutes to conclude.

MS AISHA KABANDA: Thank you, Mr Chairman, for the protection. I also wish to re-echo the words of the committee chairperson. On page 12, he said, "*The World Health Organisation considers Khat a less potent or addictive stimulant than other commonly used substances such as alcohol, cocaine...*" He mentioned others, including tobacco.

I wonder why we are not prohibiting people from other products like tobacco and we are going for Khat -

THE DEPUTY CHAIRPERSON: Honourable, at committee stage, we propose. What is your proposal?

MS AISHA KABANDA: Yes, I am here to propose that we remove Khat from the list of products that you are about to prohibit.

THE DEPUTY CHAIRPERSON: Honourable colleagues, I put the question that the Fourth Schedule be amended by removing *Catha edulis* from the list of prohibited plants.

(Question put and negatived.)

THE DEPUTY CHAIRPERSON: Honourable colleagues, I put the question that the Fourth Schedule stands as part of the Bill.

(Question put and agreed to.)

The Fourth Schedule, agreed to.

New insertion

DR AYUME: Mr Chairman, low blood sugar is a precursor -

THE DEPUTY CHAIRPERSON: Order!

DR AYUME: Mr Chairman, please pardon me, but low blood sugar is a precursor for narcolepsy so you will excuse me on that. The Fifth Schedule is about controlled precursors and essential chemicals.

The committee proposes to add a new schedule after the Fourth Schedule to provide for precursors and essential chemicals.

There are two tables, Mr Chairperson. Table one has -

THE DEPUTY CHAIRPERSON: Hon. Nandala, we have moved well with you. Give the committee chairperson a chance; let him just read.

These are medical issues, which all the experts and consultants agreed that we had left out. So, let him propose. We have enough doctors here.

DR AYUME: Insertion of a new schedule. The committee proposes the insertion of a new schedule after the Fourth Schedule to provide for precursors and essential chemicals.

The Fifth Schedule is titled, "Controlled Precursors and Essential Chemicals". There are two tables, 1 and 2.

Mr Chairman, if it serves you right, I can read all the items. There are 21 under Table 1, and eight under Table 2.

THE DEPUTY CHAIRPERSON: They have been listed and we have it on our record.

DR AYUME: Well guided, Mr Chairman. The salts of the substances listed in Tables 1 and 2, whenever the existence of such salts is possible (The salts of hydrochloric acid and sulphuric acid are specifically excluded).

The isomers of ephedrine and pseudoephedrine are the halogenated and alkalized forms of ephedrine and pseudoephedrine and the salts.

Justification

1. To include the list of precursors and chemicals that can be used in the manufacture or production of narcotic drugs or psychotropic substances; and
2. To update the list of narcotic drugs and psychotropic substances as updated by the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 17th Edition, January 2020. I beg to submit. Thank you.

THE DEPUTY CHAIRPERSON: Thank you. Yes, honourable minister.

GEN. MUHOOZI: The insertion of the new schedule is allowed.

THE DEPUTY CHAIRPERSON: Honourable colleagues, I put the question - yes, Hon. Nandala.

MR NANDALA-MAFABI: Mr Chairman, I was asking for the list because some of these look like reagents and reagents are used in laboratories and many other places. So, how is that list not having reagents in the- because you are talking about hydrochloric acid?

THE DEPUTY CHAIRPERSON: This is an issue we deeply discussed. Can someone explain to allay the fears?

MR NANDALA-MAFABI: Because these are things we are just seeing now.

THE DEPUTY CHAIRPERSON: Yes, Hon. Opio.

MR OPIO: Thank you, Mr Chairperson. I just want to bring to his attention. Table 2 -

THE DEPUTY CHAIRPERSON: The list is provided - ICT, run the list again.

MR OPIO: If you look at Table 2, you will notice that we have toluene, acetone, and ethyl ether. That is the precursor that is used for making the glue that people sniff a lot.

So, one of the reasons why you are seeing them, they look like just chemicals, but they are precursors for making those particular substances.

THE DEPUTY CHAIRPERSON: Honourable member, we discussed allaying the fears, because I asked the same question as Hon. Nandala when we were in a meeting and you gave a very good explanation. Committee chairperson, help us with that about the fears we had of schools and what.

DR AYUME: Mr Chairman, the committee is alive to the fact that most of these compounds are imported for other purposes like industrial purposes, making of soaps and so forth.

However, in clause 6, what the committee proposed was not access or acquisition, but a diversion. If you are a wholesale importer and you import these chemicals, but then you divert

them instead of going to a school in Butambala, it ends up in a workshop or in a laboratory in Kiwatule, then that is the diversion we are talking about, which is used to make narcotics and psychotropic agents. Thank you.

THE DEPUTY CHAIRPERSON: So, those used in the schools and what, are gotten for the right purpose. The problem is if someone diverts them for other purposes.

Honourable colleagues, I put the question that a new schedule be inserted.

(Question put and agreed to.)

THE DEPUTY CHAIRPERSON: I put the question that the new schedule stands part of the Bill.

(Question put and agreed to.)

The new schedule, agreed to.

The Title

THE DEPUTY CHAIRPERSON: No, recommittal is at third reading, which we will do on Tuesday. I put the question that the Title stands part of the Bill.

(Question put and agreed to.)

The Title, agreed to.

MOTION FOR THE HOUSE TO RESUME

THE DEPUTY CHAIRPERSON: Yes, honourable minister.

6.53

THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Gen. David Muhoozi): Mr Chairperson, I beg to move that the House do resume and the Committee of the Whole House reports thereto.

THE DEPUTY CHAIRPERSON: I put the question that the House do resume and the Committee of the Whole House reports thereto.

(Question put and agreed to.)

(The House resumed, the Deputy Speaker presiding.)

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

6.55

THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Gen. David Muhoozi): Mr Speaker and honourable members, I beg to report that the Committee of the Whole House has considered the Bill entitled, "The Narcotic Drugs and Psychotropic Substances Control Bill No. 14, 2023" and passed the following clauses: 28, 30, 35, 36, 41, 42, 43, 44, 46, 48, 51, 52, 60, 61, 62, 63, 64, 65, 66, 74, 75, 76, 78, 80, 82, 83, 84, 85, 86, 87, 88, 89, 91, 92 and 93;

It has also passed, with amendments, clauses: 26, 27, 29, 31, 33, 34, 38, 39, 40, 45, 47, 49, 53, 57, 59, 67, 68, 69, 70, 77, 79, 81, 90, 94, 2, 6, 8 and 14;

It has deleted clauses: 32, 37, 50, 54, 55, 56, 58, 71, 72 and 73.

The new clauses inserted immediately after clauses 58, 59 and 69 have also been passed.

It passed the First Schedule, Second Schedule, Third Schedule and Fourth Schedule, with amendments.

It added a new schedule immediately after the Fourth Schedule.

It also passed the title. I beg to move.

MOTION FOR ADOPTION OF THE REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

THE DEPUTY SPEAKER: Yes, honourable minister.

THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Gen. David Muhoozi): Mr Speaker, I beg to move that the Report from the Committee of the whole House be adopted.

THE DEPUTY SPEAKER: I put the question that the Report of the Committee of the whole House be adopted.

(Question put and agreed to.)

(Report adopted.)

THE DEPUTY SPEAKER: Thank you, honourable colleagues, for a job well done. We shall complete the process on Tuesday. I am really thankful because this Bill is very critical and we have to finish it, so that the drug dealers do not have a field day.

House is adjourned to Tuesday at 2 o'clock.

(The House rose at 6.58 p.m. and adjourned until Tuesday, 22 August 2023 at 2.00 p.m.)