
ACTS

SUPPLEMENT No. 3

17th March, 2023

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Act 3

Parliamentary Pensions (Amendment) Act

2023

THE PARLIAMENTARY PENSIONS (AMENDMENT) ACT, 2023

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**THE PARLIAMENTARY PENSIONS (AMENDMENT)
ACT, 2023**

An Act to amend the Parliamentary Pensions Act, 2007 to replace the requirement for a recommendation of the Uganda Medical Board with a recommendation from a specialist medical practitioner approved by the Board or the Parliamentary Commission Medical Board; to increase the rate of contribution for a member; to provide for voluntary contributions; to provide for the nomination of beneficiaries of death benefits; to repeal the application of the vesting scale on the proportion of Government contribution upon early retirement of a member; to make the Clerk to Parliament an ex-officio member of the Board without the right to vote; to provide for the appointment and functions of the Chief Operations Manager and other staff of the Scheme; to permit benefits of untraceable members to be deposited on the Reserve Account of the Scheme; to extend the application of the Act to Speakers and Deputy Speakers of Parliament who held the Office of Speaker or Deputy Speaker on or after 1st January, 1980; to enable the dependents of a former Speaker or Deputy Speaker to access the retirement benefits of the former Speaker or Deputy Speaker; and for other related matters.

DATE OF ASSENT: 8th February, 2023

Date of Commencement: 17th March, 2023

BE IT ENACTED by Parliament as follows:

1. Amendment of section 2 of the Parliamentary Pensions Act, 2007, Act No. 6 of 2007

Section 2 of the Parliamentary Pensions Act, 2007, in this Act referred to as the principal Act, is amended by inserting immediately after the definition of the word “hybrid”, the following—

““medical practitioner” means a person registered and licensed to practice as a medical practitioner under the Medical and Dental Practitioners Act;”.

2. Amendment of section 6 of principal Act

Section 6 of the principal Act is amended in subsection (1), by substituting for the word “fifteen”, the word “twenty”.

3. Insertion of section 6A in principal Act

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

“6A Voluntary contributions

(1) A member may, in addition to the contribution made under section 6, make voluntary contributions to the Scheme.

(2) A member who wishes to make a voluntary contribution may authorise the Parliamentary Commission, in writing, to deduct an amount from the member’s wage payment and remit the amount as a voluntary contribution to the Scheme.

(3) The Parliamentary Commission shall remit the voluntary contribution under subsection (2) every month or at any other time authorised by the member.”

4. Amendment of section 7B of principal Act

Section 7B of the principal Act is amended in subsection (2) by substituting for paragraph (b), the following—

“(b) pay for medical treatment in respect of a pensioner on the recommendation of a specialist medical practitioner approved by the Board;”.

5. Amendment of section 12 of principal Act

Section 12 of the principal Act is amended by inserting immediately after subsection 5, the following—

“(6) Notwithstanding subsection (1), a pension may be paid to a member who ceases to be a member on or after attaining forty-five years of age, subject to service as a member for a continuous period of five years, where the member elects to receive a pension instead of a refund.”

6. Amendment of section 13 of principal Act

Section 13 of the principal Act is amended by repealing subsections (2) and (3).

7. Insertion of section 13A in principal Act

The principal Act is amended by inserting immediately after section 13, the following—

“13A. Midterm access to benefits

(1) Subject to subsection (2), a member who has made contributions to the Scheme under section 6 shall be allowed midterm access to his or her benefits accrued from the contributions.

(2) A member who is forty-five years of age and above and has made contributions to the Scheme for at least ten years, is eligible to midterm access to his or her benefits, of a sum not exceeding twenty per cent of his or her accrued benefits.

(3) The Board shall, by statutory instrument, prescribe the terms and conditions and procedure for accessing the accrued benefits under this section.

(4) A statutory instrument made under subsection (3) shall be laid before Parliament for approval.”

8. Amendment of section 15 of principal Act

Section 15 of the principal Act is amended by substituting for the words “Medical Board appointed by the Director General of Medical Services”, the words “Parliamentary Commission Medical Board in the case of a member who is a member of staff of the Parliamentary Commission or a specialist medical practitioner approved by the Board, in the case of a member who is a Member of Parliament”.

9. Substitution of section 16 of principal Act

The principal Act is amended by substituting for section 16, the following—

“16. Death of member or pensioner

(1) Notwithstanding the provisions of any other law, where a member or pensioner dies, his or her death benefits shall be distributed by the Board in accordance with the nomination made under subsection (2).

(2) Every member or pensioner shall, in the prescribed form, nominate his or her beneficiary who—

- (a) in case of death of the member, shall be entitled to a refund of the member’s Scheme credit; and
- (b) in case of death of the pensioner, shall receive the pensioner’s pension.

(3) Where a member or pensioner does not nominate any beneficiary, the Board may, in exceptional circumstances, determine the distribution of the benefits of the deceased member or pensioner.

(4) The exceptional circumstances referred to under subsection (3) shall be prescribed by regulations made by the Board under section 24.”

10. Repeal of section 16A of principal Act

Section 16A of the principal Act is repealed.

11. Insertion of section 17A in principal Act

The principal Act is amended by inserting immediately after section 17, the following—

“17A. Establishment of Parliamentary Post-Retirement Medical Fund

(1) There is established a fund to be known as the “Parliamentary Post-Retirement Medical Fund”.

(2) The object of the Parliamentary Post-Retirement Medical Fund is to provide members access to medical care upon retirement.

(3) The Board shall deduct an amount not exceeding two percent of the contribution made under section 6 and remit the contribution to the Parliamentary Post-Retirement Medical Fund for the benefit of the member.

(4) The moneys in the Parliamentary Post-Retirement Medical Fund shall, at all times, be maintained separately from any other funds under the control of the Board.

(5) The administration and management of the Parliamentary Post-Retirement Medical Fund shall be prescribed by regulations made by the Board under section 24.”

12. Amendment of section 18 of principal Act

Section 18 of the principal Act is amended—

- (a) in subsection (1), by substituting for paragraphs (b) and (f) the following—
 - “(b) two back bench members of Parliament elected from different political parties or organisations;”;
 - “(f) the Clerk to Parliament who shall be an ex-officio member without the right to vote.”;
- (b) by substituting for subsection (1a), the following—
 - “(1a) At least one third of the members of the Board shall be women.”; and
- (c) by inserting immediately after subsection (5), the following—
 - “(5a) Except as otherwise expressly provided in this Act, the Board may carry out its functions notwithstanding any vacancy in its membership.”

13. Substitution of section 18A of principal Act

The principal Act is amended by substituting for section 18A, the following—

“18A. Powers of the Board

For the purpose of carrying out its functions, the Board may exercise, perform and discharge any of the following powers—

- (a) control, supervise and administer the assets of the Scheme in such manner as to promote the purpose for which the Scheme is established;
- (b) issue guidelines for the proper management of the Scheme;

- (c) delegate any of its powers to any person;
- (d) form sub committees for the effective performance of its functions;
- (e) determine, on the advice of the actuary, trivial pension to be paid as a lump sum payment to a pensioner; and
- (f) do such other things as the Board may consider expedient for the preservation of the Scheme and the rights of the members and beneficiaries.”

14. Insertion of sections 18B and 18C in principal Act

The principal Act is amended by inserting immediately after section 18A, the following—

“18B. Appointment and functions of Chief Operations Manager of the Scheme

(1) The Scheme shall have a Chief Operations Manager who shall be appointed by the Board for a term of four years and renewable once.

(2) A person shall not be appointed Chief Operations Manager unless that person—

- (a) has academic or professional qualifications in accounting, finance, economics, insurance, law or banking with experience and competence to manage the affairs of the Scheme; and
 - (b) is a person of high moral character and proven integrity.
- (3) The Chief Operations Manager shall—
- (a) be the accounting officer of the Scheme; and
 - (b) in the performance of his or her functions, be answerable to the Board.

(4) Subject to the general supervision and direction of the Board, the Chief Operations Manager shall be responsible for the day to day operations and administration of the Scheme and performing any other function assigned to him or her by the Board.

18C. Other staff of the Scheme

(1) The Board may, on the advice of the Chief Operations Manager, appoint staff of the Scheme as may be necessary for the effective performance of the functions of the Scheme.

(2) The staff of the Scheme shall hold office on such terms and conditions as may be specified in their instruments of appointment.”

15. Amendment of section 20B of principal Act

Section 20B of the principal Act is amended by inserting immediately after paragraph (b), the following—

“(ba) benefits of untraceable members, five years from the time the benefits are due;”.

16. Amendment of section 20C of principal Act

Section 20C of the principal Act is amended by substituting for subsection (3), the following—

“(3) The Board shall, within two months after receipt of the audited statement of accounts of the Scheme, submit to the Annual General Meeting a copy of the audited statement of accounts together with a copy of the audited report on the statement of accounts made by the auditor.”

17. Amendment of section 20G of principal Act

The principal Act is amended in section 20G by—

(a) inserting immediately after the definition of the words “currency point”, the following—

““daughter” includes a daughter adopted in the manner recognised under the laws of Uganda;”;

““dependent” includes a spouse, parent, son or daughter;”;
and

- (b) inserting immediately after the definition of the word “retirement”, the following—

““son” includes a son adopted in the manner recognised under the laws of Uganda;”.

18. Insertion of section 20GA in principal Act

The principal Act is amended by inserting immediately after section 20G, the following—

“20GA. Application

The provisions of this Part apply to—

- (a) a person who ceases to hold the office of Speaker or Deputy Speaker after the commencement of this Act; and
- (b) a person who held the office of Speaker or Deputy Speaker on or after 1st January, 1980.”

19. Amendment of section 20H of principal Act

Section 20H of the principal Act is amended in subsection (5) by deleting the words “provided Government does not make a contribution”.

20. Insertion of sections 20JA and 20JB in principal Act

The principal Act is amended by inserting immediately after section 20J, the following—

“20JA. Benefits of dependent of Speaker or Deputy Speaker who dies in office

(1) Where a person who dies while holding the office of Speaker or Deputy Speaker does not have a spouse, a dependent of the former Speaker or Deputy Speaker shall be granted benefits prescribed in Part CA of Schedule 4 or 5, as the case may be.

(2) The benefits under this section shall be guaranteed for a period of twenty years and granted collectively where the dependents are more than one.

20JB. Benefits of dependent of Speaker or Deputy Speaker who dies in retirement

Where a former Speaker or Deputy Speaker dies in retirement, the surviving spouse or spouses and dependents of the former Speaker or Deputy Speaker shall be entitled to the monthly allowances specified in paragraph (1) of Parts C and CA of Schedules 4 and 5 for the unexpired period of twenty years from the date of retirement of the Speaker or Deputy Speaker.”

21. Repeal of section 27 of principal Act

Section 27 of the principal Act is repealed.

22. Amendment of Schedule 4 to principal Act

Schedule 4 to the principal Act is amended by inserting immediately after Part C, the following—

“Part CA

Benefits of a dependent of a Speaker who dies in office

1. A monthly allowance equivalent to sixty percent of the monthly salary of the sitting Speaker.
2. Other allowances to cater for the transport, health and security of the dependent as may be determined by the Parliamentary Commission.”

23. Amendment of Schedule 5 to principal Act

Schedule 5 to the principal Act is amended by inserting immediately after Part C, the following—

“Part CA**Benefits of a dependent of a Deputy Speaker who dies in office**

1. A monthly allowance equivalent to sixty percent of the monthly salary of the sitting Deputy Speaker.
2. Other allowances to cater for the transport, health and security of the dependent as may be determined by the Parliamentary Commission.”

Reference

Medical and Dental Practitioners Act, Cap. 272