

UPDATE ON THE UGANDA COMMUNICATIONS COMMISSION (UCC) REGULATIONS 2019 UNDER THE UCC ACT

In November 2019, the Minister of ICT in exercise of his powers and in consultation with UCC gazetted eighteen Regulations in the Telecommunications sector. The Regulations were passed to, among others; meet the National Broadband Policy objectives, promote fair competition, create a harmonized telecommunications network, to promote infrastructure roll out and they also introduced a new licensing framework.

Legal Perspective

Section 93 (1) of the Uganda Communications Act, 2013 (the “Act”) provided that; “The Minister may, after consultation with the Commission and with Parliament’s approval, make regulations for better carrying into effect the provisions of this Act by statutory instrument.”

In 2017, Section 93(1) of the Act was amended by repealing the words “and with the approval of Parliament” and a new subsection “(3a)” was inserted stating that Parliament may by resolution revoke the regulations or a particular provision of the Regulations within 30 days from the date the regulations are laid.”

On the other hand, Section 93(3) of the Act was never amended, and states that “Regulations made shall be laid before Parliament.”

What does this mean?

The Minister can make Regulations in consultation with the Commission without Parliamentary approval. These procedural requirements were completed and the regulations were finally gazetted by the Minister. The gazetting of the regulations in effect made the Regulations law. However, as required by Section 93 (3) of the Act, these Regulations have to be tabled before Parliament for informational purposes, as the last step without prejudice to their efficacy.

On 28th May, 2020, the eighteen Uganda Commission Regulations, 2019 were tabled before Parliament and the same shall likely scrutinized by the Parliamentary Committee on Information, Science and Communication Technology which is mandated by Parliament to oversee the activities and programmes of the Ministry of Information and Communication Technology. Under the UCC Act, parliament has 30 days to revoke any or a particular provision of these Regulations.

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