



The Registry

Newsletter



The Uganda Business Facilitation Centre currently in final stages of construction. It will house Capital Markets Authority, Uganda Investment Authority and Uganda Registration Services Bureau

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Launched

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REGISTRAR GENERAL'S Foreword

The Covid-19 pandemic triggered incredible change and saw the emergence of challenges for many people, businesses, and society in general. For our entity, standing still was not an option. We had to adopt a pace to help clients navigate the disruption to their lives, their planned ventures and the economy, support our staff through the uncertain times and stay safe, and of course build our own resilience to deliver our mandate as expected.

Building confidence

In order to stay focused under the *new normal*, we concentrated on continuing to serve our clients through our previously strategically planned digital technology services support strategy, the *All-digital, all-online*, which overnight ensured there was little disruption to our services delivery through technology systems. We also intensified awareness of services through e-platforms, like the Innovation Webinars where we were able to reach a wider audience remotely through these engagements, but also affirmed our commitment to deliver.

Critically, we positioned our entity as a leader in national formalisation. We completed our Strategic Development Plan III that will guide our operational model for the next 5 years and have continued to engage with all stakeholders like government, sector partners, investors, and businesses to play our part in national social economic development to enhance growth, improve trust, and reinforce the reputation of URSB as the centre of excellence for registration services.

Adapting to changes and delivering growth

Despite the tough economic conditions earlier in the year, we saw significant demand for our services as clients sought for our support to register aspects of their businesses, unions, creations, insolvency needs and chattels registry to overcome the impact of the pandemic and lockdowns. At the heart of this performance was, undoubtedly, the commitment of our staff and partners across different sectors, who supported each other and our clients in the most challenging of times. This support made it easier for us to use unified efforts for strength.

The pandemic has shown that the most effective ways to make progress on major services delivery challenges is through collaboration. We expanded our alliances through memorandum of understanding agreements with identified stakeholders, combining our experience and capabilities to create innovative solutions to public and private sector and services challenges, improving both the sustainability and profitability of the micro, small and medium enterprises who form the bulk of businesses in Uganda.

Looking towards a transformative year

The year 2021 has been a transformative year for URSB, our staff, our clients, and our society. When we reflect on the past 12 months, there are many lessons we have learnt and can be proud of. In a time of crisis, we acted responsibly, and in year of uncertainty, we turned towards our time tested organizational-set strategies to remain on course.

As we look towards the start of the year 2022, we will use these valuable insights, our skills and scale to support an inclusive formalization agenda for our country. From tackling insolvency and supporting business recovery and registration, enabling full digital services usage, enhancing creativity and innovation, positioning the chattels registry to allow small businesses access credit, we will build an entity that is trusted, resilient and agile to meet the transformational challenges and opportunities ahead. Happy new year, 2022.

Mercy K. Kainobwiso

The Capacity of an Insolvent Company to Sue and be Sued

By Niringiye Rachel

*Registration and Compliance Officer,
Directorate of Insolvency and Receivership*



A company is considered insolvent when it is unable to pay its debts as and when they fall due. A company which is insolvent may be placed under administration, receivership, or liquidation in compliance with the Insolvency Act of 2011. These insolvency proceedings may be commenced by any creditor, a shareholder, the Official Receiver or a director.

The effect of a company being declared insolvent is that the property of the company cannot be attached in execution, the interests of the creditors are protected and the company may acquire a new lease of life through business rescue mechanisms such as administration. The directors and shareholders also relinquish control of the company to the appointed Insolvency Practitioner. Since the Insolvency Practitioner takes over the affairs of the insolvent company, he must take actions some of which may involve commencement of a suit to recover property or defend the company against suits brought by creditors. In this article, I discuss the capacity of an insolvent company to commence or defend court proceedings.

Suits against an Insolvent Company

There is limited controversy on the capacity of an insolvent company to be sued. Section 97(1) (c) of the Insolvency Act provides that, at the commencement of liquidation proceedings, executions or other legal processes shall not be levied against the company or its properties. Justice Boniface Wamala in *Miscellaneous Application No. 1191 of 2020 Roko Construction Ltd V Roofings Limited and Roofings Rolling Mills Limited* in his interpretation of Section 97 on the effects of liquidation states that, the provision bars proceedings against the company that is under liquidation.

Section 164 (2) (iii) also protects the company in administration against suits from persons bound by the administration deed. This position was expounded on by Justice Stephen Mubiru in *Uganda Telecom Limited vs Ondoma Samuel t/a Alaka and Company Advocates Miscellaneous Application No. 0012 of 2018*. The judge, while setting aside a garnishee order nisi that had been issued against

Uganda Telecom Limited, stated that the rights of creditors are found in the administration deed and therefore creditors may not commence or continue execution proceedings or other legal process or levy distress against the company or its property, except with the leave of the court and in accordance with the terms as the court may impose.

The rationale for protecting insolvent companies from being sued is that the insolvency regime establishes quasi-judicial mechanisms for consideration of the creditors' claims. This rationale was stated in the case of *Ogilvie Grant and Anor v East (1983) 1 ACLC 742* by McPherson J who observed that, "what is substituted for litigation in the ordinary form is a procedure by which a claimant lodges a verified proof of debt with the liquidator, who admits or rejects it wholly or in part, and from whom an appeal lies to a judge...there can be no doubt that ordinarily such a procedure is and is designed to be, much more expeditious and less expensive than ordinary procedures by way of action."

Suits by an Insolvent Company

As I stated earlier, when a company is insolvent, the directors relinquish control of the company to the appointed Insolvency Practitioner. Section 181 of the Insolvency Act empowers the receiver to demand or recover by any action all income of the property in receivership. The Insolvency Act in Section 60 is clear with regard to the corporate status of a company in Liquidation. Liquidation does not affect the corporate status of the company until it is dissolved and therefore powers exercisable prior to liquidation can be exercised during liquidation.

The law in a number of instances allows an Insolvency Practitioner to sue for purposes of the achieving the objectives of the Insolvency process. Some of these instances are found in Section 8(1) (b) which allows a liquidator to refer matters of unascertained amounts to court, Section 18 which empowers the liquidator to ask Court to nullify insider dealings, section 84 which allows the liquidator to seek for direction from court regarding his powers and section 111 which allows the liquidator to extract a Compliance Order. The law in respect of receivers is clear, a receiver can sue on behalf of the company in receivership. Justice Boniface Wamala's ruling in Miscellaneous Application No. 1191 of 2020 Roko Construction Ltd V Roofings Limited and Roofings Rolling Mills Limited notes that the intention of Section 97 on the effects of

liquidation is to bar proceedings by the company that is under liquidation. The implication of this ruling would be that Roko Construction Limited was precluded from challenging the consent judgement and staying execution proceedings against it which is a wrong interpretation of the section.

In another interesting twist, the Supreme Court in Crane Bank Ltd (in Liquidation) v Sudhir Ruparelia and Meera Investments Limited Civil Application No.2 of 2021, while relying on provisions of the Financial Institutions Act (FIA), held that the right to sue and be sued is a creature of statute and in the absence of such provision, the Court cannot grant powers that Parliament thought it wise not to confer. Court while dismissing the matter against Crane Bank Ltd (in Receivership) noted that the FIA did not confer an entity in receivership with the right to sue or be sued. Therefore Crane Bank Ltd (In Receivership) had no locus to bring a matter before Court. This case is however distinguishable from ordinary insolvency proceedings because of its strict adherence to provisions of the FIA. The FIA specifically confers rights that have to be enforced to the insolvency office holder. I respectfully disagree with the reasoning of the judges in dismissing this case and resonate with the ruling in M. Wheeler & Co. v. Warren [1928] Ch. 840 where the Court of Appeal decided that even in the absence of a specific provision for the same, there was an implied power to sue

in the company's name where the intention was to achieve the objective of the receivership. The rationale for this position is the unique nature of insolvency proceedings and how it is not feasible to foresee and regulate each and every possible situation. In addition to this, Section 98 of the Civil Procedure Act allows Courts the discretion to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the court.

Conclusion

Insolvency proceedings do not terminate the life of the company upon commencement. The company will therefore have to take a number of steps to achieve the purpose of the insolvency proceedings. These may include commencing actions to recover what is due to the insolvent estate to benefit the general body of creditors. Such a company must therefore be empowered and indeed is empowered by the law to commence such actions and recover what is due to the insolvent estate. On the other hand, creditors do not have a similar right of commencing or continuing with proceedings against the company. The appointed insolvency office holder is given quasi-judicial powers to adjudicate creditor's claims and only if they are dissatisfied with his decision, will they proceed to Court.

Approaches to Valuation Of IP Assets Companies Can Use to Capture Value in the Market Environment



When conducting IP valuation, it is important to consider the nature and attributes of the subject IP and the nature and characteristics of the market of that IP to determine the appropriate approach.

By Wabugo Michael

Registration Officer, Directorate of Intellectual Property

For any company today to survive cut throat competition in the market place, use of intellectual property assets should be part of its corporate strategy. Intellectual property (IP) is a powerful tool for a business to gain a competitive advantage but its economic value has often been underestimated and relegated to a lesser position in comparison to the tangible assets. Being an intangible asset, its value is usually muddled with other intangibles blurring the real value that can be captured.

Intellectual property refers to creations of the human mind such as inventions, designs,

literary and artistic works, performances, plant varieties, and names, signs and symbols. As an asset it is a resource to business with potential to bring economic benefits to a business. Intellectual Property as an asset can generate value to a business and increase economic benefits. To understand and appreciate the potential of intellectual property in value creation, a company must conduct an audit and valuation.

IP audits and valuation can be done for various reasons including licensing, litigation, mergers and acquisition, litigation and. Valuation of IP assets has often been neglected by enterprises or placed under goodwill and this usually obscures the value of IP assets

in a business. The international accounting standards board (IASB) now recognizes acquired and identifiable intangible assets (i.e., IP assets) and requires all acquired IP assets to be recognised as assets, separately from goodwill, on the balance sheet of the business acquiring the IP assets. For instance, when a brand is acquired, IP valuation is done for the initial valuation as well as the periodical impairment tests for the derived values to be included in the balance sheet.

When conducting IP valuation, it is important to consider the nature and attributes of the subject IP and the nature and characteristics of the market of that IP to determine the appropriate approach. The heterogeneity of IP assets



IP audits and valuation can be done for various reasons including licensing, litigation, mergers and acquisition, litigation and. Valuation of IP assets has often been neglected by enterprises or placed under goodwill and this usually obscures the value of IP assets in a business.

requires multiple approaches in valuation. Use of sensitivity analysis and reasonableness checks can be of great benefit to the valuer and the user of the valuation report. Valuation of IP assets is guided by different approaches but the traditional methods dominate this exercise. The traditional approaches

include income, market and cost methods.

Income approach values an IP asset with reference to earnings expected in its economic life and the associated risks. The income approach usually expresses the present value of future cash flow values at a discounted rate (DCF) which has to factor in inflation rate, interest rate, risk associated with the IP asset and other factors.

Market or sales comparison approach considers transactions of comparable assets. This method compares transactions of the available IP assets with similar uses on the market. The market approach is conducted on certain assumptions; novelty and differentiation of the IP asset in Comparable assets for analysis; publically available data of similar assets in comparable arm's length transactions and historic transaction about the subject IP.

The Cost approach as mentioned earlier is another traditional method. There are two variants

used in the cost approach; reproduction and replacement methods. The reproduction cost method estimates the cost that will be spent to reconstruct the exact replica of the IP asset while replacement cost the cost to recreate the functionality or utility of the subject IP, but in a form or appearance that may be quite different from the subject IP.

This method is based on certain assumptions; the degree of differentiation of the subject IP and the associated rights preventing others from developing similar asset; the ability to reasonably estimate the probability of successfully developing IP of similar utility, and the ability to estimate the development time, direct costs and opportunity cost and the position of the subject IP within its expected useful economic life, as this will influence the need for an obsolescence provision.

With the limitations which the different valuation approaches have, a company should select the appropriate method depending on the needs and the prevailing circumstances. Valuation of IP asset is increasingly becoming necessary as businesses explore opportunities in the face of rapid globalization and technology innovation. Only companies that can use their IP assets to extract value shall remain relevant in the market place.

Borrowers Rights in Secured Transactions

Lanyero Ruth, Assistant Registration Officer Chattels Securities Registration Unit

Sustainability and continuous growth are terms that are alien to most businesses today, especially in the aftermath of the economic hardships set in by the COVID-19 pandemic world-over. Many businesses in the country are still reeling from the shocks of the COVID-19 lockdowns put in place by the Government to stem the spread of the pandemic – which sent a number of them into a hibernation mode due to slowed activity for some and total closure for others. Studies have shown that even before the onset of the COVID-19 pandemic, many businesses in Uganda do not survive their

first birthday and even those that survive barely survive and not thrive due to among other factors, inadequate capital for growth and expansion.

The foregoing scenario has compelled a number of business owners to consider applying for loan bailouts from financial institutions to 'jumpstart' their business ventures. The idea of taking a loan however is not an option for other business owners despite the hard economic struggles of their businesses mainly due to their risk averseness.

A loan, be it for an individual purpose or business, is usually synonymous with the relinquishing of one's rights to property in exchange for an agreed sum of money. The process of negotiating a loan however, is a difficult minefield to navigate for many business owners due to among others, the perceived unfavourable terms and conditions put forward by the lending institutions. Furthermore, many banks and financial institutions are still hesitant to lend against moveable collateral and when they do, their main goal is to get as much protection against any perceived default from a borrower. This leads to fear on the borrowers' part and many of those who eventually take the loans suffer in silence. Cognisant of this fact and in a bid to make

borrowing easier the Security Interest in Moveable Property Act (SIMPA) was passed into law in 2019. This law not only allows borrowers to use their moveable property as collateral for loans but it also protects their rights over the property. The Act also introduces the Security Interest in Moveable Property Registry System (SIMPO) with an electronic register and embraces technology for better transparency in loan agreements.

The Act defines a security interest as a property right in moveable property that is created by an agreement to secure payment or other performance of an obligation, any type of charge over moveable property, chattel mortgage and consensual lien.

For a borrower, it is important to

note that the law is in place to protect one from unscrupulous lenders in the market and this is in the following ways:

Legal Protection of the property

The law prohibits any transfer of property that is pledged as collateral for a loan. In any agreement signed between the borrower and lender, transfer of legal title from the borrower to the lender nullifies the agreement. This therefore implies that the borrower can utilize their moveable property without fear of losing ownership of the collateral.

Right to information

When a borrower requests for a loan that is registered on the system they have a right to full information. This includes

Credit Application

General Questions

Proposed Insured's Name:

Birth Date: / / Gender: ☐ Male ☐ Female Passport no:

Address:

Phone Number: Email Address:

ID Number: Social Security Number:

Status: ☐ Single ☐ Married ☐ Divorced ☐ Others

Occupation: Are you a retiree? ☐ Yes ☐ No

Personal Details

Name of Beneficiary:

Bank Account: (in ID number for confirmation only)

Name and Address of beneficiary's bank:

Employee: ☐ Yes ☐ No Plan Choice:

Spouse: ☐ Yes ☐ No Plan Choice:

Children: ☐ Yes ☐ No Plan Choice:

PLAN A
Starting from \$25 per week**
(prices incl. VAT, activation fees apply)
See more details on page 17

PLAN B JOIN NOW!
Starting from THB \$21 per week**
(prices incl. VAT)
See more details on page 17

The Policy

Units: Annual Premium:

Payment Mode: ☐ Annual ☐ Semi-Annual ☐ Monthly PNT (complete PNT card)

Cash with Application: \$

Pledged modal premium: \$

Terms & Conditions

Improvement should be measured regularly and assessed in order for you to know what's beneficial and what is not. This will help you set new targets.

Signature

Date:

The Act introduces the **Security Interest in Moveable Property Registry System (SIMPO)** with an electronic register and embraces technology for better transparency in loan agreements.

the status of the collateral, the amount of unpaid debt, any impending enforcement in cases of default, notice before collateral is disposed in cases of default. Many times lenders have sold properties of borrowers without any notification given. However, the new law emphasises that the borrower at all times should be informed of the process from start to finish.

Right to object to notices on SIMPO

The new law states that any person, who believes a notice is inaccurate or was wrongfully registered, may register a notice of objection. This emphasises permission from a borrower before any registrations are made on the system. This gives cover and confidence to the borrower, as they are aware that they can always object where

there is evidence of inaccuracy or wrongdoing on the part of the lender.

Reasonable care

One of the fears a borrower would have is safety of any collateral that they have pledged for a loan. However the lender's duty is to take care of property that is in their possession. This gives assurance to a borrower so they know that when any property is in the possession of the lender it will be kept safely.

Armed with all this; the new law and system are a reassurance to borrowers out there. Safe borrowing is no longer a myth but a reality, borrowers are therefore able to borrow armed with the knowledge of their rights.





A New Dawn for Uganda's Tourism as a New Destination Brand is *Launched*

By Sandra Natukunda, Senior Public Relations Officer, Uganda Tourism Board

As the world starts to recover from the effects of the pandemic and opening up borders and skies to global tourism, Uganda, has refreshed its tourism destination brand promise, with the unveiling of a new brand identity that promises both domestic, regional and global tourists, an adventure of a lifetime.

The brand identity—Explore Uganda, The Pearl of Africa, was unveiled on Friday, 21st January 2022, by the country's President, H.E Yoweri Kaguta Museveni in Kampala, Uganda's capital city.

The president was assisted by Col. Rtd Tom Butime, Hon Martin Bahinduka Mugarra and Ms. Doreen Katusiime, the Cabinet, State Minister and Permanent Secretary for Tourism, Wildlife and Antiquities, respectively.

The Brand was developed by Uganda Tourism Board (UTB), Uganda's tourism marketing and regulatory agency.

The Uganda Tourism Board Chief Executive Officer, Ms. Lilly Ajarova and her Deputy, Mr. Bradford Ochieng; and the Board Chairman, Hon. Daudi Migereko together with board members,

hosted the unveiling, held at the Kololo Ceremonial Grounds.

Explaining the new brand promise, Ajarova, said that the new brand promise seeks to reemphasise Uganda's rare and precious range of tourism attractions to the world, thereby earning destination Uganda competitive market share.

"Uganda is no doubt beautiful. Beautiful beyond measure. Yes, everyone knew that Uganda is and has always been the Pearl of Africa, - but there was a lack of clarity and consistency on, if Uganda is the Pearl of Africa-



what pearls does it have to offer for each of the various travel segments and preferences," she said, adding: "To win the marketplace; to achieve our Number One objective of "Sustainably Promoting Uganda as a Competitive Tourism Destination for Inclusive Development" it was therefore important that all stakeholders are aligned on what makes us the Pearl of Africa and how do we unpack that to the various travel markets/segments around the world."



"Explore, Uganda the Pearl of Africa is an invitation to our tourists- both domestic, regional and international to rediscover the magnificence of the Pearl. We are promising and inviting them to Explore Uganda, The Pearl of Africa, for ADVENTURE OF THEIR LIFETIME," she said.

Before the new brand, there were a number of campaigns by various stakeholders, most of which were built around "Visit Uganda" as a call to action, something that Ajarova says did not appropriately capture the uniqueness of Uganda's attractions.

"If you think about it, when you invite someone to visit you, you are simply asking them to check on you, maybe for a few days. But an invitation to EXPLORE is really about inviting someone to indulge themselves. To spoil themselves; to delve into; to deep-dive; to discover and rediscover- the depth, range and variety of attractions in the pearl," Ms Ajarova further explained.

Speaking at the launch, President Museveni beckoned the world to Explore Uganda, The Pearl of Africa saying that, the uniqueness of her attractions guaranteed a better experience and higher return on investment. He particularly extolled Uganda's unique terrain, that made the country a "roof of Africa" where Lake Victoria sits, giving birth to the Mighty River Nile that flows

through various Ugandan lakes on its way to Alexandria in Egypt.

He also highlighted Uganda's abundant vegetation, temperate climate, variety of wildlife, strategic location on the Equator, cultural diversity, community tourism, peace and security, among others.

Col Rtd. Tom Butime said that before the COVID-19 pandemic, tourism in Uganda was on a strong and positive trajectory, reading in Foreign Exchange earnings and accounting for 7.7% of GDP and about 6.3% of all formal employment in the country.

"The launch of the Brand is part of a response to the recovery after this dreadful pandemic. We are getting back into the market with a unified message and a clear promise and call to action. The launch of the Destination Brand is both vital to the restarting and rebuilding of the tourism sector as it provides a positive, recognizable and firm assurance of the beauty we radiate as a people and landscape of Uganda," he said.



1. Registrar General, Mercy K. Kainobwiso (4th R) poses for a group photo with newly appointed staff after an induction training at the Head Offices. URSB prioritizes staff training in line with strengthening human resource output.

2. **Celebrating excellence;** Board Chairman, Ambassador Francis K. Butagira (3rd L) flanked by Registrar General, Mercy K. Kainobwiso (c), Deputy Registrar General, Alex Anganya together with other staff receiving two awards won by the organization. URSB was recognized as URA's outstanding partner for the FY 2020/2021 by the Commissioner General, while the SIMPO Service also won the e-government excellence award 2021 during the NITA-U organized citizen choice awards.

3. Stanbic Bank Incubator Limited (SBIL) Chief Executive, Tony Otoa (c), Registrar General, Mercy K. Kainobwiso flanked by URSB & SBIL staff after the signing of a working Memorandum of Understanding designed to support training and capacity for over 500 small and medium enterprises across Uganda.

4. **Partnerships;** (L-R) Uganda Investment Authority (UIA) Deputy Director General Paul Kyarimpa, URSB Registrar General Mercy K. Kainobwiso, UIA Director General Robert Mukiza & URSB Deputy Registrar General Alex Anganya after a meeting at the UIA Head offices at Twed Plaza. Both organisations are part of the One Stop Centre arrangement initiated to support business support services.



5. Registrar General Mercy K. Kainobwiso (2nd R) & Director ICT Arthur Kwesiga share a photo moment with a visiting delegation from the Austrian Consular that paid a visit to URSB. Among the matters discussed during the cordial meeting was Austria's interest in funding for Non-Individual register for legal entities project.
6. Deputy Registrar General Alex Anganya in a group photo with senior staff members and representatives of the Norwegian Embassy in Kenya & Uganda. The visiting team from the Embassy discussed matters pertaining to civil registration and certification of marriage related documentation including improved information sharing and process support

7. Board Chairman Ambassador Francis Butagira (seated 2nd R) in a group photo with senior staff members after the conclusion of the Corporate Registers Forum (CRF) that was hosted URSB on behalf by of the Government of Uganda. CRF brings together over 60 registers from across the globe
8. The Very Rev. Msgr. Lawrence Ssemusu Chaplain of the Makerere University Business School helps URSB staff to cut cake after the 2021 Annual Thanksgiving breakfast. The event which runs on an annual basis every December is convened to dedicate the organization to God.

Civil Marriage as an Alternative to Other Forms of Marriage



Vincent KATUTSI, Director, Civil Registration

Marriage takes centre stage in formation of the family as a foundation of society. In Uganda there are several forms of recognised marriages and a person is free to choose one of the many depending on circumstances. Although the term marriage lacks a stand-alone definition, I have opted to use the following as a working definition, that is, **'a legal union between a man and woman with the intention of founding a family'**. the most instructive words herein being 'legal' and 'union'. From the onset, it is important to note that a marriage as form of union is one because a specific law prescribes it as such. There is no presumption of marriage, it either is or is not.

There are five types of marriages in Uganda, these are Customary

Marriage defined to mean a marriage celebrated according to the rites of an African community and one of the parties to which is a member of that community, the Muslim marriage; celebrated by person who profess the Muslim faith according to the rites and observances of the Mohammedan religion, the Hindu Marriages; celebrated by people who profess the Hindu faith, church marriage celebrated in any licensed place of worship by any recognised minister of the church, denomination or body to which the place of worship belongs, and according to the rites or usages of marriages observed in that church, denomination or body and the civil marriage which is a monogamous union celebrated before a registrar, in the presence of two witnesses in

his or her office, with open doors, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon .

Of the above marriages, the civil marriage has universal recognition internationally probably because it is conducted by the state as the primary actor and in mutual recognition of sovereignty.

A growing number of Ugandans have embraced civil marriages. This is attributed to increased awareness and flexibilities in the process and its recognition as earlier alluded to. Civil marriages have also been embraced by the refugee communities and Ugandans living in the Diaspora as it facilitates family reunions and the migration process.

Apart from civil marriages

enjoying the above advantages other related benefits include; the low cost involved, the simple requirements expected of an intending couple, the hustle free process of solemnisation and the legal clarity that comes along with it.

Civil marriages are solemnized at the office of the Registrar of Marriages of a given marriage district. Marriage district for purposes of the Marriage Act refers to every political district and the city of Kampala. For the political districts, the marriage registrar is the Chief Administrative Officer whereas the Registrar General is responsible for the city of Kampala.

Civil marriages have gained momentum over the years a factor attributed to increase in awareness of its existence as a form of marriage and the attendant flexibilities some of which include; the universal recognition/acceptability of civil marriages by other jurisdictions, the immediate entry onto the marriage register maintained

by the Registrar General, the simplicity with which it can be commenced.

Statistics at the office of the Registrar General show a growth curve of eight to twelve marriages solemnized on average daily. Marriages occurring at the districts have equally grown. The numbers are usually determined by special events and the period of the years. For instance, during valentine's day this February, the office of the Registrar of Marriages, Kampala solemnized marriages of eight couples with the average for the week at twelve marriages daily.

For one to have a civil marriage celebrated, one of the intending couple is required to give the registrar of the marriage district notice of the intended marriage which is in a prescribed form. The notice is accompanied by proof of majority ages, status of the parties involved, proof of staying within the jurisdiction of the marriage district, and a sworn statement to the effect that the parties are not related by kindred or affinity. These are

proved by way of affidavit and accompanied by documents such as a Local Council one (1) letter proving that one of the parties has been living under jurisdiction for at least the last fifteen days.

The statutory fees involved in the whole process affordable and payable to the consolidated fund.

The Public needs to know however that, the civil marriage is a monogamous union and is for life till death or a valid judgment of divorce issued by a competent court.

Whereas no counselling is provided to an intending couple, the parties are taken through the legal effect of conducting this type of marriage and the presiding Registrar ensures clear understanding of the undertaking yet to be made. All that takes place in approximately fifteen (15) minutes and the marriage ceremony is done. Intending couples are therefore encouraged to consider civil marriages a recognized form of marriage in Uganda.

Requirements for conducting a civil marriage:

- a). Proof of citizenship such as a National ID or Passport
- b). An LC 1 letter with proof of your residence in the district in which the marriage is intended to be conducted for the last 15 days
- c). Passport size photographs of the couple
- d). Registered marriage affidavits
- e). In case of foreign citizens, a letter from the Civil Registration or Vital Statistics Office of their country confirming that the party is not married.

For all marriage related information and guidance on your applications, email us on marriages@ursb.go.ug



0800 100 006

www.ursb.go.ug

URS B HQ

@URS B HQ

URSB, Buganda Kingdom Partner to Strengthen Traditional Marriage Registration

By Denis Nabende, Senior PR & Corporate Affairs Officer



Registrar General, Mercy Kainobwiso addresses the Bogezi and other delegates during the event.



The Uganda Registration Services Bureau (URSB), together with the Buganda Kingdom have partnered to support traditional marriage registration and practices across communities. The two institutions trained a team of Buganda Kingdom Events Spokesmen (Aboogezi b'emikolo) on the different cultural and legal requirements of customary marriages.

The practice has been that once a customary marriage is

officiated, the couple received a Buganda Kingdom certificate and considers the marriage registered. Majority of Ugandans, even the elites are oblivious about customary marriage registration and related practices to secure their unions. The process of registration of a customary marriage can only be considered complete once the marriage is filed with the Sub County Chief and a copy of that marriage forwarded to the

Registrar of Marriages at Uganda Registration Services Bureau.

Customary marriage, termed locally as *nyomkwaro* among the Lango/Acholi, *Kuhingira* among the Bakiga/Banyankole and *Kwanjula/kukyala* among the Baganda, is one of the recognized marriages in Uganda. It is a type of marriage which is negotiated, celebrated and concluded according to specific culture and norms, celebrated according to the rites of an African community to which one is a member. By most standards, it is the basic standard of matrimonial institutionalization in Uganda. Customary Marriages are governed by the Customary Marriages (Registration) Act Cap 248 Laws of Uganda.

Speaking at the event that was also graced by the Katikiro of Buganda, Owekitiibwa Charles Peter Mayiga, the Registrar General of USB, Mercy Kainobwiso told the trainees the values of encouraging their clients to have their unions registered. She added that registration of customary marriages should be effected not later than 6 months after the date of completion of the ceremony although registration after the expiration of 6 months is allowed upon payment of the prescribed fee. *'For any society and the Kingdom to develop, the basic unit of society, the family must be documented to support their progression. This is what marriage registration confers to the couples. I urge you all to support all traditional marriages*

to get registered. The benefits are immense' Kainobwisho said.

The Registrar General also interested the participants in the other related services provided by URSB such as recently established Security Interest in Movable Property registry which allows financial and non-financial institutions extend credit to borrowers using their movable property as collateral; intellectual property registry which protects and enforces intellectual property rights of creatives and is also an area of interest to the kingdom in protection of their traditional garb and related artifacts. URSB also formalizes businesses and handles insolvency related matters.

According to the Act, traditional marriages can be registered at districts, sub-counties, town councils and municipalities where the customary function took place. Sub-County Chiefs and Town Clerks act as marriage registrars and have in their possession a customary marriage registration book, where they also record the necessary settlements agreed and completed by the parties. Within six months, the married couple is expected to go to the office of the sub-county chief or town clerk to register the details of their traditional matrimonial union. The couple must be accompanied by two witnesses who are either parents, brothers, sisters, uncles or aunts of either of the parties, chiefs, clan heads

or other persons of standing.

An additional prescribed fine is levied if the registration is sought six months after the date of the customary marriage ceremony. When the couple, their witnesses and the marriage registrar append their signatures on the prescribed certificate form, the registrar then issues a customary marriage certificate to the parties. The certificate acts as evidence of customary marriage for all legal purposes. In its entirety, this legislation is comprehensive blueprint for traditional marriages in Uganda.

Registrar General rallies ARIPO Member States to adopt the Kampala Protocol

By **Steven Baryevuga**, Senior Media and Communications Officer



The 45th Session of the Administrative Council and the 18th Session of the Council of Ministers of the African Regional Intellectual Property Organisation (ARIPO) convened in Zimbabwe to attend the 45th

Session of the Administrative Council and the 18th Session of the Council of Ministers comprised of 21 Member States. The meetings took place from the 6th to the 10th of December 2021 at the Elephant Hills Resort

in Victoria Falls. Uganda's team was led by Mercy K. Kainobwisho, Registrar General of the Uganda Registration Services Bureau (URSB), and Board Chair Ambassador Francis K. Butagira.

USD 368 billion

The total GDP of ARIPO Member States with a combined population of 230 million people and spanning an area of 7 million square kilometres.

Among other agenda items, the Administrative Council Session debated recommendations to strengthen the protocols managed by ARIPO, as well as the strategic plan 2022-2026 and the organization's financial situation.

During the conference, Mercy Kainobwiso asked the organization to prioritize partnerships and engagements in order to boost intellectual property (IP) rights throughout Africa, highlighting the Kampala Protocol, which, if fully implemented, would result in increased advantages for copyright holders. "We must seek to close any loopholes that restrict the promotion and administration of intellectual property rights such as copyright and associated rights." The Kampala Protocol, the first of its type in Africa to promote this approach, continues to get the required backing, which is appropriate given that Africa is a continent of song and dance, a continent rich in ability, talent, and innovation." According to Kainobwiso.

The 40th Session of the ARIPO Administrative Council held in Harare, Zimbabwe from 5th to 7th December 2016, identified the need to adopt a Protocol on voluntary registration of Copyright and Related Rights under the ARIPO framework and hence approved a roadmap for the establishment of a Voluntary Registration and Notification system. In pursuance of the objective, a feasibility study, policy, and legal framework were developed. Following approval by the 17th Session of the Council of Ministers for the Legal Framework on establishing a



The 21 ARIPO Member States are: Botswana, Kingdom of Eswatini, The Gambia, Ghana, Kenya, Kingdom of Lesotho, Liberia, Malawi, Mauritius, Mozambique, Namibia, Rwanda, Sao Tome and Principe, Seychelles, Sierra Leone, Somalia, Sudan, Uganda, United Republic of Tanzania, Zambia and Zimbabwe

regional voluntary copyright registration and notification system to be formulated into a Draft Protocol for adoption, a Diplomatic Conference was held in Kampala, Uganda from the 20th to 28th August 2021 at Speke Resort Munyonyo at which the Kampala Protocol was adopted. Uganda's President, His Excellency Yoweri Kaguta Museveni was the Chief Guest at the conference that agreed to the adoption of the Kampala Protocol.

During the Council of Ministers, the Republic of Zimbabwe signed the Kampala Protocol on Voluntary Registration of Copyright and Related Rights. Zimbabwe became the 10th ARIPO Member State to sign the Protocol. Nine ARIPO Member States signed the Kampala Protocol on 28th August 2021; Ghana, Liberia, Malawi, Mozambique, Sao Tome and Principe, Sierra Leone, Sudan, United Republic of Tanzania,

and Uganda. The Protocol shall come into force three months after five States have deposited their instruments of ratification or accession.

Until August 2021, ARIPO had four Protocols namely; the Harare Protocol on patents and industrial designs; the Banjul Protocol on marks, the Swakopmund Protocol on traditional knowledge and Expressions of Folklore; and the Arusha Protocol for the protection of new varieties of plants. A fifth Protocol, the Kampala Protocol on Voluntary Registration of Copyright and Related Rights, which was adopted on 28th August 2021 in Kampala, Republic of Uganda.

ARIPO Member States span an area of 7 million square kilometres, with a combined population of 230 million people and a GDP of USD 368 billion. Key among the objectives outlined in the Lusaka Agreement is ARIPO's role in assisting "its members, as appropriate, in the acquisition and development of technology relating to intellectual property matters."

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URSB gives back to Bakateyamba Home for the Vulnerable

By Steven Baryevuga, Senior Media & Communications Officer



The Uganda Registration Services Bureau (URSB) donated various items to the Mapeera Bakateyamba home for vulnerable people in Kampala.

The donations included sugar, rice, posho, salt, soap, flour, eggs, toilet paper and beans. Handing over the items, URSB Registrar General Mercy K.Kainobwisho said the donation was in line with the organisation's corporate social responsibility (CSR) policy and promised that the Bureau will continue to support the needy.

"We care about the communities in which we operate. As such, we try as much as possible to look out for their needs and make our contribution, however small it is," Kainobwisho said. "Many of these elderly persons were once useful to the country, but because they have grown and do not have money and ability to look after themselves, our support is highly needed and these items will help in keeping them healthy and functional," She added.

The elderly home accommodates over 100 people elderly and sick young people was started by the late Emmanuel Cardinal Nsubuga with the aim of providing shelter for less advantaged elderly people.

Sister Mary Lawrence Nakiwu, the Administrator, Mapeera Bakateyamba Home, says the donated items will go a long in helping improve the lives of the people in the home. Mapeera Bakateyamba Home is currently residence to needy people from all walks of life.

"We have our farm in Mukono from which we get food to feed our beneficiaries. However, we have a very old small pick-up that breaks down most of the times. We are therefore facing challenges of collecting fresh organic food. We appeal to the Bureau to look into it so that we take care of these elders," Nakiwu said

The oldest being in his 90's while the youngest is just barely two years- old. According to Sister Nakiwu, the home whose

monthly budget is in millions of shillings runs on donations from various people.

Vincent Katutsi, Chairman URSB CSR Committee said they would continue to place priority on vulnerable people while making donations. *"URSB is interested in making a contribution to lessening community challenges. As the Bureau, we appreciate the services provided by Mapeera Bakateyamba's Home of the Elderly and recognize the challenges the administration faces in caring for the home. This is the reason we chose to donate these items here".* He said

Founded by the late Emmanuel Cardinal Nsubuga in 1978, the Mapeera Bakateyamba home is run by the Good Samaritan Sisters under the patronage of Kampala Catholic Archdiocese. Located at Nalukolongo, along the Kampala-Masaka road, the home has a hostel with capacity for 300 people. Currently, there are disabled, elderly, destitute and otherwise vulnerable persons at the facility.

URSB, Stanbic Business Incubator to Support 500 SMEs Annually



By Maria Karungi, Client Relations Officer.

The Uganda Registration Services Bureau (URSB) and the Stanbic Business Incubator (SBIL) signed a Memorandum of Understanding (MoU) which will see 500 micro, medium and small enterprises (MSMEs) trained and supported to become compliant and sustainable businesses annually for the next five years.

The partnership and collaboration will focus on training SMEs about URSB services and enterprise development under SBIL's Enterprise Development Program.

Mr. Tony Otoa, the Chief Executive, SBIL, and Mrs. Mercy K. Kainobwisho, the Registrar General, URSB, signed the MoU in Kampala.

Speaking at the signing, Mercy K. Kainobwisho said URSB the

initiative between URSB and the Stanbic Business Incubator in training of MSMEs will help reduce business mortality while arming entrepreneurs with skills to grow their businesses. *'I appreciate the role the Stanbic Business Incubator is plays in knowledge management of young entrepreneurs through the training programs provided countrywide. It is these same entrepreneurs that helping our formalization drive by registering their entities'* Kainobwisho said.

'Together, with this MoU, we can now jointly develop and implement a series of initiatives on National Content through the Stanbic Business Incubator. These business incubation and management programmes will support our mandate of registering Intellectual property, businesses in addition to getting corporate rescue services and use of movable property to secure

credit' Kainobwisho added

Upon signing, SBIL and URSB will jointly create platforms to reach at least 500 SMEs annually, incorporate a module in the Enterprise Development Program (EDP) that enlightens about URSB services including business registration, Insolvency, SIMPO, intellectual property, provide experts and expertise in capacity building and training programs, identify and facilitate businesses.

URSB will also extend facilitative and expertise support to the Stanbic Business Incubator's Enterprise Development Programme, identify and incorporate URSB services that support SME growth and capacity building. SBIL and URSB will also work together to adopt and co-create friendly and inspiring business environments for SMEs.

About SBIL

SBIL was founded in 2018 as an initiative of Stanbic Bank to support and nurture SMEs to prepare for and harness business and growth opportunities. The Incubator has so far trained 1,216 Small and Medium Enterprise and 2,392 entrepreneurs. The Business Incubator provides an enabling environment for entrepreneurs through the following programmes:

- Business Development Services.
- Training and follow-up support interventions.
- Networking Events focus group discussions and access to subject matter experts.
- Mentoring and coaching of entrepreneurs after formal training
- Provide avenues for accessing markets and sourcing of funds

STEPS ON HOW TO REGISTER A COMPANY ONLINE.

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2. Fill in and scan the above forms including identification (such as National IDs, Passport, Driving Permit) of directors and secretary of the company
3. Go to www.ursb.go.ug and click on e-services-business registration-company/ business name registration.
4. Fill in the online application form with all necessary information.
5. Upload the scanned company documents and forms
6. Attach proof of payment which is either a receipt or PRN if you paid through mobile money
7. Submit after all mandatory fields have been filled.

You will receive an email with a ticket number for follow up.

PROCEDURE FOR REGISTERING A CUSTOMARY MARRIAGE

All customary marriages such as Kwanjula, Kuhingira, Nyom metekwaro a'Lango, etc must be registered at the sub county where the function was held

01

Couple with two Witnesses go to the sub county with evidence that marriage took place

02

The couple makes necessary payments in the bank

03

Sub county Chief enters marriage into Customary Marriage Register

04

Sub county chief, Couple and Witnesses sign Customary Marriage certificate

05

Couple is issued with a Customary marriage Certificate

06

Sub county Chief files the customary marriage return with the Registrar of Marriages

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URSB At A Glance

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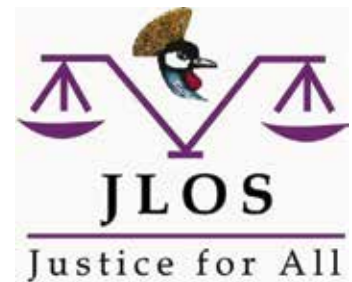
“To Provide Accessible, Reliable & Innovative Registration Services for a Formalised Economy”.

Our core Values:

Professionalism | Integrity | Teamwork | Excellence | Transparency | Accountability

We are responsible for the following;

- ▶ Registration of Businesses and companies, partnerships, documents, debentures and chattels transfers among others.
- ▶ Official Receiver in matters of Insolvency
- ▶ Registration of Intellectual Property which are; Patents, Utility models, Industrial designs, Trademarks, Service marks, Copyright and Neighboring Rights among others.
- ▶ Registration of all Marriages, licensing places of worship, solemnizing civil marriages and issuing single status letters.
- ▶ Registration of Security Interests in Movable Property (SIMPO)
- ▶ Collection of Non Tax Revenue (NTR)



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- ▶ Mbale - Plot 3, Park Crescent.
- ▶ Mbarara- Plot 1, Kamukuzi Hill
- ▶ Gulu – Plot 6B Princess Road
- ▶ Masaka -Plot 28, Edward Avenue, Mayor's Chambers

Kampala branch offices

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