



The Republic of Uganda

**THE ABRIDGED AND SIMPLIFIED VERSION  
OF THE CONSTITUTION OF THE REPUBLIC OF UGANDA**



**Prepared by the Uganda Law Reform Commission**

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## PREFACE

This is a simplified and abridged version of the Constitution of Uganda which has been prepared by the Uganda Law Reform Commission in exercise of its powers under section 11 of the Uganda Law Reform Commission Act Cap.25, at the request of the Government of Uganda, through the Ministry of Local Government

The Constitution is used in every day life at many levels of society in Uganda hence the need for its simplification. The production of this version is aimed at creating peoples' awareness and appreciation of their rights and obligations under the Constitution, as well as enhancing the administration of justice in Uganda.

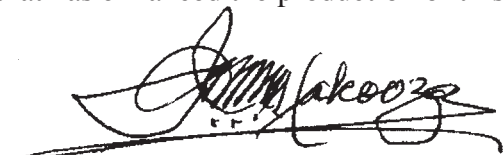
This version simplifies the recently reprinted Constitution as at 15th February, 2006 which incorporates the Constitution (Amendment) Act 2005, Act No. 11 of 2005 and the Constitution (Amendment) (No.2) Act 2005, Act No. 21 of 2005.

In the preparation of this version, the commission has adopted the use of ordinary language, only using legal terms where it has been deemed necessary. Certain words considered difficult to understand but not simplified in the main text have been explained in the glossary. The commission has endeavoured to include the most important provisions of the Constitution in a summarised form. Some of the provisions from the Local Governments Act, Cap. 243 that have a bearing on the Constitution have been included in the sixth schedule to this version.

It is important to note however that the numbering of the provisions in this version does not necessarily correspond to the numbering provided in the Constitution. However, the articles referred to in this version have been indicated in brackets at the end of each head note.

### Acknowledgment

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## **GLOSSARY**

### **Allegiance**

Commitment and loyalty to a state or institution.

### **Antiquities**

Old things or objects or articles of national value.

### **Conscience**

It is the natural ability to differentiate right from wrong.

### **Consolidated Fund**

It is an account in which all Government revenue is kept.

### **Contempt of court**

This is refusing to obey an order made by a court of law or not showing respect for a court.

### **Currency system**

The system of money that a country uses.

### **Custody**

The state of being in detention especially while awaiting trial.

### **Degradation**

It means the process of something being damaged or made worse.

### **Detention**

The state of being kept in a place especially in prison.

### **Diplomat**

An official who represents one country in another.

### **Disseminate**

This means to spread, disperse information or knowledge so that it reaches many people.

### **Emoluments**

Money paid to somebody for work she or he has done.

### **Equalisation grant**

This is money paid by Government to least developed districts to compensate for their lack of taxable capacity.

### **Indemnity**

Compensation for loss or damage.

**Infringement**

To do something that is against the law or someone's rights.

**Inspectorate of Government**

This is a Government body or department charged with the duty of fighting corruption and abuse of office by public officers.

**Judiciary**

The branch of Government responsible for interpreting the laws and administering justice.

**Jurisdiction**

This means a court's power to try a case.

**Minority**

It means a small group of people within a much larger group.

**Miscellaneous**

Consisting of many different kinds of things that are not connected and do not easily form a group.

**Monument**

A building or statue built to remind people of a famous person or event.

**Naturalisation**

The granting of citizenship to a non Ugandan who has been residing in Uganda continuously for a period of twenty years.

**Public debt**

A debt owed by a municipal, state or national government.

**Referendum (referenda in plural)**

It is a process whereby people vote in order to make a decision about a particular subject.

**Revocation**

The act of cancelling a law, decision or agreement.

**Royalties**

This is money paid by an oil or mining company to the owner of the land that they are working on.

**State**

The government of a country while country means an area of land that has its own government.

**State religion**

A religion promoted, taught and used by a government to the exclusion of other religions.

**Statutory instrument**

It is a subsidiary law issued by a Minister or authority empowered to do so by law e.g. by laws, ordinances, rules, regulations etc.

**Surcharge**

An additional tax, charge or cost, that one must pay in addition to the usual tax or price.

**Tenure**

The period of time when someone holds an office.

**Treason**

The crime of being disloyal to one's country or government, especially by helping its enemies or trying to take over government using violence.

**Treaties, conventions, agreements or arrangements**

A formal written agreement between two or more countries or governments or between a government and an international organisation.

**Universal adult suffrage**

It is a right of all adult persons to vote.

**Unlimited original jurisdiction**

Original jurisdiction means a court's power to hear and decide a matter before any other court can review it.

Unlimited jurisdiction means jurisdiction that is not confined to a particular type of case.

**Validity**

The state of being legally or officially acceptable.

# THE ABRIDGED VERSION OF THE CONSTITUTION

## **The Preamble.**

WE THE PEOPLE OF UGANDA:

RECALLING our history which has been characterised by political and constitutional instability;

RECOGNISING our struggles against the forces of tyranny, oppression and exploitation;

COMMITTED to building a better future by establishing a socioeconomic and political order through a popular and durable national Constitution based on the principles of unity, peace, equality, democracy, freedom, social justice and progress;

EXERCISING our sovereign and inalienable right to determine the form of governance for our country, and having fully participated in the Constitution-making process;

NOTING that a Constituent Assembly was established to represent us and to debate the Draft Constitution prepared by the Uganda Constitutional Commission and to adopt and enact a Constitution for Uganda:

DO HEREBY, in and through this Constituent Assembly solemnly adopt, enact and give to ourselves and our posterity, this Constitution of the Republic of Uganda, this 22<sup>nd</sup> day of September, in the year 1995.

FOR GOD AND MY COUNTRY

# National Objectives and Directive Principles of State Policy

## *General*

### **I. Implementation of objectives.**

The following objectives and principles shall guide all organs and agencies of the State, all citizens, organisations and other bodies and persons in applying the Constitution and any other law and policy decisions.

The President shall report to Parliament and the nation at least once a year, all steps taken to ensure the realisation of these policy objectives and principles.

## *Political objectives*

### **II. Democratic principles. (e.g. rule of law, regular fair elections)**

This is to encourage active participation of all citizens in their own governance and access to leadership positions at all levels; decentralisation of government functions and powers; wide representation in the composition of Government and the independence of civic organisations to carry out their objectives.

### **III. National unity and stability.**

This is to work towards the promotion of national unity, peace and stability; the integration of all peoples of Uganda taking into account the various political, cultural, and other interests; promoting the culture of cooperation, tolerance and respect for each other's customs and beliefs; establishing institutions for the peaceful resolution of conflicts; and providing a stable political environment necessary for economic development.

### **IV. National sovereignty, independence and territorial integrity.**

This is to ensure that the State and the citizens of Uganda at all times defend the independence, sovereignty and territorial integrity of Uganda; build national strength in all spheres to avoid undue dependence on other countries and institutions and to mobilise and empower Ugandans to build independent and sustainable foundations for the country's development.

## *Protection and promotion of fundamental and other human rights and freedoms*

### **V. Fundamental and other human rights and freedoms.**

This is to ensure that the State guarantees respect for institutions charged with the duty of protecting and promoting human rights and the independence of nongovernmental organisations which protect and promote human rights.



**VI. Gender balance and fair representation of marginalised groups.**

This is to ensure equal treatment of men and women in all aspects of life under the law and fair representation of disadvantaged groups on all constitutional and other bodies.

**VII. Protection of the aged.**

This is to ensure that the State makes reasonable provision for the welfare and maintenance of the aged.

**VIII. Provision of adequate resources for organs of Government.**

This is to ensure that the distribution of powers, functions, checks and balances provided for in the Constitution among the various organs of Government are supported through the provision of adequate resources for their effective functioning at all levels.

**IX. The right to development.**

This is to ensure that the State encourages private initiatives and self-reliance in order to facilitate quick and fair development.

**X. Role of the people in development.**

This is ensure that the State takes all necessary steps to involve the people in implementation of development plans and programmes which affect them.

**XI. Role of the state in development.**

This is to empower the State to give highest priority to the making of laws for the protection and strengthening of the right to equal opportunities and development; encourage agriculture, industrial technology and scientific development and regulate acquisition, use and disposition of land and other property, in accordance with the Constitution.

**XII. Balanced and equitable development.**

This is to empower the State to plan and take necessary measures to bring about balanced and fair development between the rural and urban areas and to take special measures for the development of the least developed areas.

**XIII. Protection of natural resources.**

This is to ensure protection by the State of natural resources on behalf of the people of Uganda.

**XIV. General social and economic objectives.**

This is to ensure that the State makes effort to fulfill the rights of Ugandans to social justice and economic development for the maximum social and cultural well being of the people and their enjoyment of rights, opportunities and access to social and economic benefits such as education, health services, clean and safe water, work, decent shelter, adequate clothing, food security and pension and retirement benefits.

**XV. Recognition of the role of women in society.**

This is to ensure that the State recognises the important role played by women in society.

**XVI. Recognition of the dignity of persons with disabilities.**

This is to ensure that society and State recognises the right of persons with disabilities to respect and human dignity.

**XVII. Recreation and sports.**

This is to ensure promotion by the State of recreation and sports for the citizens of Uganda.

**XVIII. Educational objectives.**

This is to empower the State to promote free and compulsory education and to provide every citizen equal opportunity to attain the highest education standard and to encourage the founding of educational institutes according to the national educational policy and standards.

**XIX. Protection of the family.**

This is to ensure that the society and State protect the family as the natural and basic unit of society.

**XX. Medical services.**

This is to ensure that the State takes all practical measures for the provision of basic medical services to the people.

**XXI. Clean and safe water.**

This is to ensure that the State takes all practical measures to promote good water use at all levels.

**XXII. Food security and nutrition.**

This is to ensure that the State takes steps to encourage people to grow and store adequate food, establish national food reserves, and promote proper nutrition through education and other means, in order to build a healthy state.

**XXIII. Natural disasters.**

This is to ensure that the State institutes effective ways for dealing with problems caused by natural disasters or any situation resulting in displacement of people or serious disruption of their normal life.

*Cultural objectives*

**XXIV. Cultural objectives.**

This is to develop cultural and customary values which are in agreement with the rights and freedoms, human dignity, democracy and the Constitution and incorporating them in aspects of Ugandan life. The State is also required to promote those cultural values which strengthen the dignity and well being of Ugandans, the development and preservation of Ugandan languages, sign language for the deaf and a national language or languages.

**XXV. Preservation of public property and heritage.**

This is to ensure that the State and citizens make effort to preserve, protect and promote the culture of preservation of public property and Uganda's heritage.

*Accountability*

**XXVI. Accountability.**

This is to ensure that lawful measures are taken to expose and fight corruption by those holding political and public offices in trust for the people.

*The environment*

**XXVII. The environment.**

This is to promote development and awareness for proper management of land, air and water resources for the present and future generations.

*Foreign policy objectives*

**XXVIII. Foreign policy objectives.**

This is aimed at promoting regional cooperation, respect for international law and encouraging peaceful relations for the well being and progress of humanity.

*Duties of a citizen*

**XXIX. Duties of a citizen.**

The exercise and enjoyment of rights and freedoms shall not be separated from the performance of duties and therefore it shall be the duty of every citizen—

- (a) to be loyal and patriotic to Uganda and promote her well being;
- (b) to engage in gainful work for the good of that citizen, family and for the common good and contribute to national development;
- (c) to contribute to the well-being of the community where that citizen lives;
- (d) to promote responsible parenthood;
- (e) to encourage national unity and living in harmony with others;
- (f) to promote democracy and rule of law; and
- (g) to know the Constitution and other laws and to uphold and defend them.

**Chapter One**  
**The Constitution.**

**1. Sovereignty of the people. (Article 1)**

(1) All power belongs to the people who shall, through regular free and fair elections, express their will and consent on how and by whom they shall be governed.

(2) The Government and its organs obtain power and authority from the Constitution and the Constitution in turn derives its authority from the people.

**2. Supremacy of the Constitution. (Article 2)**

(1) The Constitution is the highest law in Uganda and must be obeyed by all people and authorities.

(2) Any other law or custom that is against any provision of the Constitution is not valid.

**3. Defence of the Constitution. (Article 3)**

(1) No person or group of persons can take over the power of Government except as permitted by the Constitution.

(2) Any person who, through unlawful means, changes any part of the Constitution or attempts to do so commits the offence of treason and shall be punished according to the law.

(3) The Constitution must be respected and obeyed even where its observance has been interrupted by a successful rebellion and all persons who have taken part in the rebellion or other activity which resulted in the interruption shall be tried in accordance with the Constitution and any other law.

(4) All citizens of Uganda have a right and duty to protect the Constitution.

(5) Any person who defends and protects the Constitution commits no offence and where that person is punished, on the restoration of the Constitution, the punishment shall be cancelled and the person shall be free from any liabilities arising out of that punishment.

**4. Public awareness of the Constitution. (Article 4)**

It is the duty of the State to translate the Constitution into Ugandan languages and disseminate it widely and have it taught in all educational and armed forces training institutions.

**Chapter Two**  
**The Republic.**

**1. The Republic of Uganda. (Article 5)**

- (1) Uganda is one independent State and a Republic.
- (2) Uganda shall consist of Kampala, the districts of Uganda and regional governments as provided in the schedules attached.
- (3) Kampala which is located in Buganda shall be the capital city of Uganda and shall be administered by the central government.
- (4) The administration and development of Kampala shall be in accordance with a law made by Parliament.

**2. Official language of Uganda. (Article 6)**

*An official language is used as a medium of conducting official business.*

- (1) English is the official language of Uganda.
- (2) Kiswahili is the second official language, to be used, as Parliament may by law provide.
- (3) Any other language may be used in schools or other educational institutions or for any other purposes as Parliament may provide.

**3. State religion. (Article 7)**

Uganda shall not have a State religion.

**4. National symbols and seals. (Article 8)**

The national flag, national coat of arms, public seal, national anthem and seals of the court in use before 8th October, 1995 shall continue to be in use.

**5. National interests. (Article 8A)**

Uganda shall be governed on principles of national interest, national objectives and directive principles of State policy.

## Chapter Three

### Citizenship.

#### 1. Citizens of Uganda. (Article 9)

Every person who, on the coming into force of the constitution (8th October 1995), is a citizen of Uganda shall continue to be a citizen.

*Citizenship can be acquired in three ways—*

- (a) *by birth;*
- (b) *by registration;*
- (c) *by naturalisation, as Parliament may by law provide.*

#### 2. Citizen by birth. (Articles 10 and 11(1))

A citizen by birth is —

- (a) every person born in Uganda one of whose parents or grandparents is or was a member of any of the communities within the borders of Uganda as on first day of February 1926;
- (b) every person born in or outside Uganda one of whose parents or grandparents was at the time of birth of that person a citizen of Uganda by birth;
- (c) a child of not more than five years of age found in Uganda, whose parents are not known.

#### 3. Citizenship by registration. (Articles 11(2) and 12)

(1) Every person born in Uganda and who has lived continuously in Uganda since independence (9<sup>th</sup> October 1962), whose parents or grandparents were not refugees or diplomats at the time of his or her birth can apply to be registered as a citizen of Uganda.

(2) The following persons shall, upon application, be registered as citizens of Uganda—

- (a) every person married to a Ugandan citizen upon proof of a legal and existing marriage of three years or such other period provided by Parliament;
- (b) every person who has lawfully and freely moved to and has been living in Uganda for at least ten years or other period provided by Parliament;
- (c) every person who, on the coming into force of the Constitution (8<sup>th</sup> October 1995), has lived in Uganda for at least twenty years;
- (d) a child under the age of eighteen years neither of whose parents is a citizen of Uganda, who is adopted by a citizen of Uganda.

(3) A person who has been registered as a citizen of Uganda through marriage shall continue to be a citizen even where his or her marriage has ended or been declared invalid by a court of law.

#### **4. Citizenship by Naturalisation (Article 13)**

Parliament shall by law provide for the acquisition and loss of citizenship by naturalisation.

#### **5. Loss of citizenship by registration. (Article 14)**

A person may lose citizenship by registration on the following grounds—

- (a) voluntary service in the armed forces or security forces of a country at war or unfriendly to Uganda;
- (b) if the citizenship was obtained unlawfully;
- (c) if one is spying against Uganda.

#### **6. Dual citizenship. (Article 15)**

*Dual citizenship means being a citizen of two countries at the same time.*

(1) A citizen of Uganda of eighteen years and above who voluntarily acquires the citizenship of another country may retain the citizenship of Uganda as provided under the law.

(2) A person who is not a citizen of Uganda may upon acquiring citizenship of Uganda, retain the citizenship of another country subject to the law.

(3) Where the law of another country requires a citizen to give up his or her citizenship upon marriage in that country, then upon dissolution of that marriage one shall reacquire his or her Ugandan citizenship.

(4) Parliament shall by law prescribe the circumstances of acquiring dual citizenship.

#### **7. National Citizenship and Immigration Board. (Article 16)**

There shall be a National Citizenship and Immigration Board whose functions shall be prescribed by Parliament by law.

#### **8. Duties of a citizen. (Article 17)**

- (1) The duties of a citizen are—
  - (a) to respect the national anthem, flag, coat of arms and currency;
  - (b) to respect the rights and freedoms of others;
  - (c) to protect children and other persons who need protection, against any form of abuse and ill-treatment;
  - (d) to protect public property;
  - (e) to defend Uganda and to provide national service when necessary;
  - (f) to work with lawful agencies in the maintenance of law and order;
  - (g) to pay taxes;



- (h) to register for elections and other lawful purposes;
- (i) to fight corruption and wastage of public property;
- (j) to create and protect a clean and healthy environment.

(2) It is the duty of all able-bodied citizens to undergo military training for the defence of the Constitution and the protection of the country whenever called upon to do so.

(3) Parliament may make a law to provide a penalty for the violation of any duty or obligation.

**8. Registration of births, marriages and deaths. (Article 18)**

Every birth, marriage and death occurring in Uganda must be registered.

**9. Citizenship of a parent dying before the birth of a person. (Article 19)**

Citizenship of a person born after the death of his or her parent shall be taken to be the citizenship of the parent at the time of the parent's death.

**Chapter Four**  
**Fundamental and Other Human Rights and Freedoms.**

**1. Basic and other human rights and freedoms. (Article 20)**

(1) Basic rights and freedoms of the individual are inherent (*natural*) and not given by the State.

(2) All rights and freedoms must be respected, and promoted by all organs of Government and by all persons.

**2. Equality and freedom from discrimination. (Article 21)**

(1) All persons are equal and entitled to the same protection under the law.

(2) A person shall not be unfairly treated on grounds of sex, race, colour, tribe, birth, belief, religion, social or economic standing, political opinion or disability of any kind.

(3) Parliament has the power to pass laws that are necessary to put into practice policies and programmes aimed at resolving social, economic, educational or other differences in society.

**3. Right to life. (Article 22)**

(1) Every person has a right to life but that right may be taken away if a person is found guilty and sentenced to death in a fair trial by a competent court and the highest appellate court has confirmed the sentence.

(2) The life of an unborn child must not be ended except as permitted by law.

**4. Right to personal liberty. (Article 23)**

(1) No person shall be denied personal liberty except under the following circumstances—

- (a) by an order of court;
- (b) upon reasonable suspicion that that person has committed or is about to commit a criminal offence under the laws of Uganda;
- (c) for preventing the spread of an infectious disease;
- (d) for education or welfare of a person below the age of eighteen years;
- (e) for providing care or treatment of a person suspected to be of unsound mind or addicted to drugs or alcohol or for the protection of the community;
- (f) for preventing unlawful entry into Uganda;
- (g) in any other circumstances as provided by law.

- (2) A person arrested, detained or restricted —
  - (a) must be kept in a place provided under the law;
  - (b) must be informed immediately in a language he or she understands of the reasons for the arrest, detention or restriction and the right to a lawyer to represent him or her;
  - (c) must be brought to court not later than forty-eight hours from the time of arrest;
  - (d) must have access to the next of kin, lawyer and personal medical doctor and to medical treatment at his or her cost;
  - (e) is entitled to apply to court to be released on conditions ordered by the court.

(3) In the case of a crime to be heard by the High Court and magistrates courts a person held in custody for sixty days before trial shall be released on bail on conditions considered reasonable by the court.

(4) In the case of a crime to be heard only by the High Court, a person held in custody for one hundred and eighty days before the case is referred to the High Court must be released on bail on such conditions considered reasonable by the court.

(5) A person unlawfully arrested, restricted or detained by any other person or authority shall be entitled to compensation from that person or authority arresting, restricting or detaining him or her.

(6) Where a person is found guilty and sentenced to imprisonment, any period he or she spends in lawful custody concerning that offence before the sentence is imposed shall be taken into account in determining the period of imprisonment.

(7) The right to an order requiring a person who has custody of another person to produce him or her in court shall not be suspended.

## **5. Protection from inhuman treatment. (Article 24 and 25)**

(1) A person shall not be subjected to any form of torture, cruel, inhuman or degrading treatment or punishment, or held in slavery.

- (2) No person shall be required to perform forced labour.
- (3) 'Forced labour' does not include any work—
  - (a) done in fulfillment of a sentence or order of court;
  - (b) done when a person is in prison which is reasonably necessary for purposes of hygiene or maintenance of the place of detention;
  - (c) required to be done by a member of the armed forces or under navy or during war, or community service;
  - (d) done during the period of emergency or calamity.

**6. Protection of property. (Article 26)**

- (1) Every person has a right to own property either as an individual or with others.
- (2) A person's property of any kind must not be taken away from him or her except—
  - (a) where it is necessary for public use and in the interest of defence, public safety, order, morality or health;
  - (b) under the law which makes provision for prompt payment of fair and adequate compensation prior to the taking of the property;
  - (c) under a law which makes provision for a right of access to a court of law by any person who has an interest over the property.

**7. Right to privacy. (Article 27)**

No person shall be subjected to unlawful search of the body, home or other property or to unlawful entry of his or her premises.

**8. Right to a fair hearing. (Article 28)**

(1) Every person has a right to a fair, quick and public hearing before an independent court or tribunal established by law.

- (2) A court or tribunal may exclude the public from any hearing before it.
- (3) A person charged with a crime shall—
  - (a) be presumed innocent until proved guilty or pleads guilty;
  - (b) be informed immediately in a language he or she understands, of the nature of the offence;
  - (c) be allowed to appear before the court in person or at his or her expense, by a lawyer of his or her choice;
  - (d) be entitled to a lawyer at the expense of the state in case of an offence which carries a sentence of death;
  - (e) be given adequate time and facilities to put up a defence;
  - (f) be entitled free of charge to an interpreter;
  - (g) be allowed to examine a witness called against him or her;
  - (h) be assisted to call witnesses;
  - (i) not be tried for an offence not defined by law;
  - (j) not be tried more than once for the same offence except by an order of a superior court upon review.

(4) The trial of an accused person shall not take place in his or her absence without his or her consent unless that person conducts himself or herself in such a way that makes it impossible for the court to continue with the hearing and the court makes an order for the trial to proceed without him or her.

(5) Every accused person is entitled to a copy of court proceedings upon payment of a fee.

(6) A person shall not be charged with or convicted of a criminal offence, which at the time it took place was not considered a criminal offence.

(7) A person shall not be tried for a criminal offence for which he or she has been pardoned.

(8) Except for contempt of court, a person shall not be convicted of a criminal offence unless the offence is defined and a penalty provided for by law.

(9) Where a person is tried for a crime neither that person nor the spouse must be forced to give evidence against that person.

**9. Right to freedom of assembly and association. (Article 29)**

Every person has a right to—

- (a) freedom of assembly and to demonstrate together with others peacefully and unarmed and to petition;
- (b) freedom of association which includes the freedom to form and join associations or unions like trade unions or other political and public organisations.

**10. Freedom of speech and expression. (Article 29(1) (a))**

Every person has a right to freedom of expression and this includes freedom of the press and other media.

**11. Freedom of conscience and religion. (Article 29(1) (b))**

A person is free to practise any religion and to belong to any religious organisation, freedom of thought, conscience and belief, and academic freedom in institutions of learning, in a manner consistent with the Constitution.

**12. Freedom of movement. (Article 29(2))**

Every Ugandan has a right to—

- (a) move freely within Uganda as he or she wishes;
- (b) settle anywhere in Uganda;
- (c) enter, leave and return to Uganda; and
- (d) a passport or other travel document.

**13. Right to Education. (Article 30)**

All persons have a right to education.

**14. Rights of the family. (Article 31)**

(1) A man and woman are entitled to marry if they are each of the age of eighteen years and above and are entitled—

- (a) to start a family;
- (b) to equal rights at and in marriage, during and after marriage.

(2) Marriage between persons of the same sex is prohibited (not allowed).

(3) Marriage is to be entered into freely by the man and woman intending to marry.

(4) It is the right and duty of parents to care for and bring up their children and they may not be separated from them except where the law so allows.

(5) Parliament shall make laws for the protection of the rights of widows and widowers to inherit property of their deceased spouses and to enjoy parental rights over their children.

**15. Special provisions for disadvantaged groups. (Article 32)**

(1) The State must take positive steps in favour of the groups disadvantaged on the basis of their sex, age, disability or for any other reason created by history, tradition or custom, so as to correct the imbalances against those groups.

(2) Laws, cultures, customs and traditions which are against the dignity or interests of women or other disadvantaged groups are prohibited.

(3) Parliament shall make a law to establish the Equal Opportunities Commission.

**16. Rights of women. (Article 33)**

(1) Women shall be given full and equal dignity of the person, and equal opportunities in political, economic and social activities with men.

(2) The State shall provide for the facilities and opportunities necessary to improve or realise women's full potential and advancement.

(3) The State shall protect the rights of women, taking into account their unique status and natural maternal functions in society.

**17. Rights of children. (Article 34)**

(1) Children have the right to know and be cared for by their parents or those entitled by law to bring them up.

(2) A child has a right to—

- (a) basic education which is the responsibility of the State and the parents of the child;
- (b) protection from social or economic exploitation and must not be employed in or required to perform work that is dangerous to his or her health or physical, moral or social development or to interfere with his or her education.

(3) A child shall not be denied medical treatment or any other social or economic benefit by reason of religious or other beliefs.

(4) A child is a person below the age of sixteen years for the purposes of employment.

(5) A child who has committed an offence, who is kept in lawful custody must be kept separately from adult offenders.

(6) The law shall give special protection to orphans and other disadvantaged children.

**18. Rights of persons with disabilities. (Article 35)**

(1) Persons with disabilities have a right to respect and human dignity.

(2) The State and society must take necessary steps to ensure that persons with disabilities realise their full mental and physical potential.

**19. Rights of minorities. (Article 36)**

Minorities have a right to participate in decision-making processes and their views and interests shall be taken into consideration in the making of national plans and programmes.

**20. Right to culture and similar rights. (Article 37)**

A person has a right to belong to, enjoy, practise, profess, maintain and promote any culture, cultural institution, language, tradition, creed or religion in community with others.

**21. Civic rights and activities. (Article 38)**

(1) Every Ugandan citizen has a right to participate in the affairs of Government, individually or through his or her representatives according to the law.

(2) Every Ugandan has a right to participate in peaceful activities to influence the policies of Government through civic organisations.

**22. Right to a clean and healthy environment. (Article 39)**

Every Ugandan has a right to a clean and healthy environment.

**24. Economic rights. (Article 40(1))**

Parliament shall pass laws—

- (a) to provide for the right of persons to work under good, safe and healthy conditions;
- (b) to ensure equal payment for equal work without discrimination; and
- (c) to ensure that every worker is given rest and reasonable working hours and periods of holidays with pay, as well as payment for public holidays.

**25. Workers' Rights. (Article 40(2) and (3))**

(1) Every worker has a right to practise his or her profession, carry on any lawful business or trade, form or join a trade union and withdraw his or her labour according to law;

(2) The employer of every woman worker shall provide her protection during pregnancy and after birth, in accordance with the law.

**26. Right of access to information. (Article 41)**

Every citizen has a right of access to information in the possession of the State or any other organ of the State except where the release of the information is likely to interfere with the security of the State or the right to the privacy of any other person.

**27. Right to fair treatment in administrative decisions. (Article 42)**

A person appearing before any administrative official or body has a right to be treated fairly and to apply to a court of law in respect of any administrative decision taken against him or her.

**28. Restriction on fundamental and other human rights and freedoms. (Articles 43 and 44)**

(1) In the enjoyment of the rights and freedoms no persons shall violate the fundamental or other human rights and freedoms of others or the public interest.

(2) The right to freedom from torture and cruel, inhuman or degrading treatment, freedom from slavery, fair hearing and the right to an order requiring a person who has custody of another to produce the person in a court of law, shall not be interfered with.

**29. Human rights and freedoms additional to other rights. (Article 45)**

The rights and duties relating to fundamental and other human rights and freedoms specifically mentioned in the Constitution shall not be considered as excluding others not specifically mentioned.



**30. Laws made for a state of emergency. (Article 46)**

(1) An Act of Parliament passed during a state of emergency, which authorises the taking of reasonably justifiable measures that affect individual rights and freedoms shall not be taken to violate the rights and freedoms under the Constitution.

(2) The provisions of any law other than a law made by Parliament dealing with a state of emergency declared under the Constitution shall apply only to that part of Uganda where the emergency exists.

**31. Detention under emergency laws. (Article 47)**

(1) Where a person is detained under a law during a state of emergency the following shall apply—

- (a) the person must be informed in writing within twenty-four hours, the grounds upon which he or she is detained;
- (b) the person's relatives shall be informed of the detention and allowed to see the person within seventy-two hours;
- (c) not more than thirty days after detention or restriction, a notice giving particulars of the provisions of the law and the grounds of detention or restriction of that person must be published in the gazette and the media.

(2) A person restricted, detained or in custody as a result of the state of emergency shall be released immediately at the end of the emergency period, unless charged with a criminal offence in a court of law.

**32. Enforcement of rights and freedoms by courts. (Article 50)**

(1) Any person who claims that a fundamental or other right or freedom provided for under the Constitution has been abused is entitled to apply to court for remedy, which may include compensation.

(2) Any person or organisation may bring an action against the violation of another person's or group's human rights

(3) Any person aggrieved (not satisfied) by any decision of the court may appeal against the decision in an appropriate court.

**33. Uganda Human Rights Commission. (Articles 48, 51, 52 and 54)**

(1) There shall be a commission called the Uganda Human Rights Commission which shall be an independent body consisting of a chairperson and not less than three other persons with high moral character and proven integrity, appointed by the President and approved by Parliament to serve for a period of six years.

- (2) The functions of the commission include—
  - (a) investigating complaints on its own initiative or on a complaint by any person or group of persons against the violation of any human right;
  - (b) visiting jails, prisons and places of detention and restriction with a view to assessing and inspecting conditions of prisoners and making recommendations;
  - (c) promoting the respect of human rights through programmes of research, education and information;
  - (d) recommending to Parliament effective measures to promote human rights, including provision of compensation to victims of violations of human rights or their families;
  - (e) creating and sustaining within society the awareness of the provisions of the Constitution;
  - (f) monitoring Government compliance with international treaty and convention obligations on human rights; and
  - (g) carrying out other functions as Parliament may provide.

(3) The Uganda Human Rights Commission shall review the case of a person who is restricted or detained under a state of emergency.

(4) During a state of emergency, the responsible Minister shall make a report every month to indicate the number of persons restricted or detained and actions taken to comply with the findings of the Uganda Human Rights Commission.

#### **34. Powers of the Commission. (Article 53)**

- (1) The commission shall have powers of a court to—
  - (a) issue summons or other orders requiring the attendance of any person before the commission and also the production of any document;
  - (b) question any person on any matter being investigated by the commission;
  - (c) require any person to disclose any information within his or her knowledge relevant to any question by the commission; and
  - (d) commit persons for disobeying its orders.

(2) The commission may, if satisfied that there has been an infringement of a human right or freedom, order—

- (a) the release of a detained or restricted persons;
- (b) payment of compensation;
- (c) any other legal remedy.

(3) Any person dissatisfied with the decision of the commission may appeal to the High Court.

**35. Removal of a commissioner. (Article 56)**

A commissioner may be removed from office for—

- (a) inability to perform the functions of his or her office;
- (b) misbehaviour or misconduct; or
- (c) incompetence.

## **Chapter Five**

### **Representation of the People.**

#### **1. Right to vote. (Article 59)**

(1) Every citizen of eighteen years and above has a right to vote and a duty to register as a voter for public elections or referenda.

(2) The State must take all necessary steps to ensure that all citizens qualified to vote register and exercise their right to vote.

(3) Parliament must make laws to ensure that citizens with disabilities register and vote.

#### **2. Electoral Commission. (Article 60)**

(1) The Electoral Commission is an independent body consisting of a chairperson and six other members appointed by the President with the approval of Parliament.

(2) A person holding any of the following offices must resign on appointment as a member of the commission—

- (a) a member of Parliament;
- (b) a member of a local government council;
- (c) a member of the executive of a political party or political organisation, or
- (d) a public officer.

#### **3. The functions of the commission. (Article 61)**

The functions of the commission are—

- (a) ensuring that regular, free and fair elections are held;
- (b) organising, conducting and supervising elections and referenda;
- (c) dividing up constituencies;
- (d) determining, publishing and declaring in writing the results of the elections and referenda;
- (e) managing the voters register;
- (f) hearing and determining election complaints arising before and during polling;
- (g) educating people about voting; and
- (h) performing any other function as may be provided by Parliament by law.

#### **4. Constituencies. (Article 63)**

Uganda shall be divided into as many constituencies for the purpose of election of members of Parliament as Parliament may by law prescribe and each constituency will be represented by one member of Parliament.

#### **5. Removal of commissioners. (Article 60(8))**

A member of the commission may be removed from office by the President only for—

- (a) inability to perform the functions of his or her office arising out of physical or mental incapacity;
- (b) misbehaviour or misconduct; or
- (c) incompetence.

#### **6. Appeals from decisions of the commission. (Article 64)**

A person aggrieved by the decision of the commission in respect of any complaints arising before and during polling may appeal to the High Court and that decision will be final.

#### **7. Organisation of elections. (Article 67)**

(1) The commission shall ensure that elections are held at times fixed and notified in advance to the public.

(2) No candidate shall be denied access and use of state owned communication media and all presidential candidates shall be given equal time and space on the state owned media to present their programmes to the public.

(3) Parliament shall make laws regulating the use of public resources during campaigns.

#### **8. Voting at elections and referenda. (Article 68)**

(1) Voting at elections and referenda shall be by secret ballot using one ballot box at each polling station for all candidates.

(2) Parliament may by law exempt any public election, other than a presidential or parliamentary election, from the requirement of conducting elections by secret ballot.

#### **9. Political Systems. (Article 69)**

(1) The people of Uganda shall have a right to choose a system of governance through free and fair elections or referenda.

- (2) The systems may include—
  - (a) the movement system;
  - (b) the multiparty system; and
  - (c) any other democratic and representative political system.

**10. Movement Political System. (Article 70)**

The movement system is broad-based, inclusive and nonpartisan and is based on the following principles—

- (a) participation of the people from grass root level in both local and national matters;
- (b) fairness, responsibility and openness (good governance);
- (c) providing opportunities to citizens to join positions of leadership;
- (d) individual merit as a basis for election to political offices.

**11. Multiparty system. (Article 71)**

A political party in the multiparty system shall be based upon the following principles—

- (a) must be national in character;
- (b) membership should not be based on sex, tribe, religion or other sectional division;
- (c) the organisation shall be based on democratic principles;
- (d) members should be regularly elected from citizens of Uganda with due consideration to gender;
- (e) accountability for sources and use of funds and assets; and
- (f) no person must be forced to join a party.

**12. Right to form political organisations. (Article 72)**

(1) The people of Uganda have a right to form political parties and other political organisations.

(2) Any person has a right to stand for an election as an independent candidate.

(3) An organisation shall not operate as a political party or organisation unless it is based on the principles laid down in the Constitution and is registered.

**13. Change of political systems. (Article 74)**

(1) A political system can be changed through a referendum upon request by resolution supported by—

- (a) more than half of all members of Parliament;

- (b) the majority of total membership of each of at least one- half of all district councils; or
- (c) a petition presented to the Electoral Commission by registered voters.

(2) The request for change of the political system shall only be made in the fourth year of the term of any Parliament.

**14. Prohibition of a one party State. (Article 75)**

Parliament shall have no power to make a law establishing a one party state.

**15. Powers of Parliament. (Article 76)**

(1) Parliament may make laws for the registration of voters, the conduct of elections and referenda.

- (2) Parliament shall by law prescribe—
  - (a) a code of conduct for political organisations and political parties;
  - (b) establishment of national consultative forum and its functions;
  - (c) regulating the functioning of political parties and organisations.

## **Chapter Six**

### **The Legislature.**

*Parliament is an arm of Government established for the purpose of making laws on any matter for the peace, order, development and good governance of Uganda.*

#### **1. Composition of Parliament. (Articles 77(3) and 78)**

(1) Parliament is composed of directly elected representatives of constituencies, and representatives for the women, youth, workers, army and people with disabilities.

(2) The Vice President and Ministers if not already elected members of Parliament shall be ex officio members of Parliament and have no right to vote in Parliament.

(3) The term of Parliament is five years from the date of its first sitting.

(4) Parliament must from time to time review the composition for special representation.

#### **2. Functions of Parliament. (Articles 79 and 92)**

(1) Parliament shall exercise its power to make laws through bills agreed to by the President but is not authorised to pass any law to change the decision of any court as between parties to the case.

(2) No person or body other than Parliament shall have power to make laws except with permission of Parliament.

(3) Parliament shall protect the Constitution and promote the democratic governance of Uganda.

#### **3. Qualifications and disqualifications of members of Parliament. (Article 80)**

(1) A person is qualified to be a member of Parliament if he or she—

- (a) is a citizen of Uganda;
- (b) is a registered voter; and
- (c) has completed 'A' level or its equivalent as established by law.

(2) A person is not qualified to be a member of Parliament if he or she—

- (a) is of unsound mind;
- (b) is holding an office involving elections;
- (c) is a traditional or cultural leader;



- (d) has been declared unable to pay debts when they are due by a court which has authority under the law (bankrupt);
- (e) is facing a death penalty or a sentence of imprisonment of more than nine months without the option of a fine; or
- (f) has been found guilty of a crime involving dishonesty or immoral behaviour, or relating to elections conducted by the Electoral Commission, by a court which has authority under the law within seven years immediately before the election.

(3) Under the movement system, a person elected to Parliament while he or she is a member of a local government council or holds a public office must resign the office before assuming the office of a member of Parliament.

(4) Under the multiparty system, each of the following persons who wishes to stand in a general election as a member of Parliament shall resign his or her office at least ninety days before nomination day—

- (a) a public officer
- (b) a person employed in any governmental department or agency ; or
- (c) an employee of a local government or any body in which the Government has controlling interest.

#### **4. Election of members of Parliament. (Article 81)**

(1) Whenever a vacancy exists in Parliament the Clerk to Parliament must write to the Electoral Commission within ten days after the vacancy has occurred.

(2) A by-election must be held within sixty days after the vacancy has occurred.

(3) No by-election shall be held within six months before the general elections of Parliament.

#### **5. Speaker and Deputy Speaker. (Article 82)**

(1) There shall be a Speaker and Deputy Speaker elected by members of Parliament from among themselves.

(2) The Speaker and Deputy Speaker must, before assuming duties, take the oath of office.

(3) A Vice President or Minister shall not be qualified to be elected a Speaker or Deputy Speaker.

- (4) The Speaker or Deputy Speaker must vacate office if he or she—
  - (a) becomes a Minister;
  - (b) is appointed to any public office;
  - (c) resigns by writing to the Clerk to Parliament;

- (d) ceases to be a member of Parliament; or
- (e) is removed by a decision of Parliament, supported by not less than two-thirds of all members of Parliament.

**6. Leader of the opposition. (Article 82A)**

Under the multi organisations or multiparty form of democracy a leader of opposition in Parliament must be elected and his or her status, role and functions and the benefits of the office must be as provided in the law passed by Parliament.

**7. Vacation of office by a member of Parliament. (Article 83)**

A member of Parliament loses his or her seat in any of the following instances—

- (a) on resignation in writing to the Speaker;
- (b) if he or she subsequently ceases to qualify to be a member of Parliament;
- (c) if he or she is absent from fifteen sittings without permission of Speaker ;
- (d) if he or she is found guilty of violation of Leadership Code of Conduct;
- (e) if he or she is recalled by the voters in his or her constituency;
- (f) if he or she joins another party or leaves the party and decides to remain an independent member;
- (g) if a member was elected as an independent and joins a party; or
- (h) on appointment as a public officer.

**8. Right to recall a member of Parliament. (Article 84)**

(1) Before the end of term of Parliament the voters may through a petition in writing to the Speaker recall their representative on any of the following grounds—

- (a) physical or mental incapacity;
- (b) misconduct or misbehavior likely to bring hatred or disgrace to the office; or
- (c) continuous deserting of the electorate without reasonable cause.

(2) The recall of a member of Parliament shall be by a petition signed by at least two-thirds of the registered voters of the constituency.

(3) The right to recall a member can only be exercised if the movement political system is in place.

**9. Committees of Parliament. (Article 90)**

Parliament shall appoint committees for efficient running of its functions.

**10. Payments to members of Parliament. (Article 85)**

A member of Parliament shall be paid such allowances, gratuity and pension, and shall be provided with such facilities, as may be determined by Parliament.

**11. Protection and privileges. (Article 97)**

The Speaker, the deputy Speaker, members of Parliament and any other person acting or assisting in connection with or reporting the proceedings of Parliament shall be entitled to protection as Parliament may by law prescribe.

**12. Quorum of Parliament. (Article 88)**

The quorum of Parliament shall be prescribed by the rules of procedure of Parliament.

## **Chapter Seven**

### **Executive.**

#### **1. President of Uganda. (Articles 98 and 99(1))**

(1) The President of Uganda is the Head of State, Head of Government and Commander-in-Chief of the Uganda People's Defence Forces and the Fountain of Honour.

(2) The President is above all persons in Uganda, followed by the Vice President, Speaker of Parliament and the Chief Justice in that order.

(3) The President cannot be taken to court during his or her term of office for anything done in his or her personal capacity before or during the term of office.

(4) The President may be taken to court after his or her term of office for anything done in his or her personal capacity.

(5) The powers of the President must be exercised according to the Constitution and the laws of Uganda.

#### **2. Qualifications of the President. (Article 102)**

A person to qualify for election as President must be—

- (a) a citizen of Uganda by birth;
- (b) not less than thirty-five and not more than seventy-five years of age; and
- (c) qualified to be a member of Parliament.

#### **3. Election of the President. (Article 103)**

(1) The election of the President shall be by all people of eighteen years and above who are registered voters.

(2) A person shall be a candidate in a presidential election if—

- (a) he or she hands in to the Electoral Commission on or before nomination day a document signed by him or her nominating him or her as a candidate;
- (b) the nomination is supported by one hundred voters in each of at least two-thirds of all the districts of Uganda.

(3) To be declared elected President, a person must have obtained at least fifty percent of valid votes cast. Where no person obtains the required percentage, a second election between the two leading candidates shall be held within thirty days after the results have been declared.

(4) Results of the elections must be published and declared in writing by the Electoral Commission within forty-eight hours from the close of voting.

(5) A person elected President shall take up office within twenty-four hours after being declared President.

#### **4. Challenging a presidential election. (Article 104)**

Any candidate dissatisfied with the election may take the matter to the Supreme Court within ten days after the declaration of the results.

#### **5. Term of office of the President. (Article 105)**

(1) A presidential term shall be five years.

(2) A person may be elected to hold office as President for one or more terms.

(3) The office of the President shall become vacant on the expiration of the five years permitted under the Constitution or on his or her death or resignation or removal.

#### **6. Removal of the President. (Articles 107 and 109)**

(1) The President may be removed from office by Parliament on any of the following grounds—

- (a) abuse of office or violation of the presidential oath or any provision of the Constitution;
- (b) misconduct or misbehaviour; or
- (c) physical or mental incapacity making that person incapable of performing the functions of his or her office.

(2) If the President is removed from office under the Constitution, dies or resigns, the Vice President shall assume the office of the President until fresh elections are held and the elected President assumes office in accordance with the Constitution.

(3) The Speaker of Parliament shall assume the office of the President on the death, removal or resignation of the President and Vice President until fresh elections are held and the elected President assumes office in accordance with the Constitution.

#### **7. Terms and conditions of service of the President. (Article 106)**

(1) The President shall be paid a salary and allowances and given such other benefits as Parliament shall by law provide.

(2) Parliament shall by law make provision for the grant of benefits for a President who ceases to hold office other than one removed from office for the following reasons—

- (a) abuse of office;
- (b) misconduct or misbehaviour; or
- (c) physical or mental incapacity.

**8. Vice President. (Articles 108(2) and (3))**

The President of Uganda shall appoint the Vice President with the approval of Parliament, who shall be his or her deputy and perform other duties as may be given to him or her by the President or by the law.

**9. Qualifications of the Vice President. (Article 108(4))**

The qualifications for the President apply to the Vice President.

**10. Vacation of office of the Vice President. (Article 108(5))**

The office of the Vice President shall become vacant if he or she is removed by the President or upon resignation or death.

**11. Prime Minister. (Article 108A (1))**

The Prime Minister is appointed by the President with approval of Parliament from among members of Parliament or persons qualified to be elected as members of Parliament.

**12. Duties of the Prime Minister. (Article 108A (2))**

The Prime Minister is the leader of government business in Parliament and coordinates and implements Government policies in Ministries and public institutions and performs such other duties assigned to him or her by the President or by law.

**13. Vacation of the office of Prime Minister. (Article 108A (4))**

The office of Prime Minister becomes vacant if he or she is removed by the President or on resignation or death or if he or she becomes disqualified as member of Parliament.

**14. State of emergency. (Article 110)**

The President may, in consultation with Cabinet, declare that a state of emergency exists in Uganda or any part of Uganda if he or she is satisfied that circumstances exist in Uganda or that part of Uganda—

- (a) in which Uganda or that part of it is threatened by war or external attack;
- (b) in which security or economic life of the country or that part is threatened by internal conflicts or natural disaster; or
- (c) which make it necessary to take measures which are required to secure public safety, defence of Uganda and maintenance of public order and services essential to the life of the community.

**15. Cabinet. (Articles 111 and 113)**

- (1) The Cabinet consists of the President, Vice President, Prime Minister and Ministers.

(2) The functions of Cabinet are to determine, formulate and implement the decisions of Government and other functions as may be provided by law.

(3) The Ministers are appointed by the President with the approval of Parliament from among Members of Parliament or persons qualified to be elected as Members of Parliament.

(4) The total number of Cabinet Ministers must not exceed twenty-one except with the approval of Parliament.

(5) A Minister shall not hold any other office of profit or benefits likely to compromise his or her office.

**16. Other Ministers. (Article 114)**

The President may, with the approval of Parliament appoint other Ministers not exceeding twenty-one (except with the approval of Parliament) to assist Cabinet Ministers in the performance of their functions.

**17. Functions of Ministers. (Articles 117, 113(3) and 114(4))**

(1) The functions of the Ministers are as given from time to time by the President.

(2) Ministers are individually accountable to the President for the administration of their Ministries and collectively responsible for any decision made by Cabinet.

**18. Vacation of office of Minister. (Article 116)**

The office of a Minister becomes vacant—

- (a) upon his or her resignation or death;
- (b) if he or she becomes disqualified to be a Member of Parliament; or
- (c) upon removal by the President.

**19. Removal of Minister by Parliament. (Vote of Censure) (Article 118)**

Parliament may vote to remove a Minister on any of the following grounds—

- (a) abuse of office or wilful violation of oath;
- (b) misconduct or misbehaviour;
- (c) physical or mental incapacity;
- (d) mismanagement; or
- (e) incompetence.

**20. Attorney General. (Article 119(1) and (2))**

(1) The Attorney General is a Cabinet Minister appointed by the President with the approval of Parliament and is the principal legal adviser of the Government.

(2) A person shall be qualified to be appointed Attorney General if he or she is qualified to practise as an advocate of the High Court and has so practised or gained necessary experience for not less than ten years.

**21. Functions of the Attorney General. (Article 119(4))**

- (1) The functions of the Attorney General include—
- (a) giving legal advice to the Government on any subject;
  - (b) preparing and studying agreements, contracts and laws to which Government is a party or has an interest;
  - (c) representing the Government in courts of law; and
  - (d) performing other functions assigned by the President or by law.

(2) All agreements or other documents where Government is a party or has an interest must be concluded with legal advice from the Attorney General or as Parliament may provide by law.

**22. Deputy Attorney General. (Article 119A)**

(1) The Deputy Attorney General is a Minister appointed by the President with the approval of Parliament, to deputise the Attorney General.

(2) A person shall be qualified to be appointed Deputy Attorney General if he or she is qualified to practise as an advocate of the High Court and has so practised or gained necessary experience for not less than seven years.

**23. Director of Public Prosecutions. (Article 120(1) and (2) and (6))**

*The Director of Public Prosecutions is an officer of government who directs police on criminal matters and prosecutes criminal cases in Uganda.*

(1) The Director of Public Prosecutions is appointed by the President on the recommendation of the Public Service Commission and with the approval of Parliament.

(2) The Director of Public Prosecutions is not under direction or control of any person or authority and has the same terms and conditions of service as those of a High Court judge.

(3) A person shall be qualified to be appointed Director of Public Prosecutions if he or she—

- (a) is qualified to be a judge of the High Court or the Court of Appeal or;
- (b) has practised as an advocate of the High Court of Uganda for a period not less than ten years.



**24. Functions of the Director of Public Prosecutions. (Article 120(3))**

The functions of the Director of Public Prosecutions are—

- (a) to direct the police to investigate any information of a criminal nature and to report to him or her;
- (b) to take to court any person or authority that has committed a crime;
- (c) to take over and continue any criminal proceedings instituted by any other person or authority; or
- (d) to discontinue, at any stage before judgement is given, any criminal proceedings brought by him or her or by any person, with consent of court.

**25. Prerogative of mercy (the right of the President to forgive a convicted person). (Article 121(1))**

There shall be an advisory committee on the prerogative of mercy consisting of the Attorney General as the chairperson and six prominent citizens of Uganda appointed by the President.

**26. Functions of the advisory committee on the prerogative of mercy. (Article 121(4))**

The functions of the committee are to give advice to the President—

- (a) to give any person found guilty of an offence a pardon either free or subject to lawful conditions;
- (b) to give a break, either indefinite or for a specified period, from the carrying out of a punishment imposed on a person found guilty of an offence;
- (c) to reduce the punishment imposed on a person found guilty of an offence; or
- (d) to remove in whole or in part punishment imposed on any person or to any offence.

**27. International relations. (Articles 122 and 123)**

(1) The President with the approval of Parliament appoints ambassadors and receives ambassadors and envoys sent to Uganda.

(2) The President or a person authorised by him or her may make treaties, conventions, agreements or other arrangements between Uganda and any other country, international organisation or body in respect of any matter.

(3) Parliament shall make laws to govern adoption of treaties, agreements or other arrangements mentioned above.

**28. Declaration of state of war. (Article 124)**

The President may, with approval of Parliament, declare that a state of war exists between Uganda and any other country.

**29. National Planning Authority. (Article 125)**

There shall be a National Planning Authority the composition and functions of which shall be specified by Parliament.

## **Chapter Eight**

### **The Judiciary.**

#### **1. Exercise of judicial power. (Article 126)**

(1) Judicial power is derived from the people and shall be exercised by the courts established under the Constitution in the name of the people and in agreement with law, values and aspirations of the people.

- (2) When hearing cases, the courts must apply the following principles—
- (a) justice should be done to all irrespective of their social or economic status;
  - (b) justice must not be delayed;
  - (c) adequate compensation must be awarded to victims of wrongs;
  - (d) reconciliation between parties must be promoted; and
  - (e) justice shall be done without being strict on technicalities.

#### **2. Participation of the people. (Article 127)**

Parliament shall make law providing for the participation of the people in the administration of justice.

#### **3. Independence of the judiciary. (Article 128)**

(1) The courts shall be independent and shall not be subject to the control or direction of any person or authority.

(2) A person exercising judicial power will not be legally responsible for any act or omission in the exercise of that power.

#### **4. Courts of law. (Article 129)**

The judicial power of Uganda is exercised by the courts of law which consist of—

- (a) the Supreme Court;
- (b) the Court of Appeal;
- (c) the High Court; and
- (d) such lower courts as Parliament may by law establish, including qadhis (Islamic) courts for marriage, divorce, inheritance of property and guardianship, as may be provided by Parliament.

#### **5. Supreme Court. (Article 130)**

The Supreme Court consists of the Chief Justice and not less than six justices, as Parliament may by law provide.

**6. Jurisdiction of the Supreme Court. (Article 132)**

(1) The Supreme Court is the final court of appeal.

(2) The Supreme Court may depart from its previous decision when it appears to it right to do so; and all other courts shall be bound to follow the decisions of the Supreme Court on questions of law.

(3) The Supreme Court shall hear appeals from the Court of Appeal as the law may provide.

**7. Administrative functions of the Chief Justice. (Article 133)**

The Chief Justice is the head of the judiciary and is responsible for the administration, supervision of all courts in Uganda, giving orders and directions to the courts necessary for the proper and efficient administration of justice.

**8. Court of Appeal. (Article 134)**

(1) The Court of Appeal consists of the Deputy Chief Justice and not less than seven justices as Parliament may by law provide.

(2) At any sitting the court shall be constituted with an uneven number not being less than three members of the court.

(3) The Court of Appeal shall hear appeals from decisions of the High Court as provided by law.

**9. Administrative functions of the Deputy Chief Justice. (Article 136)**

The Deputy Chief Justice deputises for the Chief Justice as and when the need arises and is the head of the Court of Appeal assisting the Chief Justice in the administration of the court, and performs other functions as may be given to him or her by the Chief Justice.

**10. Constitutional Court. (Article 137)**

(1) The Court of Appeal sitting as the constitutional court determines any question on the interpretation of the Constitution.

(2) When sitting as a constitutional court, the Court of Appeal shall consist of five members.

(3) A person who claims that an Act of Parliament or anything in or done under any law or any act or omission by any person or authority is not in agreement with a provision of the Constitution, may apply to the constitutional court for a declaration to that effect and for a remedy where appropriate.

(4) Where a petition has been made the court shall hear and determine it as soon as possible and may, for that purpose, suspend any other matter pending before it.

**11. High Court of Uganda. (Article 138)**

(1) The High Court of Uganda consists of the Principal Judge and such number of judges as may be provided by Parliament.

(2) The High Court of Uganda shall sit in such places as the Chief Justice may direct.

**12. Jurisdiction of the High Court. (Article 139)**

The High Court has unlimited original jurisdiction in all matters and such powers to hear appeals and other jurisdiction as may be given to it by law.

**13. Administrative functions of the Principal Judge. (Article 141)**

The Principal Judge is the head of the High Court, assists the Chief Justice in the administration of the High Court and performs other functions given to him or her by the Chief Justice.

**14. Appointment of judicial officers. (Article 142)**

The President, acting on the advice of the Judicial Service Commission and with the approval of Parliament, shall appoint the Chief Justice, Deputy Chief Justice, Principal Judge, justices of the Supreme Court, and Court of Appeal and judges of the High Court.

**15. Qualifications for judicial officers. (Article 143)**

A person shall be qualified for appointment as—

- (a) Chief Justice if he or she has served as a justice of the Supreme Court or a court of similar jurisdiction or has practised as an advocate for a period not less than twenty years before a court having unlimited jurisdiction in civil and criminal matters;
- (b) Deputy Chief Justice or Principal Judge, if he or she has served as a justice of the Supreme Court or as a justice of Appeal or as a judge of the High Court or a court of similar jurisdiction or has practised as an advocate for a period not less than fifteen years before a court having unlimited jurisdiction in civil and criminal matters;
- (c) a justice of the Supreme Court, if he or she has served as a justice of Appeal or a judge of the High Court or a court of similar jurisdiction or has practised as an advocate for a period not less than fifteen years before a court having unlimited jurisdiction in civil and criminal matters;

- (d) a justice of Appeal, if he or she has served as a judge of the High Court or a court having similar or higher jurisdiction or has practised as an advocate for a period not less than ten years before a court having unlimited jurisdiction in civil and criminal matters or is a distinguished expert in law and an advocate of not less than ten years' standing; or
- (e) a judge of the High Court, if he or she is or has been a judge of a court having unlimited jurisdiction in civil and criminal matters or a court having jurisdiction in appeals from any such court or has practised as an advocate for a period not less than ten years before a court having unlimited jurisdiction in civil and criminal matters.

**16. Term of office of judicial officers. (Article 144 (1) and (2))**

A judicial officer may retire at any time after reaching the age of sixty years and shall vacate his or her office—

- (a) in the case of the Chief Justice, the deputy Chief Justice, a justice of the Supreme Court and a justice of Appeal, on reaching the age of seventy;
- (b) in the case of the Principal judge and a judge of the High Court, after reaching the age of sixty-five; or
- (c) in both cases, on reaching such age as may be provided by Parliament.

**17. Removal of a judicial officer (Article 144(2))**

A judicial officer may be removed from office only for—

- (a) inability to perform the functions of his or her office arising from poor health of body or mind;
- (b) misbehaviour or misconduct; or
- (c) incompetence.

**18. Registrars. (Article 145)**

(1) There shall be in the judiciary the office of the Chief Registrar and such number of registrars as Parliament may by law prescribe.

(2) The Chief Registrar and other registrars shall be appointed by the President on the advice of the Judicial Service Commission.

**19. Judicial Service Commission. (Article 146)**

The Judicial Service Commission is an independent body which consists of the following persons appointed by the President with the approval of Parliament—

- (a) a chairperson and a deputy chairperson who should be persons qualified to be appointed as justices of the Supreme Court, other than the Chief Justice, the Deputy Chief Justice and the Principal Judge;
- (b) one person nominated by the Public Service Commission;
- (c) two advocates of not less than fifteen years' standing nominated by the Uganda Law Society;

- (d) one justice of the Supreme Court nominated by the President in consultation with the justices of the Supreme Court, the justices of Appeal and judges of the High Court; and
- (e) two members of the public, who shall not be lawyers, nominated by the President.

**20. Functions of the Judicial Service Commission. (Article 147)**

- (1) The functions of the Judicial Service Commission include—
  - (a) advising the President in the exercise of his or her powers of appointment of judicial officers and their removal, terms and conditions of service;
  - (b) preparing and implementing programmes for administration of justice;
  - (c) receiving and processing people’s recommendations and complaints concerning the judiciary and administration of justice and , generally, to act as a link between the people and the judiciary;
  - (d) advising the Government on improving the administration of justice; and
  - (e) any other function provided by the Constitution or by Parliament.

**21. Powers to make laws relating to the judiciary. ( Article 150)**

Parliament may make laws providing for the structures, procedures and functions of the judiciary.

## Chapter Nine

### Finance.

#### 1. Taxation. (Article 152)

- (1) No tax shall be introduced and collected without the authority of Parliament.
- (2) Where power is given to a person or authority to put aside or change any tax, the person or authority exercising that power shall periodically report to Parliament.
- (3) Parliament shall establish special courts (tribunals) to settle tax disputes.

#### 2. Consolidated Fund. (Article 153)

- (1) There shall be a Consolidated Fund into which all revenue and other Government monies shall be paid.
- (2) Parliament may allow payment of monies or revenue into another fund or the retaining of revenue or monies by the receiving department for settling the expenses of that department.

#### 3. Withdrawals from the Consolidated Fund. (Article 154)

- (1) Money shall not be withdrawn from the Consolidated Fund except—
  - (a) for the purposes of meeting expenses charged on the fund by the Constitution or an Act of Parliament; or
  - (b) where the withdrawal has been authorised by the Appropriation Act, Supplementary Appropriation Act or by the President in accordance with the Constitution.
- (2) Money shall not be withdrawn from the Consolidated Fund except as approved by the Auditor General in a manner authorised by law.
- (3) If satisfied that the Appropriation Act shall, in any financial year delay to come into operation, the President may authorise a withdrawal of monies from the Consolidated Fund Account.
- (4) The money withdrawn from the Consolidated Fund on the authority of the President—
  - (a) shall not be more than the amount required for the relevant service; and
  - (b) shall be removed from the amount provided for that service in the Appropriation Act for that financial year.



#### **4. Financial year estimates. (Article 155)**

(1) The President shall request for the preparation of estimates of the money to be received and spent during the following financial year, to be presented to Parliament at least fifteen days before the commencement of that financial year.

(2) The head of any self-accounting department and any other government body shall submit to the President before the end of every financial year the estimates of the money they expect to receive and spend and such estimates shall be laid before Parliament.

(3) The President shall request for submission to Parliament of monetary programmes and plans for economic and social development and estimates of money received and spent covering periods not exceeding one year.

#### **5. Appropriation Bill (*Government expenditure proposal*). (Article 156)**

(1) An Appropriation Bill shall be presented to Parliament containing the amount of money to be spent by the Government and authorising withdrawal of money from the Consolidated Fund.

(2) If in any financial year it is found that the amount authorised to be used is insufficient or has been exhausted, further estimates shall be presented to Parliament for approval.

#### **6. Salaries and allowances to be paid out of the Consolidated Fund. (Article 158)**

(1) Parliament shall indicate which salaries and allowances shall be paid out of the Consolidated Fund.

(2) Salaries and allowances from the Consolidated Fund to a holder of an office shall not be changed to his or her disadvantage after appointment to that office.

#### **7. Power of Government to borrow or lend money. (Article 159)**

(1) Government may borrow money from any source in accordance with the Constitution.

(2) Government shall not borrow, guarantee, or raise a loan on behalf of itself or any other public institution, authority or person except as authorised by or under an Act of Parliament.

(3) The President shall, at such times as Parliament may determine, cause to be presented to Parliament such information concerning any loan as may be necessary to show—

- (a) the size of the debt and the total interest on the debt;
- (b) how such a loan is to be repaid; and

(c) how the money has been used.

(4) Parliament may authorise Government to enter into an agreement for the giving of a loan or a grant from any public fund and any agreement by which such loan is given shall be presented to Parliament for approval.

#### **8. Public debt. (Article 160)**

All public debts of Uganda shall be paid out of the Consolidated Fund and other public funds of Uganda.

#### **9. The Central Bank of Uganda. (Article 161)**

(1) The Bank of Uganda is the central bank of Uganda and the only authority to issue the currency of Uganda.

(2) The authority of the Bank of Uganda lies in a Board consisting of a governor and deputy governor and not more than five members all of whom are appointed by the President with the approval of Parliament for a period of five years but eligible for reappointment.

#### **10. Removal of a board member. (Article 161(5))**

A member of the board may be removed from office for inability to perform the functions of the office, misbehaviour or misconduct or incompetence.

#### **11. Functions of the Central Bank of Uganda. (Article 162)**

- (1) The functions of the bank shall be—
- (a) to maintain the stability of the value of the currency of Uganda;
  - (b) to control the currency system;
  - (c) to encourage and promote economic development and proper use of the resources of Uganda through effective and efficient operation of a banking and credit card system; and
  - (d) to do such other things as may be specified by the law.

(2) In performing its duties the bank shall not be subject to the control of any body or authority.

#### **12. Auditor General. (Article 163)**

(1) There shall be an Auditor General appointed by the President with approval of Parliament.

- (2) A person shall not be appointed Auditor General unless he or she—
- (a) is a qualified accountant of not less than fifteen years' standing; and
  - (b) is a person of high moral character and proven integrity.

- (3) The Auditor General shall—
  - (a) audit and report on public accounts;
  - (b) conduct financial and value for money audits in respect of any project involving public funds; and
  - (c) have power to employ private auditors to assist him or her in the performance of his or her functions.
- (4) The Auditor General shall in each year submit to Parliament a report of the accounts he or she has audited.
- (5) The accounts of the office of the Auditor General shall be audited and reported upon by an auditor appointed by Parliament.
- (6) In performing his or her duties the Auditor General shall not be under the direction or control of any person or authority.

**13. Vacation of office of Auditor General. (Article 163(10) and (11))**

- (1) The President may remove the Auditor General from office for—
  - (a) inability to perform the functions of his or her office;
  - (b) misbehaviour or misconduct; or
  - (c) incompetence.
- (2) The Auditor General may retire at the age of sixty years but shall vacate the office at the age of seventy years.
- (3) The office of the Auditor General shall fall vacant if he or she has been sentenced to death or imprisonment exceeding nine months without the option of a fine imposed by a competent court.

**14. Accountability. (Article 164)**

- (1) A Permanent Secretary or accounting officer shall be answerable to Parliament for the funds in that Ministry or department.
- (2) Any officer who permits or takes part in the use of public funds different from existing instructions shall be accountable for any loss suffered.
- (3) Parliament shall monitor all expenditure of public funds.

**Chapter Ten**  
**The Public Service.**

**1. Public Service Commission. (Article 165)**

(1) There shall be a Public Service Commission consisting of a chairperson, a deputy chairperson and seven other members all of whom shall be appointed by the President with approval of Parliament.

(2) A member of the commission shall hold office for a term of four years and can be reappointed.

(3) The following categories of persons shall resign from their offices on being appointed members of the commission—

- (a) a member of Parliament;
- (b) a member of local government council;
- (c) a member of the executive of a political party or political organisation; or
- (d) a public officer.

(4) The emoluments of the members of the commission shall be specified by Parliament and shall be charged on the Consolidated Fund.

**2. Removal of a member from office. (Article 165(8))**

A member may be removed from the commission for—

- (a) inability to perform the functions of the office due to poor health of body or mind;
- (b) misbehaviour or misconduct; or
- (c) incompetence.

**3. Functions of the Public Service Commission. (Articles 166 and 172 (1) (a) and (b))**

- (1) The functions of the commission shall be to—
  - (a) advise the President on appointment of persons to hold offices in the public service of the rank of heads of department or above, on the exercise of disciplinary control over them and on their removal from office;
  - (b) appoint persons to hold office in the public service other than those appointed by the President, exercise disciplinary control over them and remove them from office;
  - (c) review the terms and conditions of service of public officers;
  - (d) guide and coordinate district service commissions;
  - (e) hear and settle grievances from persons appointed by district service commissions;
  - (f) perform other functions as may be prescribed by Parliament; and
  - (g) make a report to Parliament in respect of each year, on the performance of its functions.

(2) In exercise of its functions the commission shall not be under the direction or control of any person or authority.

#### **4. Education Service Commission. (Article 167)**

(1) There shall be an Education Service Commission consisting of a chairperson and six other members all of whom shall be appointed by the President with approval of Parliament.

(2) The following categories of persons shall resign from their offices on being appointed members of the commission—

- (a) a member of Parliament;
- (b) a member of local government council;
- (c) a member of the executive of a political party or political organisation;
- (d) a member of any board or other authority responsible for the management of a school or a college; or
- (e) a public officer.

(3) The emoluments of members of the commission shall be specified by Parliament and shall be charged on the Consolidated Fund.

(4) A member of the commission shall hold office for four years and can be reappointed.

#### **5. Removal of a member from office. (Article 167(9))**

A member may be removed from the commission for—

- (a) inability to perform the functions of his or her office due to poor health of body or mind;
- (b) misbehaviour or misconduct; or
- (c) incompetence.

#### **6. Functions of the commission. (Articles 168 and 172 (1)(a) and (b))**

(1) The commission shall perform the following functions—

- (a) advise the President on matters in relation to the education service and in particular the appointment of persons to hold offices in the education service of the rank of heads of department and above;
- (b) appoint persons to hold or act in any office in the education service and exercise disciplinary control over them and to remove them from office;
- (c) review the terms and conditions of service of public officers in the education service;
- (d) perform other functions as may be prescribed by Parliament; and
- (e) make a report to Parliament in respect of each year, on the performance of its functions.

(2) In exercise of its functions, the commission shall not be under the direction or control of any person or authority.

**7. Health Service Commission. (Article 169)**

(1) There shall be a Health Service Commission consisting of a chairperson and six other members all of whom shall be appointed by the President with approval of Parliament.

(2) The following categories of persons shall resign from their offices on being appointed members of the commission—

- (a) a member of Parliament;
- (b) a member of local government council;
- (c) a member of the executive of a political party or political organisation;
- (d) a member of any board or other authority responsible for the management of any government hospital; or
- (e) a public officer.

(3) A member of the commission shall hold office for four years but is eligible for reappointment.

(4) The emoluments of members of the commission shall be prescribed by Parliament and shall be charged on the Consolidated Fund.

**8. Removal of a member from office. (Article 169(9))**

A member may be removed from the commission for—

- (a) inability to perform the functions of his or her office arising from poor health of body or mind;
- (b) misbehaviour or misconduct; or
- (c) incompetence.

**9. Functions of the Health Service Commission. (Articles 170 and 172 (1)(a) and (b))**

(1) The commission shall perform the following functions—

- (a) advise the President on matters in relation to the health service and in particular, to the appointments of persons to hold offices in the health service of the rank of heads of department and above;
- (b) appoint persons to hold or act in any office in the health service other than those appointed by the President, to exercise disciplinary control over them and to remove them from office;
- (c) perform other functions as may be prescribed by Parliament; and
- (d) make a report to Parliament in respect of each year, on the performance of its functions.

(2) In exercise of its functions the commission shall not be under the direction or control of any person or authority.

(3) The commission may by writing delegate any of its functions to a district service commission or any other authority or officer.

**10. Establishment of offices. (Article 171)**

Subject to the law, the President may after consultation with the appropriate service commission establish offices in the public service.

**11. Appointment of public officers. (Article 172)**

(1) The President may, acting on the advice of the appropriate service commission, appoint persons to hold or act in any office in the public service of the rank of head of department or above other than those appointed by the district service commissions.

(2) The appropriate service commission may appoint persons to hold or act in any office in the public service other than those appointed by the President and the district service commissions.

**12. Protection of public officers. (Article 173)**

A public officer shall not be—

- (a) victimised or discriminated against for having performed his or her duties according to the Constitution; or
- (b) dismissed or removed from office or reduced in rank or otherwise punished without justifiable cause.

**13. Head of the public service. (Article 173A (1))**

There shall be a head of public service appointed by the President on the advice of the Public Service Commission.

**14. Functions of the head of public service. (Article 173A (2))**

The functions of head of public service shall be to—

- (a) advise the President on matters relating to public service;
- (b) coordinate the activities of the permanent secretaries and to supervise their work;
- (c) serve as a link between the executive and public service;
- (d) serve as a link between service commissions;
- (e) ensure the implementation of Cabinet and other government decisions;
- and
- (f) do any other duties assigned to him or her by the President.

**15. Permanent Secretaries. (Article 174(1) and (2))**

A Ministry or a Government department shall be supervised by a Permanent Secretary who shall be appointed by the President on the advice of the Public Service Commission.

**16. Functions of the Permanent Secretary. (Article 174(3))**

The functions of the Permanent Secretary shall include—

- (a) running of the department or Ministry;
- (b) giving advice to the responsible Minister in respect of the business of the department or Ministry;
- (c) implementing Government policies; and
- (d) being responsible for the proper expenditure of public funds by the Ministry or department.



## **Chapter Eleven**

### **Local Government.**

#### **1. Local Government. (Articles 176 and 177)**

(1) The local government system shall be based on the district as a unit under which there shall be local governments and administrative units as Parliament may provide.

*For purposes of this chapter reference to a local government includes—*

- (a) *a district council;*
- (b) *an urban council;*
- (c) *a sub county council; or*
- (d) *any other unit specified by law to replace any of the councils mentioned above.*

- (2) The following principles shall apply to the local government system—
- (a) the system shall ensure that functions and responsibilities are transferred from the central government to local government units in a coordinated manner;
  - (b) decentralisation shall be a principle applying to all levels of local governments;
  - (c) the system shall ensure full realisation of democratic governance at all local government levels;
  - (d) establishment for each local government unit a sound financial base with reliable sources of revenue;
  - (e) appropriate measures shall be taken to enable local government units to plan, initiate and carry out policies on matters within their powers;
  - (f) persons in the service of the local government shall be employed by the local governments; and
  - (g) the local governments shall oversee and monitor persons employed by the Government, to provide services in their areas.

(3) The system of local governments shall be based on democratically elected councils on the basis of universal adult suffrage.

(4) Uganda shall be divided into districts which shall in turn be divided into lower local government units (municipality, town, division and sub county councils).

#### **2. Regional governments. (Article 178 and Fifth Schedule of the Constitution)**

- (1) Two or more districts may cooperate to form a regional government.

- (2) A regional government shall offer and perform the following functions and services—
- (a) secondary education and tertiary institutions except national universities and other national institutions;
  - (b) regional roads;
  - (c) regional referral hospitals other than national referral hospitals and national medical institutions;
  - (d) coordination, monitoring and supervision of agriculture;
  - (e) forests, other than, forests, national parks and wildlife reserves managed by Government;
  - (f) culture;
  - (g) cultural and traditional lands;
  - (h) promotion of local languages, crafts and antiquities;
  - (i) water;
  - (j) sanitation;
  - (k) impose surcharge or cess and such tax must first be approved by the Central Government;
  - (l) functions and services surrendered voluntarily by a district council or district councils; and
  - (m) receiving copies of financial accountability of districts to the Central Government to enable the regional government monitor and supervise the implementation of Government programmes.

- (3) A district shall not enter into agreement to form a regional government unless—
- (a) a proposal to that effect has been approved by a majority of two-thirds of the members of the district council; and
  - (b) the decision of the district council has been ratified by not less than two-thirds of the sub county councils in the district.

(4) A regional government shall be a body corporate with powers to sue and be sued and to do all things a corporate body may do.

(5) A regional government shall have political, legislative, executive, administrative and cultural functions in the region.

### **3. Boundaries of local government units. (Article 179)**

(1) Parliament has power to change boundaries of districts and create new districts; however the change in boundaries and the creation of new districts must be supported by the majority of all members of Parliament.

(2) Parliament shall empower district councils to change boundaries of lower local government units and create new local government units, within their districts.

**4. Local government councils. (Articles 180 and 181)**

(1) A local government shall be based on a council, which shall be the highest political authority, with legislative and executive powers to be exercised in accordance with the Constitution.

(2) Parliament shall specify the composition, qualifications, functions and electoral procedure in respect of local government councils.

(3) A person shall not be a member of the local government council unless that person is a citizen of Uganda.

(4) All local government councils shall be elected every five years on the basis of universal adult suffrage.

(5) The powers of an elected member of a local government council may be revoked by the electorate in a manner prescribed by Parliament.

**5. Revocation (withdrawal) of mandate. (Article 182)**

(1) The mandate of an elected member of a local government council may be revoked by the electorate.

(2) Parliament shall by law specify the grounds on which and the manner in which the electorate may revoke the mandate of an elected member of a local government council.

**6. District chairperson. (Article 183)**

(1) Every district shall have a chairperson who shall be elected by secret ballot.

(2) A person shall qualify to be a district chairperson if he or she qualifies to be a member of Parliament; is at least thirty years and not more than seventy-five years of age, and ordinarily resides in the district.

(3) A district chairperson shall preside at the meetings of the executive committee of the district, monitor the administration of the district and perform other functions as shall be prescribed by Parliament.

(4) In the performance of his or her functions the chairperson shall be answerable to the council.

**7. Speaker of a district council. (Article 184)**

Each district council shall have a speaker who shall be elected from among the members and whose functions shall be similar to those of the Speaker of Parliament.

**8. Removal of a district chairperson and speaker. (Article 185)**

(1) The district chairperson and the speaker may be removed from office by a resolution supported by two-thirds majority members of the council—

- (a) for abuse of office;
- (b) for misconduct or misbehaviour; or
- (c) for being physically or mentally incapable to perform the functions of the office.

(2) Parliament shall specify any other grounds and the procedure for the removal of a district chairperson or the speaker of a council.

**9. District executive committee. (Article 186)**

(1) There shall be an executive committee for each district council consisting of the chairperson, the vice chairperson and such a number of secretaries as the council may decide.

(2) The secretaries shall be responsible for the functions as the chairperson may assign to them.

(3) A district council shall appoint standing and other committees necessary for the efficient performance of its functions.

**10. Vacation of office of member of district executive committee. (Article 187)**

The office of the member of a district committee shall become vacant if—

- (a) the appointment is revoked by the chairperson;
- (b) he or she is elected speaker;
- (c) he or she resigns;
- (d) he or she becomes disqualified to be a member of the district council;
- (e) he or she is unable to perform the functions of the office, due to mental or physical incapacity or dies; or
- (f) he or she is censured.

**11. Chief administrative officer and the deputy chief administrative officer. (Article 188)**

There shall be a chief administrative officer and a deputy chief administrative officer appointed by the Public Service Commission whose qualifications and functions shall be established by Parliament.

**12. Functions and services of Government. (Article 189(1))**

(1) The Government shall be responsible for the functions specified in the Sixth Schedule.

**13. Functions and services of district councils. (Article 189(2) and (3))**

(1) The district councils and councils of lower government units may exercise the functions and the services specified in Part I of the Sixth Schedule—

- (a) if they request for permission from Government to do so; or
- (b) if those powers are delegated to them by Government or by Parliament.

(3) The Government may, on request by a district council, assume responsibility for functions and services assigned to the district council.

(2) The district councils shall have responsibility for any functions and services not specified above.

#### **14. Planning. (Article 190)**

District councils shall prepare detailed progressive plans including the plans of the lower level local governments for submission to the National Planning Authority.

#### **15. Power to impose and use taxes. (Article 191)**

(1) Local governments shall have power to impose, charge, collect and use fees and taxes in accordance with any law made by Parliament.

(2) Parliament shall by law make provision for tax appeals in relation to taxes collected by local governments.

#### **16. Collection of taxes by local governments. (Article 192)**

Parliament shall make law to provide—

- (a) that taxes collected by the local government be paid into the Consolidated Fund; and
- (b) for retention by the local government of a specified proportion of the revenue collected from the district.

#### **17. Grants to local governments. (Article 193)**

- (1) Monies paid from Government to local governments shall be as follows—
  - (a) unconditional grant which shall consist of the minimum grant to run the decentralised services;
  - (b) conditional grant which is the money to finance programs agreed upon by the Government and local governments; and
  - (c) equalisation grant which is money for subsidies or money for the least developed districts.

(2) District councils shall be obliged to indicate how conditional and equalisation grants are to be passed onto the lower levels of local government.

(3) A district which is not in the regional government shall be paid an equalisation grant based on incremental costs met by the central government in managing the regional government.

**18. Local Government Finance Commission. (Article 194)**

(1) There shall be a Local Government Finance Commission consisting of seven members appointed by the President four of whom shall be nominated by the local governments.

- (2) The Local Government Finance Commission shall—
- (a) advise the President on matters in relation to the distribution of revenue between the Government and the local government;
  - (b) advise local governments on the suitable tax to be imposed;
  - (c) advise the President on the amount to be allocated as grants to district council; and
  - (d) perform such other functions as may be specified by Parliament.

**19. Loans and grants. (Article 195)**

With approval of Government, a local government may borrow money or receive grants to carry out its functions and services.

**20. Accountability. (Article 196)**

- (1) Parliament shall make laws—
- (a) requiring each local government to make a detailed list of all its internal revenue sources; and
  - (b) prescribing the financial control and accountability.

**21. Financial independence of urban authorities. (Article 197)**

Urban authorities shall have financial independence over their financial and planning matters in relation to the district councils as Parliament may by law provide.

**22. District Service Commissions. (Articles 198 and 199)**

(1) There shall be a district service commission for each district consisting of a chairperson and such other members as the district council shall determine, at least one of whom shall represent urban authorities.

(2) Members shall be appointed by the district council on the recommendation of the district executive committee with the approval of the Public Service Commission.

(3) Members of a district service commission shall hold office for a period of four years but are eligible for reappointment for one more term.

(4) Members of a district service commission shall be persons of high moral character and proven integrity.

(5) In performance of its functions, a district service commission shall conform to the standards established by the Public Service Commission for the public service generally.

- (6) A member of the district service commission may be removed for—
  - (a) inability to perform the functions of his or her office arising from physical or mental incapacity;
  - (b) misconduct or misbehaviour; or
  - (c) incompetence.

(7) Subject to the provisions of the Constitution, Government may on request by a district council, post persons in the service of a local government.

**23. Functions of the district service commission. (Article 200)**

(1) The power to appoint persons to hold or act in any office in the service of the district including the power to confirm appointments, to exercise disciplinary control over them and to remove them is vested in the district service commission.

(2) The power to appoint persons to hold or act in the office of town clerk in the service of a city or a municipality including the power to confirm appointment to exercise disciplinary control over them and to remove them is vested in the district service commission.

(3) The terms and conditions of service of local government staff shall conform with those prescribed by the Public Service Commission.

(4) The district service commission may establish committees in respect of specialised disciplines.

**24. Takeover of district administration by the President. (Article 202)**

(1) With approval of two-thirds of all members of Parliament the President may take over the executive and legislative powers of a district in any of the following circumstances—

- (a) when the district council so requests and it is in the public interest;
- (b) where a state of emergency has been declared in the district; or
- (c) where the district government has failed to function.

(2) The President may appoint persons or officers to exercise the powers he or she has taken over and the legislative functions shall be exercised by statutory instruments.

(3) The takeover of administration of the district by the President shall remain in force for not more than ninety days unless extended by Parliament.

- (4) At the end of ninety days—
  - (a) the President shall hand back the administration of the district to the concerned district government; or
  - (b) if Parliament decides that it is still impossible for the concerned district government to assume administration then—
    - (i) where the unexpired term of the council is longer than twelve months, elections shall be held for a new district council within sixty days; or
    - (ii) where the unexpired period is less than twelve months, the President shall continue to administer the district until the next elections are held.

**25. Resident district commissioner. (Article 203)**

(1) There shall be a resident district commissioner for each district appointed by the President.

(2) He or she must be a citizen of Uganda and qualify to be a member of Parliament.

**26. Functions of the resident district commissioner. (Article 203(3))**

The functions of the resident district commissioner shall be—

- (a) to monitor the implementation of central and local government services in a district;
- (b) to act as chairperson of the district security committee; and
- (c) to carry out other functions as may be assigned by the President or prescribed by Parliament by law.

**27. Terms and conditions of service. (Article 204)**

Parliament shall make provisions to be followed in determining terms and conditions of service for members of the local government councils and members of the district service commission together with their committees.

**28. Prohibition of holding offices at the same time. (Article 205)**

A person shall not at the same time hold on a full-time basis, political offices—

- (a) in the service of the Government and of a local government; or
- (b) in the service of a higher local government and that of a lower local government.

**29. Parliament to make laws regarding local government. (Article 206)**

Parliament shall make laws relating to local government for the purpose of assisting the local government to carry out its functions efficiently.



## **Chapter Twelve**

### **Defence and National Security .**

#### **1. Uganda Peoples' Defence Forces. (Article 208)**

(1) Uganda shall have armed forces known as the Uganda Peoples' Defence Forces which shall be neutral, patriotic, national in character, professional, disciplined, productive and subordinate to the civilian authority.

(2) Members of the Uganda Peoples' Defence Forces shall be citizens of Uganda of good character from all districts of Uganda.

(3) No person shall raise an armed force except in accordance with the Constitution.

#### **2. Functions of the defence forces. (Article 209)**

(1) The functions of the defence forces are to—

- (a) keep and defend the borders of Uganda;
- (b) cooperate with the civilian authority in case of emergencies and natural disasters;
- (c) promote peace and understanding between civilians and the defence forces; and
- (d) engage in productive activities for the development of Uganda.

#### **3. Parliament to regulate the Uganda Peoples' Defence Forces. (Article 210)**

(1) Parliament shall make laws regulating the Uganda Peoples' Defence Forces, in particular, providing for—

- (a) the organs and structures of the Uganda Peoples' Defence Forces;
- (b) recruitment, appointment, promotion, discipline and removal of the members of the army;
- (c) terms and conditions of service of members of the army; and
- (d) the deployment of troops outside Uganda.

#### **4. Uganda Police Force. (Article 211)**

(1) Uganda shall have a police force known as the Uganda Police Force and other police forces.

(2) The Uganda Police Force shall be nationalistic, patriotic, professional, disciplined, competent and productive; and its members shall be citizens of Uganda of good character from all the districts of Uganda

(3) The Uganda Police Force shall be regulated by the laws made by Parliament.

**5. Functions of the Uganda Police Force. (Article 212)**

The functions of Uganda Police Force are—

- (a) to protect life and property;
- (b) to keep law and order;
- (c) to prevent and detect crime; and
- (d) to cooperate with the civilian authority, other security bodies and with the public.

**6. Command of the Uganda Police Force. (Article 213)**

(1) The Uganda Police Force shall be under the command of the Inspector General of Police who shall be assisted by the Deputy Inspector General of Police.

(2) The Inspector General of Police and his or her deputy shall be appointed by the President with the approval of Parliament and may be removed by the President.

(3) The Inspector General of Police shall be subject to and act in accordance with the laws of Uganda, except that on matters of policy the President may give orders.

**7. Uganda Prisons Service. (Article 215)**

(1) Uganda shall have a prisons service known as the Uganda Prisons Service, which shall be national in character, loyal, professional, disciplined, fit and productive.

(2) Members of the Uganda Prisons Service shall be citizens of Uganda of good character from every district of Uganda.

(3) The Uganda Prisons Service shall be regulated by the laws made by Parliament.

**8. Commissioner and Deputy Commissioner of Prisons. (Article 216)**

(1) There shall be a Commissioner of Prisons and a Deputy Commissioner of Prisons appointed by the President with the approval of Parliament.

(2) The Commissioner of Prisons and his or her Deputy may be removed by the President.

**9. Intelligence services. (Article 218)**

Parliament may by law set up intelligence services and may prescribe their services, composition and functions.

**10. National Security Council. (Articles 219 and 220)**

(1) There shall be a National Security Council, which shall consist of the President as the chairperson and other members as Parliament may by law determine.

(2) The functions of the National Security Council shall be to inform and advise the President on matters relating to security and any other functions as Parliament may prescribe.

**11. Security organisations to observe human rights. (Article 221)**

All security agencies as established by the Constitution must observe and respect human rights and freedoms while carrying out their duties.

**12. Parliament to regulate possession and use of firearms. (Article 222)**

Parliament shall make laws to regulate the ownership and use of firearms and ammunition.

**Chapter Thirteen**  
**Inspectorate of Government.**

**1. Composition. (Article 223(2) and (3))**

The Inspectorate of Government shall consist of the Inspector General of Government and Deputy Inspectors General as provided by Parliament, at least one of whom should be a person qualified to be a judge of the High Court.

**2. Appointment. (Article 223(4))**

The Inspector General of Government and his or her deputies are appointed by the President with the approval of Parliament and shall not, upon appointment hold any other office in the public service.

**3. Qualifications. (Article 223(5) and (6))**

(1) The Inspector General of Government and his or her deputies shall be citizens of Uganda with high moral character and proven integrity, with experience and competence in the conduct of public matters.

(2) A person who is appointed as Inspector General of Government or deputy and holds the position of member of Parliament, member of local government council or member of executive of political party or organisation must resign from such office.

**4. Term of office. (Article 223(7))**

The Inspector General of Government and his or her deputy Inspectors General shall hold office for a term of four years but shall be eligible for reappointment for one term.

**5. Removal of Inspector General of Government and Deputy Inspectors General. (Article 224)**

The Inspector General of Government or a Deputy Inspector General may be removed from office by the President on the advice of Parliament only for—

- (a) inability to perform the functions of the office arising from poor health of body or mind;
- (b) misconduct or misbehaviour; or
- (c) incompetence.

**6. Jurisdiction of inspectorate. (Article 226)**

(1) The jurisdiction of the Inspectorate of Government shall cover officers or leaders whether employed in the public service or not.

(2) It shall also cover such institutions, organisations, enterprises as Parliament may by law provide.

**7. Branches of inspectorate. (Article 228)**

The Inspectorate of Government may establish branches at district and other administrative levels as it considers necessary for better performance of its functions.

**8. Resources of inspectorate. (Article 229)**

The Inspectorate of Government shall have an independent budget appropriated by Parliament and controlled by the inspectorate.

**9. Independence of Inspectorate of Government. (Article 227)**

The Inspectorate of Government is an independent body that reports and is only answerable to Parliament.

**10. Functions of Inspector General of Government (IGG). (Article 225)**

The functions of Inspector General of Government include the following—

- (a) promotion of rule of law and principles of natural justice;
- (b) promotion of good governance in public offices;
- (c) elimination of corruption;
- (d) supervision of the enforcement of the Leadership Code Act in accordance with the Constitution;
- (e) investigation of any act or omission of public officers done in exercise of administrative functions; and
- (f) increase public awareness of the values of constitutionalism.

**11. Special powers of the inspectorate. (Article 230)**

(1) The Inspectorate of Government shall have powers to investigate, cause investigation, arrest, cause arrest, prosecute or cause prosecution in cases of corruption, abuse of authority or abuse of office.

(2) The Inspector General of Government may enter and inspect the premises or property of any department of Government, person or authority and call for and retain any item in connection with the case being investigated.

(3) The Inspector General of Government may make such orders and give such directions as are necessary and appropriate during the course of his or her duties.

(4) Parliament shall make laws necessary for enabling the Inspectorate of Government to carry out its functions effectively and efficiently.

**12. Reports to Parliament. (Article 231)**

The Inspectorate of Government shall submit to Parliament, at least once in every six months, a report on the performance of its functions.

**13. Powers of Parliament regarding inspectorate. (Article 232)**

Parliament shall, subject to the Constitution, make laws regarding the inspectorate in particular for—

- (a) regulating the procedure for making complaint and requests to the inspectorate;
- (b) imposing powers on persons concerned as are necessary to facilitate the performance of the functions;
- (c) ensuring accessibility to the services of the inspectorate and where necessary for enabling the delegation of functions to other authorities or persons at a district or lower local government levels;
- (d) regulating the functioning of the inspectorate in relation to other bodies; and
- (e) establishing a special court within the judiciary for handling corruption cases.

## **Chapter Fourteen**

### **Leadership Code of Conduct.**

#### **1. The Leadership Code of Conduct. (Article 233)**

(1) There shall be established by law a Leadership Code of Conduct for persons holding specified offices.

(2) The Leadership Code of Conduct shall—

- (a) require specified officers to declare their incomes, assets and liabilities from time to time and how they obtained them;
- (b) prohibit dishonesty, corruption and any other behavior that will affect good governance;
- (c) provide penalties for failure to comply with the code;
- (d) provide powers and procedures for effective enforcement of the code; and
- (e) make any other provision necessary for the protection of public funds and public property.

#### **2. Enforcement of leadership code of conduct. (Article 234)**

The Inspectorate of Government or other authority as provided by Parliament shall enforce the code.

#### **3. Disqualification for breach of leadership code. (Article 235)**

Parliament may by law disqualify a person from holding any other public office if the person has been dismissed or removed from office by reason of failure to respect the code.

#### **5. Leadership Code Tribunal (Article 235A)**

There shall be a Leadership Code Tribunal whose composition, jurisdiction and functions shall be provided by law.

**Chapter Fifteen**  
**Land and Environment.**

**1. Land Ownership. (Article 237)**

- (1) Land in Uganda belongs to the citizens of Uganda.
- (2) There are four types of land ownership in Uganda—
  - (a) Customary;  
*This is a traditional system of owning land. Each community has traditionally developed a system of owning land. It may be owned either by the community, clan, families or individuals. In some areas land is owned individually, in others by the clan or chief or king, yet in others one could settle or cultivate on any unclaimed land without being stopped.*
  - (b) Mailo;  
*This was created by the 1900 Buganda Agreement. It is owning of land formerly given to the Buganda chiefs in and outside Buganda. It is similar to freehold tenure except that tenants on mailo land have security of tenure.*
  - (c) Freehold;  
*This is ownership of land for an unlimited period. It means that one can pass on this land to another person. The owner of a freehold title has full powers to sue and do anything with the land as long as it is not against the law.*
  - (d) Leasehold;  
*This Is owning of an interest in land based on an agreement with the owner of the land allowing another person to take possession and use the land to the exclusion of any one else for a specified or limited period of time, usually five years, forty nine years or ninety nine years, on payment of money or giving service. When one dies, the successor takes over the lease.*
- (3) The Government or local government may acquire land in the public interest and the conditions governing such acquisition shall be prescribed by Parliament.
- (4) The Government or a local government as determined by Parliament by law shall hold on behalf of the people, and protect lakes, rivers, wetlands, forests, game reserves, national parks, and any other land used for the preservation of nature and for tourism purposes.
- (5) Noncitizens are restricted to acquiring lease ownership of land in accordance with the laws as made by Parliament.
- (6) The Constitution introduces new concepts regarding land ownership, these are—
  - (a) all Ugandan citizens owning land under customary tenure may get certificates of ownership and may change their land to freehold by registration;



- (b) A Ugandan citizen who was given a lease out of public land may change it to freehold;
- (c) persons who were lawful and bonafide occupants of mailo land, freehold and leasehold before the 8<sup>th</sup> October 1995 when the Constitution started operating, have rights of occupancy and their ownership shall not be interrupted or disturbed by registered owners.

*A Bonafide occupant is a person who has stayed on and used the land, or improved the land for not less than twelve years without being disturbed or asked to leave by the owner. It also applies to a person who has been settled on the land by Government or its agent.*

*A Lawful occupant is a person who before the coming into force of the constitution had stayed on and used the land with the permission of the owner or a person staying on the land, which he or she has bought or a customary tenant staying on the land without having been compensated by the owner.*

(7) Within two years after the first sitting of Parliament elected under this constitution, Parliament shall make a law regulating the relationship between a lawful occupant and the registered owners of the land and providing for acquisition of registrable interests in the land by the occupant.

## **2. Uganda Land Commission. (Article 238)**

(1) There shall be a commission to be known as the Uganda Land Commission.

(2) The commission shall consist of a chairperson and not less than four members appointed by the President with the approval of Parliament.

(3) A person appointed a member of the commission and holding the position of Member of Parliament or member of local government council must resign from such office.

## **3. Term of office. (Article 238(4))**

Members of the commission shall hold office for five years and shall be eligible to be reappointed.

## **4. Removal of member from office. (Article 238(5))**

A member of the commission shall be removed from office by the President on the advice of Parliament on the following grounds—

- (a) inability to perform the functions of his or her office arising from poor health of body or mind;
- (b) misconduct or misbehaviour; or
- (c) incompetence.

**5. Functions of the commission. (Article 239)**

The commission shall hold and manage any land in Uganda vested in or acquired by the Government of Uganda in accordance with the Constitution and shall have such other functions as may be specified by Parliament.

**6. District land boards. (Article 240)**

- (1) There shall be a district land board for each district whose functions are to—
  - (a) manage land in the district which is not owned by any person or authority; and
  - (b) help with registration and transfer of land and deal with such other matters on land in the district as provided by the law.

(2) The district land board shall be independent of the Uganda Land Commission and not subject to the direction or control of any person or authority.

**7. Land use. (Article 242)**

Government may regulate the use of land.

**8. Land Tribunals. (Article 243)**

- (1) Parliament shall by law provide for the establishment of land tribunals.
- (2) The jurisdiction of the land tribunal shall include—
  - (a) settling land disputes relating to the grant, lease, repossession, transfer or acquisition of land by individuals, the Uganda Land Commission or other authority; and
  - (b) settling disputes relating to the amount of compensation to be paid for land acquired.

(3) A land tribunal shall be headed by a chairperson appointed on the advice of the Judicial Service Commission.

(4) A member of a land tribunal shall hold office on terms and conditions made by parliament by law.

**9. Minerals and petroleum. (Article 244)**

(1) All minerals and petroleum in Uganda are held by the Government on behalf of the people of Uganda.

- (2) Parliament shall make laws regulating the following—
  - (a) exploitation of minerals and petroleum;
  - (b) sharing of royalties arising from mineral and petroleum exploitation;
  - (c) conditions of payment of indemnities arising out of exploitation of minerals and petroleum;

(d) conditions regarding the restoration of destroyed lands.

(3) Minerals, mineral ores and petroleum shall be exploited taking into account the interests of the individual landowners, local governments and the Government.

(4) “Minerals” means any substance other than petroleum whether in solid, liquid or gaseous form naturally in or on the earth formed by geological process but does not include clay, murrum, sand, or any stone used for building.

(5) Petroleum means any naturally occurring—

(a) hydrocarbons whether in gaseous, liquid or solid state;

(b) mixture of hydrocarbons whether gaseous, liquid or solid state;

(c) mixture of one or more hydrocarbons (whether gaseous, liquid or solid state)

and any other substance.

(6) Parliament may regulate the exploitation of minerals, petroleum, and any substance that is not considered a mineral when exploited for commercial purposes.

## **10. Protection and preservation of the environment. (Article 245)**

Parliament shall by law provide for measures intended to—

(a) protect and preserve the environment from abuse, pollution and degradation;

(b) manage the environment for sustainable development; and

(c) promote environmental awareness.

## Chapter Sixteen

### Institution of Traditional or Cultural Leaders.

#### **Institution of traditional or cultural leaders. (Article 246)**

(1) A traditional leader or cultural leader is a king or similar traditional leader or cultural leader by whatever name called who derives allegiance from the fact of birth or descent in accordance with the customs, traditions, usage, or consent of the people led by that traditional or cultural leader.

(2) The Constitution recognises the institution of a traditional or cultural leader in any area of Uganda in accordance with the culture and traditions or wishes of the community.

(3) The following shall apply to traditional or cultural leaders—

- (a) the institution of traditional or cultural leader shall have capacity to sue or be sued and to hold property on behalf of itself and the people concerned;
- (b) the traditional or cultural leader may hold property in a personal capacity;
- (c) a traditional or cultural leader is entitled to privileges and benefits as determined by the Government;
- (d) unless Government so approves no person shall be compelled to pay allegiance or contribute to the cost of maintaining a traditional or cultural leader.

(4) A traditional or cultural leader shall not join or take part in politics or exercise any administrative, legislative or executive powers of government.

**Chapter Seventeen**  
**General and Miscellaneous.**

**1. Administration of estates. (Article 247)**

Parliament shall by law—

- (a) establish an efficient, fair and quick method for the management of property of people who have died;
- (b) ensure that the services of the department or organisation established for the purpose are decentralised and accessible to all persons and that the interests of all beneficiaries are properly protected.

**2. Law Reform Commission. (Article 248)**

(1) There shall be a Law Reform Commission for Uganda whose composition and functions shall be specified by Parliament.

(2) The commission shall publish periodic reports on its findings and submit annual reports to Parliament.

**3. Disaster Preparedness and Management Commission. (Article 249)**

There shall be a Disaster Preparedness and Management Commission for Uganda to deal with natural and man-made disasters or problems and shall be answerable to Parliament.

**4. Legal Proceedings by or against the Government. (Article 250)**

(1) If a person has a civil claim against the Government, he or she can take legal action against the Attorney General as its legal representative and all legal documents must be addressed to the Attorney General.

(2) Parliament may make law to guide persons making claims against Government in civil or criminal matters.

(3) In any criminal cases, the prosecution shall be the Government and the title of the case shall have the word “Uganda”.

**5. Resignations. (Article 252)**

(1) Any person appointed to any office under the Constitution may resign his or her job by writing a letter to the appointing authority subject to the terms and conditions of appointment to such an office.

- (2) Offices referred to by the above provision include—
  - (a) the Vice President;

- (b) the Speaker and Deputy Speaker;
- (c) a Minister;
- (d) the Attorney General;
- (e) a member of Parliament;
- (f) a member of any commission, authority, council, or committee established by the Constitution; or
- (g) a public officer.

(3) Parliament may make provision for the resignation of persons holding office established by the Constitution but not listed above.

## **6. Reappointments and concurrent appointments. (Article 253)**

(1) If any person leaves a public office, he or she can be reappointed in accordance with the Constitution as long as he or she is qualified for that office.

(2) Any person with powers to appoint one in such an office may do so even if that particular person in such a position is on leave and such a person appointed shall take control of that office he or she is appointed to.

(3) Where two or more persons hold the same office as a result of clause (2) above then for the purposes of any function conferred on the holder of that office, the person last appointed shall be taken to be the sole holder of that office.

## **7. Pension. (Article 254)**

(1) A public officer must on retirement receive pension depending on his or her rank, salary and the length of service.

(2) The pension payable to any person shall not be taxed and shall be reviewed periodically to take into account the change in value of money.

(3) The payment of pension shall be prompt, timely and easily available to pensioners.

## **8. Referenda generally. (Article 255)**

(1) Parliament shall make laws providing for—

- (a) the right of citizens to demand the holding of a national referendum or in any part of Uganda on any issue by the Electoral Commission;
- (b) the holding of a referendum by the Electoral Commission upon a reference by the Government of any contentious matter to a referendum.

(2) The results of a referendum shall be final and binding on all persons and organs of State except that the referendum shall not affect—

- (a) the fundamental and other human rights guaranteed by the Constitution; and
- (b) the power of the courts to question the validity of the referendum.

## **Chapter Eighteen**

### **Amendment of the Constitution.**

#### **1. Amendment of the Constitution. (Article 259)**

(1) Subject to the provisions of the Constitution, Parliament may change the Constitution by adding or removing a provision or any part of a provision in accordance with the procedure laid down in this chapter.

(2) Any change to the Constitution must be made by an Act of Parliament.

#### **2. Amendments requiring a referendum. (Article 260)**

A bill proposing to change the following articles shall be supported by not less than two-thirds of all members of Parliament, and approved by the people in a referendum—

- (a) article 1 (sovereignty of the people);
- (b) article 2 (supremacy of the Constitution);
- (c) article 44 (prohibition of derogation from particular human rights and freedoms);
- (d) article 69 (political systems);
- (e) article 74 (change of political systems by referenda or elections);
- (f) article 75 (prohibition of one party state);
- (g) article 79(2) (functions of Parliament);
- (h) article 105(1) (tenure of office of the President);
- (i) article 128(1) (independence of the judiciary);
- (j) article 260 (amendments requiring a referendum); and
- (k) Chapter Sixteen (Institution of Traditional or Cultural Leaders).

#### **3. Amendments requiring approval by district councils. (Article 261)**

A bill proposing to change the following articles shall be supported by not less than two-thirds of all members of Parliament, and approved by at least two-thirds of the members of the district council in each of at least two-thirds of all the districts in Uganda—

- (a) article 5(2) (the Republic of Uganda);
- (b) article 152 (taxation);
- (c) article 176(1) (local government system);
- (d) article 178 (regional governments);
- (e) article 189 (functions of the Government and district councils);
- (f) article 197 (financial autonomy of urban authorities); and
- (g) article 261 (amendments requiring approval by district councils).

#### **4. Amendments by Parliament. (Article 262)**

When Parliament wants to amend any other provision of the Constitution, the bill must be supported at the second and third readings by the votes of not less than two-thirds of all members of Parliament in order to be taken as passed.

**5. Certificate of compliance. (Article 263)**

A bill for amendment of this constitution shall be assented to by the President only if it is accompanied by a certificate of the Speaker that the law has been followed and if the bill is for amendment of article 260 and 261 by a certificate of the Electoral Commission that the amendment has been approved by a referendum or by the district councils.



**Chapter Nineteen**  
**Transitional Provisions.**

**1. Existing offices. (Article 269)**

(1) A person holding or acting in an office established by the 1967 Constitution and still in agreement with the current Constitution, shall be taken to have been appointed in that office under the new Constitution.

(2) Any office established before the coming into force of the 1995 Constitution and which is not in agreement with that Constitution is abolished.

(3) The terms and conditions of service of a person to whom this article applies after the coming into force of the 1995 Constitution shall remain as favorable as those prior to the 1995 Constitution and any benefits and length of service shall be deemed to continue under the 1995 Constitution.

(4) At any time, a law can be made under the Constitution or any other law for the abolition of the office or removal from office of persons holding or acting in any office and for requiring persons to retire from office.

**2. Pending matters and proceedings pending before court. (Article 280)**

(1) Unless the President so directs, any matter started before the 1995 Constitution, by any authority or person with powers to do so under any written or unwritten law which existed before the coming into force of the 1995 Constitution, shall not be affected by the coming into force of the 1995 Constitution.

(2) Legal matters before any court yet to be finalised before the coming into force of 1995 Constitution may be completed after the coming into force of the Constitution.

**3. Prerogative of Mercy. (*The right of the President to forgive a convicted person*)  
(Article 282)**

The President may exercise his or her prerogative of mercy in respect of criminal offences committed before or after the coming into force of the 1995 Constitution.

**4. Transfer of rights and liabilities. (Article 283)**

(1) Any right, prerogative, privilege or functions which under the written and unwritten law of Uganda that existed immediately before the coming into force of the 1995 Constitution vested in the President shall vest in the President or other person or authority.

(2) Any right, privilege, obligation, liability, or function vested in or subsisting against the Government by or under an existing law shall continue to so vest or subsist.

**5. Succession to property. (Article 284)**

(1) Any property held by a person or authority on behalf of Government before the coming into force of 1995 Constitution shall on its coming into force be returned to Government.

(2) Any property before the coming into force of the Constitution which was to be surrendered to any person or authority on behalf of Government shall be surrendered to Government on the coming into force of the constitution.

**6. Succession to contracts. (Article 285)**

An agreement or arrangement entered into by or on behalf of Government before the coming into force of the 1995 Constitution shall continue to exist with all rights and responsibilities of Government under the agreement.

**7. International agreements, treaties and conventions. (Article 287)**

The 1995 Constitution shall not affect treaties, agreements or conventions which the Government was party to or which were made or agreed and signed by the Government after 9<sup>th</sup> October 1962.

**8. Modification of laws. (Article 292)**

The laws which were in operation before the coming into force of the Constitutional amendments by Act No.11, Constitution (amendment) Act of 2005 and Act No.21 Constitution (amendment) (No.2) of 2005 are to remain operating subject to change as approved by the President so as to bring it in conformity with the 1995 Constitution.

## SCHEDULES

### *First Schedule*

#### **Kampala and districts of Uganda.**

Kampala

#### **Districts of Uganda.**

1. Bundibugyo of Rwenzori
2. Kasese
  
3. Budaka
4. Busia
5. Butaleja of Bukedi
6. Pallisa
7. Tororo

8. Abim
9. Kaabong
10. Kotido
11. Moroto
12. Nakapiripirit

of Karamoja



13. Bududa
14. Manafwa
15. Mbale of Bugisu
16. Sironko
  
17. Bukwo of Sebei
18. Kapchorwa
  
19. Adjumani
20. Moyo of Madi

- 21. Arua
- 22. Koboko
- 23. Nebbi
- 24. Nyadri
- 25. Yumbe

of West Nile

- 26. Amuru
- 27. Gulu
- 28. Kitgum
- 29. Pader

of Acholi

- 30. Buliisa
- 31. Hoima
- 32. Kibaale
- 33. Masindi

of Bunyoro

- 34. Kabarole
- 35. Kamwenge
- 36. Kyenjojo

of Toro



- 37. Amuria
- 38. Bukedea
- 39. Kaberamaido
- 40. Katakwi
- 41. Kumi
- 42. Soroti

of Teso

- 44. Kayunga
- 45. Kiboga
- 46. Luwero
- 47. Lyantonde
- 48. Masaka
- 49. Mityana
- 50. Mpigi
- 51. Mubende
- 52. Mukono
- 53. Nakaseke
- 54. Nakasongola
- 55. Rakai
- 56. Sembabule
- 57. Wakiso
  
- 58. Bushenyi
- 59. Ibanda
- 60. Isingiro
- 61. Kiruhura
- 62. Mbarara
- 63. Ntungamo
  
- 64. Amolatar
- 65. Apac
- 66. Dokolo
- 67. Lira
- 68. Oyam
  
- 69. Bugiri
- 70. Iganga
- 71. Jinja
- 72. Kaliro
- 73. Kamuli
- 74. Mayuge
- 75. Namutumba
  
- 76. Kabale
- 77. Kanungu
- 78. Kisoro
- 79. Rukungiri

of Buganda

of Ankole

of Lango

of Busoga

of Kigezi

*Third Schedule*

**Uganda's indigenous communities as at 1st February 1926.**

1. Acholi
2. Aliba
3. Alur
4. Aringa
5. Baamba
6. Babukusu
7. Babwisi
8. Bafumbira
9. Baganda
10. Bagisu
11. Bagungu
12. Bagwe
13. Bagwere
14. Bahehe
15. Bahororo
16. Bakenyi
17. Bakiga
18. Bakonzo
19. Banyabindi
20. Banyabutumbi
21. Banyankore
22. Banyara
23. Banyaruguru
24. Banyarwanda
25. Banyole
26. Banyoro
27. Baruli
28. Barundi
29. Basamia
30. Basoga

31. Basongora
32. Batagwenda
33. Batoro
34. Batuku
35. Batwa
36. Chope
37. Dodoth
38. Ethur
39. Gimara
40. Ik (Teuso)
41. Iteso
42. Jie
43. Jonam
44. Jopadhola
45. Kakwa
46. Karimojong
47. Kebu (Okebu)
48. Kuku
49. Kumam
50. Langi
51. Lendu
52. Lugbara
53. Madi
54. Mening
55. Mvuba
56. Napore
57. Ngikutio
58. Nubi
59. Nyangia
60. Pokot
61. Reli
62. Sabiny
63. Shana
64. So (Tepeth)
65. Vonoma

**Regional Governments.**

**1. Name of regional governments.**

A regional government may adopt its own name.

**2. Composition of regional assembly.**

(1) The composition of a regional assembly shall be prescribed by an Act of Parliament and shall consist of—

- (a) direct elected representatives on the basis of universal adult suffrage at elections conducted by Electoral Commission;
- (b) representatives of women, who shall not be less than one-third of the membership;
- (c) representatives of the youth and persons with disabilities;
- (d) district chairpersons in the region who shall be ex-officio members with no right to vote

(2) A regional assembly shall have a speaker elected by the regional assembly from among its members; but a person shall only be taken to have been elected if the votes cast in his or her favour are more than fifty percent of all the members of the regional assembly.

(3) The speaker of the regional assembly shall, in relation to the regional assembly, perform similar functions to those of the Speaker of Parliament.

(4) Members of regional assemblies shall serve for the same term as members of district councils.

**3. Committees of the regional assembly.**

(1) A regional assembly may establish standing and other committees or organs for the efficient discharge of its functions.

(2) The representatives of cultural interests shall constitute the standing committee on cultural matters.

(3) The standing committee on cultural matters shall have, as against the rest of the members of the regional assembly, exclusive jurisdiction on the cultural matters of the region.

(4) In this paragraph “cultural matters” include the following—

- (a) the choice and installation of a traditional leader or cultural leader;
- (b) all traditional and cultural matters relating to the traditional or cultural leader and to the institutions of the traditional leader or cultural leader as well as royal members of the traditional leadership;
- (c) the choice, appointment and succession to clan and subclan leadership;
- (d) clan, traditional and customary matters;
- (e) matters relating to cultural rites, cultural succession and customary heirs;



- (f) cultural or traditional lands, sites, shrines and installations;
- (g) clan lands, sites, shrines and installations; and
- (h) traditional, customary and cultural practices which are consistent with the Constitution.
- (g) clan lands, sites, shrines and installations; and
- (h) traditional, customary and cultural practices which are consistent with the Constitution.

(4) In carrying out its responsibilities under subparagraphs (3) and (4), the standing committee on cultural matters shall consult the traditional or cultural leader of the region as well as the relevant clan leaders.

(5) A decision of the standing committee on cultural matters shall not be effective until the decision has been approved by the traditional or cultural leader of the region and, in the case of succession under subparagraph (4)(a), by the clan or cultural leader's council.

#### **4. Regional government.**

(1) A regional government shall be led by a regional chairperson elected in accordance with this paragraph.

- (2) A person shall not be qualified to be elected a regional chairperson unless—
  - (a) he or she is a citizen of Uganda by birth as defined in article 10 of the Constitution and one of whose parents or grandparents is or was a resident in the region and a member of the indigenous communities existing and residing within the borders of the region as at the first day of February 1926;
  - (b) he or she is qualified to be a member of Parliament; and
  - (c) he or she is not less than thirty-five years of age.

- (3) A regional chairperson shall—
  - (a) be directly elected by universal adult suffrage at an election conducted by the Electoral Commission;
  - (b) be willing and able, where applicable, to adhere to and perform the cultural and traditional functions and rites required by his or her office;
  - (c) where applicable, upon election, be given instruments of office by the cultural or traditional leader of the region; and
  - (d) be the political head of the regional government

(4) Parliament shall by law prescribe the grounds and procedure for removal of the chairperson of the regional government.

#### **5. Ministers of regional government.**

(1) A regional government shall have regional ministers who shall be appointed by the head of the regional government with the approval of the regional assembly.

- (2) The number of regional ministers of a region shall be determined by Parliament.

## **6. Cooperation with Central Government.**

A regional government shall cooperate with Ministries of the Central Government but on policy matters they shall liaise with the office of the President.

## **7. Voting in the regional assembly.**

(1) Representatives of Cultural interests as defined in paragraph 3 shall not vote on any partisan matter.

(2) A matter shall be considered to be of a partisan nature if in the course of its being tabled or debated in a regional assembly it is declared by a majority vote of the directly elected representatives to be partisan.

## **8. Role of traditional or cultural leader:**

Where a traditional leader or cultural leader exists in a region the traditional or cultural leader shall—

- (a) be the titular head of the regional government;
- (b) be the titular head of the regional assembly and shall open, address and close the sessions of the regional assembly; and
- (c) enjoy the benefits, privileges and roles as provided for in article 246 of the Constitution and by Parliament and the regional assembly.

## **9. Functions and services of regional governments.**

The functions and services for which a regional government is responsible are as follows—

- (a) secondary education and tertiary institutions except national universities and other national institutions;
- (b) regional roads;
- (c) regional referral hospitals other than national referral hospitals and national medical institutions;
- (d) coordination, monitoring and supervision of agriculture;
- (e) forests, other than, forests, national parks and wildlife reserves managed by the Government;
- (f) culture;
- (g) cultural and traditional lands;
- (h) promotion of local languages, crafts and antiquities;
- (i) water;
- (j) sanitation;
- (k) to levy surcharge or cess subject to the approval of Central Government;
- (l) functions and services surrendered voluntarily by a district council or district councils;
- (m) receiving copies of financial accountability of districts to the Central Government to enable the regional government monitor and supervise the implementation of government programmes.

## **10. Land.**

(1) A regional government may establish a regional land board whose functions may include the following—

- (a) coordination and monitoring of land use in the region;
- (b) planning of land use in the region; except that if there is a conflict between regional land planning and Central Government land planning, the latter shall prevail.

(2) A regional land board shall consist of—

- (a) all chairpersons of the district land boards in the region;
- (b) an equal number of members appointed by the regional government.

(3) A regional land board shall be represented on each district land board in its region in a manner prescribed by Parliament.

## **11. Financial provisions for regional governments.**

(1) Where a regional government is established, the Government shall work out a formula of granting unconditional grants to the regional government.

(2) Experts under the general direction of Government and in consultation with regional governments shall work out the formula for the financial allocation to regional governments.

(3) Grants sent to the region may change in light of economic and social conditions such as population and other similar considerations.

(4) There shall be a mechanism to resort to in case the Central Government without reasonable cause fails to remit funds to the regional government.

## **12. Recognition of cultural diversity and equitable distribution of resources.**

(1) Each regional government must recognise and respect the different cultures existing within the region.

(2) A regional government shall ensure that there is equitable distribution of the resources in the region in accordance with a formula worked out by Government in consultation with regional governments.

## **13. National cultural heritage sites.**

Parliament shall by law—

- (a) gazette national cultural heritage sites; and
- (b) provide for the ownership and management of the cultural sites referred to in subparagraph (a) of this paragraph.

#### **14 Takeover of regional government by President.**

- (1) Where—
  - (a) the High Court determines that there is failure to comply with the requirements of paragraph 12;
  - (b) the regional government so requests and it is in the public interest to do so;
  - (c) a state of emergency has been declared in the region or in Uganda generally;or
  - (d) it has become extremely difficult or impossible for the regional government to function, a regional government shall be liable to a takeover of its administration by the President in a manner prescribed by an Act of Parliament and similar to the takeover of administration of a district under article 202 of the Constitution.
- (2) In the circumstances described in subparagraph (1), the President may, with the approval of two-thirds of the members of Parliament, assume the executive and legislative powers of the regional government.
- (3) The exercise by the President of the power to assume the executive and legislative powers in subparagraph (2), may be done through such persons or officers as the President may appoint; and legislative functions shall be exercised by making statutory instruments.
- (4) Where the President assumes the exercise of the legislative powers of a regional government under this paragraph, the President shall have no power to make laws on cultural matters as defined in paragraph 3 of this Schedule.
- (5) Unless approved by Parliament for a longer term, the exercise by the President of the power to takeover, shall be for a period not exceeding ninety days.
- (6) Upon the expiry of the term under subparagraph (5)—
  - (a) the President shall hand back the administration of the region to the incumbent regional government; or
  - (b) if Parliament, by a resolution supported by not less than two-thirds of all members of Parliament, decides that the prevailing circumstances still make it impossible for the incumbent government to resume the administration of the region—
    - (i) where the unexpired term of the regional assembly is longer than twelve months, the President shall cause elections to be held for a new regional assembly within sixty days; or
    - (ii) where the unexpired term of the regional assembly is less than twelve months, the President shall continue to administer the region until the next elections are held.

*Sixth Schedule*

**Functions and services of Government and local governments**

*Part 1.*

*Functions and services for which the Government is responsible.*

1. Arms, ammunition and explosives.
2. Defence, security, maintenance of law and order.
3. Banks, banking, promissory notes, currency and exchange control.
4. Subject to the Constitution, taxation and taxation policy.
5. Citizenship, immigration, emigration, refugees, deportation, extradition, passport and national identity cards.
6. Copyrights, patents and trademarks and all forms of intellectual property, incorporation and regulation of business organizations.
7. Land, mines, mineral and water resources and the environment.
8. National parks, as may be prescribed by Parliament.
9. Public holidays.
10. National monuments, antiquities, archives and public records as Parliament may determine.
11. Foreign relations and external trade.
12. The regulation of trade and commerce.
13. Making national plans for the provision of services and coordinating plans made by local governments.
14. National elections.
15. Energy policy.

16. Transport and communication policy.
17. National censuses and statistics.
18. Public services of Uganda.
19. The judiciary.
20. National standards.
21. Education policy.
22. National surveys and mapping.
23. Industrial policy.
24. Forests and game reserve policy.
25. National research policy.
26. Control and management of epidemics and disasters.
27. Health policy.
28. Agricultural policy.
29. Any matter incidental to or connected with the above functions and services.

*Part 2.*

*Functions and services for which district councils are responsible, subject to article 176(2) of the Constitution and sections 96 and 97 of the Local Government Act, include but are not limited to—*

1. Education services, which cover nursery, primary, secondary, trade, special education and technical education.
2. Medical and health services, including—
  - (a) hospitals, other than hospitals providing referral and medical training;
  - (b) health centres, dispensaries, sub dispensaries and first-aid posts;
  - (c) maternity and child welfare services;

- (d) the control of communicable diseases, including HIV/AIDS, leprosy and tuberculosis;
  - (e) control of the spread of disease in the district;
  - (f) rural ambulance services;
  - (g) primary health care services;
  - (h) vector control;
  - (i) environment sanitation;
  - (j) health education.
3. Water services—

The provision and maintenance of water supplies in liaison with the Ministry responsible for natural resources, where applicable.

4. Road services—

The construction, rehabilitation and maintenance of roads not under the responsibility of the Government.

5. All decentralised services and activities which include but are not limited to—
- (a) crop, animal and fisheries husbandry extension services;
  - (b) entomological services and vermin control;
  - (c) human resources management and development;
  - (d) recurrent and development budget;
  - (e) district statistical services;
  - (f) district project identification;
  - (g) district planning;
  - (h) local government development planning;
  - (i) land administration;
  - (j) land surveying;
  - (k) physical planning;
  - (l) forests and wetlands;
  - (m) licensing of produce buying;
  - (n) trade licences;
  - (o) trade development services;
  - (p) commercial inspectorate;
  - (q) cooperative development;
  - (r) industrial relations;
  - (s) social rehabilitation;
  - (t) labour matters;
  - (u) probation and welfare;
  - (v) street children and orphans;

- (w) women in development;
- (x) community development;
- (y) youth affairs;
- (z) cultural affairs;
- (aa) district information services.

*Functions and services for which district councils are responsible include—*

6. Regulating, controlling, managing, administering, promoting and licensing any of the things or services which the council is empowered or required to do, and establishing, maintaining, carrying on, controlling, managing or administering and prescribing the forms in connection therewith to fix fees or charges to be levied in that respect.

7. Aiding and supporting the establishment and maintenance of schools, hospitals, libraries, art galleries, museums, tourist centres, homes for the aged, destitute or infirm or for the orphans, and providing bursaries to assist in the education of children of persons residing in the district, making donations to charitable and philanthropic, welfare, youth, persons with disabilities, women and sports organisations.

8. Preserving public decency, and preventing offences against public order in public places and preventing damage to property of the Government and the council.

9. Undertaking private works and services and charging, recovering the costs and contracting out public services to the private sector.

10. Selling all by-products resulting from carrying on by or on behalf of the council of any works or services.

11. Promoting publicity for the council and the district as a whole.

12. Promoting schemes of health, education and road safety sensitisation.

13. Providing and managing—

- (a) sporting and recreational facilities and programmes of informal education for both adults and young people, including the running or provision of community centres;
- (b) the development of social work among adults;
- (c) remedial social welfare programmes aimed at the alleviation of social distress;
- (d) the welfare of children and the elderly; and
- (e) public vehicular parking.

14. The registration of marriages, births and deaths for transmission to the Registrar General.

15. Assisting the Government to preserve the environment through protection of forests, wetlands, lake shores, streams and prevention of environmental degradation.

16. Any other service or function which is not specified in this Schedule.



17. Upon delegation by the Government, identification and preservation of sites and objects or buildings of historical and architectural value.

18. Payment of salaries to all established staff and this function shall not be devolved to subcounties.

*Part 3.*

*Functions and services for which urban councils are responsible include but are not limited to—*

1. Establish, acquire, erect, maintain, promote, assist or control with the participation of the citizens—

- (a) lighting of streets and public places;
- (b) fire brigade services;
- (c) ambulance services;
- (d) clinics, dispensaries, health and inoculation centres;
- (e) cemeteries, crematoria and mortuaries and ancillary services, and provide for the burial of bodies of destitute persons and of unclaimed bodies;
- (f) omnibus stations and related office accommodations, cafes, restaurants, refreshment rooms and other buildings;
- (g) offices, stores, workshops, depots and other buildings for the purposes of the council;
- (h) public halls, libraries, art galleries and museums;
- (i) slaughterhouses, cold storage facilities and premises for the inspection or processing of milk, meat or hides and skins;
- (j) markets and piers, jetties and landing places;
- (k) botanical and zoological gardens;
- (l) public baths and swimming pools;
- (m) laundries and other places for the washing of clothes;
- (n) canteens, social centres, clubs and hospitals, including such facilities for employees and staff;
- (o) public lavatories and urinals;
- (p) pounds for stray animals and clinics for the treatment of sick animals;
- (q) camping and grazing grounds;
- (r) lairages;
- (s) dipping tanks;
- (t) disinfecting stations;
- (u) public weighing machines;
- (v) public monuments;
- (w) sanitary services for the removal and disposal of night soil, rubbish, carcasses of dead animals and all kinds of refuse and effluent;

- (x) water supplies outside the jurisdiction of the National Water and Sewerage Corporation;
- (y) education services which cover primary and secondary schools, special education, trade and technical schools;
- (z) maintenance of roads.

2. Establish, maintain or control public parks, garden and recreation grounds on any land vested in the council and in connection with or for the purposes of that public park, garden or recreation ground to—

- (a) establish, erect, maintain and control aquariums, aviaries, piers, pavilions, cafes, restaurants, refreshment rooms and other buildings or erections that the council may deem necessary;
- (b) reserve any portion of the public park, garden or recreation ground for any particular game or recreation or for any other specific purposes, exclude the public from those portions and provide for their renting and hiring to the public, clubs or other organisations; and
- (c) provide or permit any other person to provide any apparatus, equipment or other amenity.

3. Prohibit, restrict, regulate or license—

- (a) the sale or hawking of wares or the erection of stalls on any street, or the use of any part of the street or public place for the purpose of carrying on any trade, business or profession;
- (b) the depositing on any street, public place or unoccupied land of any refuse, rubbish, derelict vehicles or any other material or thing, and to provide for the removal and disposal thereof;
- (c) street decorations and the erection of shelters, temporary buildings, platforms, seats and other structures at any entertainment, procession, exhibition, ceremony or display, whether in a public place or not;
- (d) the placing of banners, wires, ropes or any other impediments over or across any street or public place;
- (e) the collection of money or goods in any public place for any charitable or other purpose;
- (f) the public exhibition of any monstrosity, freak of nature or abnormal person or animal;
- (g) singing, dancing, drumming, the playing of musical instruments, the production of music or the making of any noise likely to disturb any person, or any performance for profit in any public place;
- (h) the storage or stacking of firewood or other fuel;
- (i) the washing or drying of clothes other than on private premises;
- (j) the quarrying of stone, lime, clay, murrum or other material;
- (k) the keeping of dogs, animals and poultry, and provide for the seizure and destruction of ownerless, unlicensed, diseased or dangerous dogs, and the seizure and disposal of stray animals and poultry;
- (l) billiard saloons, dance halls and other places of public resort;

- (m) lodging houses;
- (n) the burning of rubbish and grassland;
- (o) prostitution and brothels;
- (p) cinema and video halls.

4. Lay out and adorn any street, square or open space vested in the council by the erection of statues, fountains or other structures or in any other manner.

5. Decorate streets and public buildings, erect shelters, temporary buildings, platforms, seats and other structures on public places.

6. Clear, level and maintain public and unoccupied land taken on lease from a land board and to plant, trim, protect and remove flowers, trees and shrubs in or from any public place.

7. Identify streets and other public places by assigning names to them and to cause those names to be exhibited on posts or pillars or to be painted or otherwise exhibited on any building or other erection fronting.

8. Number or otherwise identify any buildings fronting on any street or other public place, and cause that identification to be exhibited on the buildings or require the owner of the building, at his or her own expense, to cause that identification to be exhibited on a building.

9. Require the owner or occupier of any premises to remove or lower any fence or to remove, lower or trim any tree, hedge or shrub overhanging any street or interfering with the passage of traffic or pedestrians, or any wires or other works or to require any owner or occupier to perform the removal, lowering or trimming which may be necessary for the maintenance of public safety or amenity or build and maintain the pavement bordering his or her property to the specifications of the urban council.

10. Require the fencing or enclosing of plots and restrict the use of barbed wire, broken glass or any similar substance on fences and walls.

11. Preserve public decency, and to prevent offences against public order in streets and public places, and to prevent damage to or defacement of property of the public or of the council.

12. Prevent and extinguish fires, to remove buildings in order to prevent the spread of any fire and to compensate the owner of any building removed.

13. Establish, maintain, hire, support or control bands and orchestras and generally to provide for musical entertainment at public places and functions.

14. Undertake private works and services and to charge and recover costs on those private works and services and contract out public services to the private sector.

15. At the request of the owner of the land situate within its area of jurisdiction, construct, in such manner as the council may think fit, by its servants or by contract, a footway or pavement along any street contiguous with the land or vehicular crossings over any footway or pavement and to recover the whole or any part of the cost of the construction, including the cost of supervision, plant, machinery and tools from such owner in the manner it may think fit.

16. Sell all by-products resulting from the carrying on, by or on behalf of the council, of any works or services.

17. Promote publicity for the council.

18. Promote schemes of housing, health education and road safety sensitisation.

19. Make provision for the return of destitute persons to their homes.

20. Arrange for the insurance of all assets of the council against financial risks of any kind to which the council may be subjected.

21. Lay out land and provide and maintain necessary public services.

22. Subject to the Constitution, sell or lease any plots of land or any buildings on the land.

23. Aid and support, whether by the grant of money or otherwise, the establishment and maintenance of schools, hospitals, libraries, art galleries, museums, musical or scientific institutions, homes for the aged, destitute or persons with disabilities, or for the orphans; provide bursaries to assist in the education of the children of persons residing in the area of jurisdiction; make donations to charitable and philanthropic, welfare and youth organisations; and make presentations to other local authorities or public bodies.

24. Provide—

- (a) gowns, chains and badges of office for councillors and officers of the council;
- (b) badges, medallions or scrolls for presentation to persons who have given meritorious service to the urban councils; and
- (c) floral tributes in memory of councillors, officers of the council and persons of note.

25. Obtain and protect armorial bearings.

26. Regulate, control, manage, administer, promote or license any of the things or services which the council is required or empowered to do and establish, maintain, carry on, control, manage or administer, and prescribe the forms in connection therewith; and to fix fees or charges to be made in respect thereof.

27. With the consent of a neighbouring local government, render advice and/or assist to control development and to administer town and country planning schemes in any area within an agreed distance from the boundaries of its jurisdiction.

28. Provide, control and manage the following services—
  - (a) sporting and recreational facilities and programmes of informal education for both adults and young people, including the provision and running of community centres;
  - (b) the development of social work among adults;
  - (c) remedial social welfare programmes aimed at the alleviation of social distress;
  - (d) the welfare of children;
  - (e) public vehicle parking.
29. Initiate and contract twinning arrangements with international local governments or local authorities in consultation with the Minister.
30. Any other function or service incidental to the above.
31. Any other function not reserved for the Government.
32. Payment of salaries for all established staff and this function shall not be devolved to a lower local government.

*Part 4.*

*Functions and services to be devolved by a district council to lower local government councils.*

1. The provision of nursery and primary education.
2. The provision of agricultural ancillary field services.
3. The provision and control of soil erosion and protection of local wetlands.
4. The control of vermin in consultation with the Ministry responsible for tourism and wildlife and any other relevant Ministry.
5. The taking of measures for the prohibition, restriction, prevention, regulation or abatement of grass, forest or bush fires, including the requisition of able-bodied male persons to extinguish such fires and to cut fire breaks and general local environment protection.
6. The control of local hunting and fishing.
7. The provision of—
  - (a) hygiene services and health units other than health centres;
  - (b) adult education; and
  - (c) community-based healthcare services.
8. The provision and management of ferries.

9. The provision of measures to prevent and contain food shortages, including relief work, the provision of seed and the storage of foodstuffs.
10. Markets establishment, management and collection of revenue.
11. The establishment, control and management of recreation grounds, open spaces and parks.
12. The making, altering, diversion and maintenance of works, paths, culverts, bridges, road drains and water courses, and the regulation of the making of pits and other excavations.
13. Measures requiring owners and occupiers of land or premises to close and keep free from vegetation any road adjoining their land or premises.
14. The enforcement of—
  - (a) standards of building and standards of maintenance of buildings, including dwelling houses, latrines, kitchens and stables for animals;
  - (b) proper methods for the disposal of refuse, and the making, improving, operation and maintenance of wells, dams and other water supplies.
15. The control of trading centres, markets and landing sites; and the carrying on of local industries and the organisation and encouragement of local trade.
16. The regulation of traditional liquor as defined in the Liquor Act.
17. The organisation of social, cultural and sporting activities and social, cultural and sporting clubs.
18. The publication of newspapers and periodicals and the provision of information services.
19. The provision of community development schemes as may be approved by the district council and the regulation of any labour reasonably required as part of normal communal or civic obligations.
20. The maintenance of community roads (Bulungi Bwansi roads).
21. Protection and maintenance of local water resources.
22. Maintenance of community infrastructure.
23. Any other functions which the district council deems fit to devolve or as agreed upon between the district council and the lower council.

*Part 5.*

*(A) Functions and services to remain at city or municipal council (not to be devolved to the divisions).*

1. Staff establishment structure and setting of remuneration levels
2. Setting of service delivery standards
3. Recruitment and payment of salaries of established staff
4. Property valuation and valuation lists (valuation court)
5. Setting of levels of trade licences and fees
6. Monitor the general administration and provision of services in divisions
7. Ordinances legislation
8. Determination of taxation levels and supply of receipting media
9. Procurement of drugs
10. Central laboratory services
11. Mortuary and cemeteries
12. Local examinations (schools)
13. Co-curricular activities
14. Procurement and management of refuse tipping sites
15. Procurement and maintenance of heavy plant and equipment
16. Loan repayment (external)
17. Construction and maintenance of major drains
18. Installation of traffic signals
19. Road construction and maintenance (tarmac)
20. National and district functions
21. Legal services (interpretation and prosecution)
22. Architectural and design standards
23. Approval of building plans
24. Master structure plan
25. Cadestral survey and mapping
26. Approval of schemes
27. City councillors' expenses
28. Street lighting energy charges

29. Audit
30. Tender board expenses
31. District service commission expenses
32. Broad policy and objectives guidelines
33. Advertising standards
34. Mailo land administration
35. Staff training

*(B) Functions and services to be devolved by a city or municipal council to divisions.*

1. Payment of salaries for support staff
2. Determine levels of staff numbers (support staff)
3. Division council expenses
4. Poverty eradication
5. Administration of licences
6. Assessment of graduated tax
7. Revenue collection
8. Health education and visiting
9. Vector and vermin control
10. Secondary drains
11. Curative services (clinics)
12. Immunisation
13. Food and drug inspection
14. AIDS education
15. Administration of markets
16. Control of development–enforcement of building rules
17. Primary and nursery education
18. Monitoring the utilisation of grants to schools
19. Grass cutting and maintenance of parks
20. Road sweeping
21. Repair of murrum and earth roads
22. Environmental care and protection
23. Neighbourhood structure plans
24. Local land management



25. Resolving local land issues
26. Law enforcement
27. Welfare and community services
28. Agriculture and veterinary extension services
29. Youth, persons with disabilities, women and sports
30. Cooperative societies and groups
31. Spring protection and provision of drinking water
32. Any other service imposed by Parliament or agreed upon between the division and city or municipal council, as the case may be.