



UGANDA GOVERNMENT

UGANDA CONSTITUTION

UGANDA CONSTITUTIONAL INSTRUMENTS

**The Uganda (Independence)
Order in Council, 1962**

and

**The Constitution of Uganda
(excluding Schedules I to 6)**

in force on

THE 31st DECEMBER, 1963

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PREFACE

THIS BOOKLET, which is intended to be used in conjunction with the edition of the Constitutional Instruments published in 1962, contains the Uganda (Independence) Order in Council, 1962, and the Constitution of Uganda, as in force on the 31st December, 1963.

Where it appears that any provision of the Order in Council is spent or is not likely to be the subject of more than an occasional reference in the future, the provision in question has been printed in italics. This has been done merely for convenience. These provisions have not been repealed, and remain part of the Order.

It has not been possible to include in this booklet Schedules 1 to 6 of the Constitution. For these Schedules, which contain the Constitution of Buganda, the special provisions for the other Federal States and the procedure for the election of members of the National Assembly from Buganda by the Lukiiko, it will still be necessary to refer to the 1962 edition of the Constitutional Instruments.

G. L. BINAISA,
Attorney-General.

ENTEBBE,

30TH JANUARY, 1964.

THE UGANDA (INDEPENDENCE) ORDER IN COUNCIL, 1962

ARRANGEMENT OF ORDER.

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S.I. 1962/
2175.
Act No. 61
of 1963.
Act No. 66
of 1963.

THE UGANDA (INDEPENDENCE) ORDER IN COUNCIL, 1962

Citation
and com-
mencement.

1. (1) This Order may be cited as the Uganda (Independence) Order in Council 1962.

(2) This Order shall come into operation immediately before 9th October 1962:

Provided that where the Governor-General has power by or under this Order to make any appointment, or make any order or to do any other thing for the purposes of this Order, that power may be exercised by the Governor and Commander-in-Chief of Uganda at any time after 2nd October 1962 to such extent as may, in his opinion, be necessary or expedient to enable the Constitution of Uganda established by this Order to function as from 9th October 1962.

(3) Save where the context otherwise requires, expressions used in sections 1 to 30 (inclusive) of this Order have the same meaning as in the Constitution of Uganda set out in the Schedule to this Order and the provisions of section 131 of that Constitution shall apply for the purposes of interpreting those sections as they apply for the purposes of interpreting that Constitution.

Revocations.

2. Sections 2, 3 (1), 3 (2), 7, 13, 14, 15 (2), 16 and 23A of the Uganda Order in Council 1902^(a) and the whole of the Uganda (Constitution) Order in Council 1962^(b) and of the Uganda (Constitution) (Amendment) Order in Council 1962^(c) are revoked.

Establish-
ment of
Constitu-
tion.

3. Subject to the provisions of this Order, the Constitution of Uganda set out in the Schedule to this Order shall come into effect in Uganda at the commencement of this Order:

Provided that section 24 (8) of the Constitution of Uganda shall come into effect on 9th October 1964 and section 107 of the Constitution of Uganda shall come into effect on 1st July 1963.

Existing
laws.

4. (1) Subject to the provisions of this section, the operation of the existing laws after the commencement of this Order shall not be affected by the revocation of the provisions mentioned in section 2 of this Order but the existing laws shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Order.

(a) SR. & O. 1902/662 (Rev. VIII, p. 288: 1902, p. 145).

(b) S.I. 1962/405 (1962 I, p. 374).

(c) S.I. 1962/625 (1962 I, p. 616).

(2) *The Governor-General may by order made at any time before 9th March 1963 make such amendments to any existing law as may appear to him to be necessary or expedient for bringing that law into conformity with the provisions of this Order or otherwise for giving effect or enabling effect to be given to those provisions.*

(3) *Where any matter that falls to be prescribed or otherwise provided for under this Order by Parliament or by any other authority or person is prescribed or provided for by or under an existing law (including any amendment to any such law made under this section) or is otherwise prescribed or provided for immediately before the commencement of this Order by or under the provisions revoked by section 2 of this Order, that prescription or provision shall, as from the commencement of this Order, have effect as if it had been made under this Order by Parliament, or as the case may be, by the other authority or person.*

(4) *The provisions of this section shall be without prejudice to any powers conferred by this Order upon any person or authority to make provision for any matter, including the amendment or repeal of any existing law.*

(5) *For the purposes of this section, the expression "the existing laws" means all Ordinances, laws, rules, regulations, resolutions, orders or other instruments having the effect of law made or having effect as if they had been made in pursuance of the provisions revoked by section 2 of this Order and having effect as part of the law of Uganda or any part thereof immediately before the commencement of this Order.*

5. (1) *Where any office has been established by or under the provisions revoked by section 2 of this Order and the Constitution of Uganda establishes a similar or an equivalent office, any person who immediately before the commencement of this Order holds or is acting in the former office shall, so far as is consistent with the provisions of this Order, be deemed to have been appointed as from the commencement of this Order to hold or to act in the latter office in accordance with the provisions of this Order and to have taken any necessary oath under this Order :*

Existing
offices.

Provided that—

(a) *any person who under the provision revoked by section 2 of this Order or under any existing law would have been required to vacate his office at the expiration of any period or on the attainment of any age shall vacate his office at the expiration of that period or upon the attainment of that age;*

(b) the person who, immediately before the commencement of this Order, holds the office of constitutional head of the District of Lango shall vacate that office when the Council of that District first meets after it has been constituted in accordance with the requirements of section 88 of the Constitution of Uganda;

(c) Parliament and the Legislative Assembly of the Kingdom of Buganda shall, unless sooner dissolved, stand dissolved on the respective dates on which the National Assembly and the Lukiko of the Kingdom of Buganda established by the provisions revoked by section 2 of this Order, would have stood dissolved by those provisions.

(2) The provisions of this section shall be without prejudice to any powers conferred by or under this Order upon any person or authority to make provision for the abolition of offices and the removal from office of persons holding or acting in any office.

Emergency Powers Orders in Council 1939 to 1961.

6. (1) The Emergency Powers Orders in Council 1939 to 1961^(a) shall cease to have effect as part of the law of Uganda on 9th March 1963 or such earlier date as Parliament may prescribe:

Provided that section 6 (2) (d) and section 8 of the Emergency Powers Order in Council 1939 shall cease to have effect as part of the law of Uganda as from the commencement of this Order.

(2) References in the Emergency Powers Orders in Council 1939 to 1961 to the Governor shall, in so far as those Orders form part of the law of Uganda, be construed as from the commencement of this Order as references to the Governor-General of Uganda.

(3) Until the Emergency Powers Orders in Council 1939 to 1961 cease to have effect as part of the law of Uganda, regulations made under those Orders shall, for the purposes of section 30 (5) of the Constitution of Uganda, be deemed to be made under an Act of Parliament.

Alteration of boundaries of territories.

7. (1) An Act of Parliament, so far as it makes an alteration to the provisions of section 3 of the Constitution of Uganda by the transfer of any part of Uganda—

(a) from the District of Bukedi to the District of Bugisu;

(b) from the District of Bugisu to the District of Bukedi; or

(c) from the Territory of Mbale to any other territory,

shall be excepted from the provisions of section 5 (2) and (3) of the Constitution of Uganda.

^(a) See S.I. 1952 I at p. 621; S.I. 1956/731, 1959/1310, 2205, 1961/61 (1956 I, p. 512; 1959 II, pp. 1996, 1998; 1961 I, p. 122).

(2) The provisions of subsection (1) of this section shall cease to have effect on 9th October 1964.

No. 61 of
1963, s. 5.

8. (1) *For the period beginning on 9th October 1962 and expiring when the Legislative Assembly of the Kingdom is dissolved—*

Provisions
for Federal
States.

(a) *the provisions of paragraphs 17, 20 (2), and 21 of Schedule 2, paragraphs 16, 19 (2) and 20 of Schedule 3 and paragraphs 17, 20 (2), 21 and 25 of Schedule 4 to the Constitution of Uganda shall not have effect, and the existing provisions that apply in relation to the Kingdom of Ankole, the Kingdom of Bunyoro or the Kingdom of Toro (in so far as they provide for the establishment or composition of a Legislative Assembly or Council of the Kingdom, the qualifications of members thereof, their selection or appointment or tenure of office) shall have effect in lieu thereof;*

(b) *the Assembly or Council established by the existing provisions shall be the Legislative Assembly of the Kingdom for the purposes of the relevant Schedule.*

(2) *Where an office of Minister of the Kingdom of Ankole, the Kingdom of Bunyoro or the Kingdom of Toro, is established by the existing provisions and the relevant Schedule establishes an equivalent office, any person who, immediately before the commencement of this Order, holds the former office shall, so far as is consistent with the provisions of this Order, be deemed to have been appointed as from the commencement of this Order to hold that office in accordance with the provisions of the relevant Schedule.*

(3) (a) *The Legislative Assembly of the Kingdom of Ankole, if not sooner dissolved, shall stand dissolved on 28th February 1963.*

(b) *The Legislative Assembly of the Kingdom of Bunyoro or the Kingdom of Toro shall stand dissolved on 9th October 1964 or such earlier date as may be prescribed by resolution of the National Assembly.*

(4) (a) *The persons who, immediately before the commencement of this Order, hold the office of member of the Ankole Appointments Board or the Toro Public Service Commission constituted by the existing provisions, shall be deemed to have been appointed, respectively, as members of the Public Service Commission of the Kingdom of Ankole or the Kingdom of Toro established by the relevant Schedule and shall hold office in accordance with the provisions of that Schedule:*

Provided that any such person shall vacate office as such a member when he is notified by the Ruler of the Kingdom that the new members of the Public Service Commission have been appointed or on 8th October 1963 whichever is the earlier.

(b) *Until such time as the members of the Public Service Commission of the Kingdom of Bunyoro or the Territory of Busoga are appointed, the powers of the Ruler under paragraph 28 of Schedule 3 to the Constitution of Uganda or paragraph 24 of Schedule 5 to that Constitution, as the case may be, shall be exercised by the Ruler in accordance with the recommendations of such authority as the President may by order prescribe.*

(5) (a) *Any person holding office immediately before the commencement of this Order as Chairman, Deputy Chairman or elected member of the Council of the former District of Busoga shall be deemed to have been respectively elected as Speaker, Deputy Speaker or elected member of the Lukiiko of Busoga at the commencement of this Order.*

(b) *The first sitting of the Lukiiko of Busoga after the commencement of this Order shall be deemed to be the first sitting thereof after a dissolution.*

(6) *In this section—*

“the existing provisions” means, in relation to the Kingdom of Ankole or the Kingdom of Bunyoro, such provision made under section 4 of the District Administration (District Councils) Ordinance 1955^(a) as has effect in relation to the Kingdom and is in force immediately before the commencement of this Order, and, in relation to the Kingdom of Toro the provisions of the Schedule to the Toro (Provisional) Agreement 1961;

“the relevant Schedule” means, in relation to the Kingdom of Ankole, Schedule 2, in relation to the Kingdom of Bunyoro, Schedule 3, and in relation to the Kingdom of Toro, Schedule 4 to the Constitution of Uganda.

Funda-
mental
rights and
freedoms.

9. *Until 9th October 1963 nothing contained in any law made before the commencement of this Order shall be held to be inconsistent with any provisions of section 25, 26, 27, 28 or 29 of the Constitution of Uganda; and nothing done until that date under the authority of any such law shall be held to be done in contravention of any of those sections.*

Qualifica-
tions of
members of
National
Assembly.

10. *Until 9th January 1963 a person shall be qualified to be a member of the National Assembly notwithstanding that he is not a citizen of Uganda and the provisions of sections 39 (a) and 48 (2) (a) of the Constitution of Uganda shall not have effect.*

Consti-
tuencies.

11. *The Electoral Commission may at any time after 9th October 1962 prescribe the boundaries of the constituencies into which Uganda is divided under section 46 of the Constitution of Uganda*

(a) Ordinance No. 1 of 1955.

and, until the Commission prescribes the boundaries of the constituencies and the National Assembly approves those boundaries, Uganda shall for the purposes of that section be divided into constituencies having the same boundaries as the boundaries prescribed by section 9 of the Uganda (Constitution) Order in Council 1962.

12. *Until 9th March 1963 or such earlier date as Parliament may prescribe, the Supervisor of Elections appointed under the Legislative Council (Elections) Ordinance 1957^(a) may continue to supervise the registration of voters for the purpose of elections of elected members of the National Assembly and the conduct of direct elections of those members in accordance with the provisions of that Ordinance.*

Supervision
of elections.

13. (1) Until Parliament prescribes a lower number, the number of specially elected members of the National Assembly shall be nine.

Specially
elected
members.

(2) Until Parliament otherwise prescribes, the specially elected members of the National Assembly shall be elected in the manner prescribed by the Fifth Schedule to the Constitution of Uganda set out in the Uganda (Constitution) Order in Council 1962.

(3) Until Parliament otherwise provides, the provisions of any existing law (as defined in section 4 (5) of this Order) that disqualifies a person from being an elected member of the National Assembly by reason of holding any office referred to in section 40 (2) or 40 (4) of the Constitution of Uganda shall apply for disqualifying any person for election as a specially elected member of the Assembly who, after the commencement of this Order, seeks election as such a member.

14. (1) Until other arrangements are made between the Government of Uganda and the Kabaka's Government under section 79 of the Constitution of Uganda, the Kabaka's Government shall, subject to the provisions of section 26 of this Order, be responsible for the administration in the Kingdom of Buganda (excluding Kampala) of the services specified in the Seventh Schedule to the Buganda Agreement 1961, subject to the conditions set out in that Schedule and in article 12 (1) (b) of that Agreement, as if an arrangement had been entered into between the Government of Uganda and the Kabaka's Government under that section.

Administra-
tion of
services.

(2) Until other arrangements are made between the Government of Uganda and the Omugabe's Government under section 79 of the Constitution of Uganda, the Omugabe's Government shall be responsible for the administration in the Kingdom of Ankole of the services specified in Part I of the Fifth Schedule to the Ankole Agreement 1962, subject to the conditions set out in that Schedule, as

(a) Ordinance No. 20 of 1957.

if an arrangement had been entered into between the Government of Uganda and the Omugabe's Government under that section.

(3) Until other arrangements are made between the Government of Uganda and the Government of a Federal State (other than the Kingdom of Buganda or the Kingdom of Ankole) under section 79 of the Constitution of Uganda, the Government of that Federal State shall be responsible for the administration in the State of the services specified in the First Schedule to the Local Administrations Ordinance 1962^(a), subject to the conditions set out in that Schedule, as if an arrangement had been entered into between the Government of Uganda and the Government of the State under that section.

Karamoja.

15^(b). (1) Sections 88 and 89 of the Constitution of Uganda shall not have effect in relation to the District of Karamoja.

(2) The provisions of subsection (1) of this section shall cease to have effect on 9th October 1965:

Provided that the National Assembly may, by resolution, extend the operation of that subsection for periods not exceeding two years at a time.

Councils of Districts.

16. (1) The Council of a District shall, for the period beginning on 9th October 1962 and expiring on 9th October 1964 or such earlier date as may be prescribed in relation to that Council by or under any Act of Parliament (hereinafter in this section referred to as "the interim period"), be deemed to be duly constituted in accordance with the provisions of section 88 of the Constitution notwithstanding that its membership may not accord with the requirements of that section and at any time during the interim period when it is not so constituted—

No. 66 of 1963, s. 9.

(a) the Council shall have such membership as may be prescribed by or under any Act of Parliament;

(b) section 88 (5) of the Constitution of Uganda shall not have effect in relation to the Council.

(2) Parliament may make provision under which, if a Council has not, at the expiration of the interim period, made provision under section 88 of the Constitution of Uganda for any matter which is necessary for the purpose of reconstituting the Council in accordance with the requirements of that section, that matter may, not later than six months after the expiration of the interim period, be provided for by such person or authority as may be prescribed.

Legal proceedings.

17. *Any proceedings pending immediately before 9th October 1962 before the High Court of Uganda or the High Court of Buganda established by the provisions revoked by section 2 of this Order may*

(a) Ordinance No. 23 of 1962.

(b) See Act No. 66 of 1963, s. 10.

be continued after 9th October 1962 before the High Court of Uganda or the High Court of Buganda, as the case may be, established by this Order.

18. (1) Until Parliament otherwise provides, Her Majesty's Court of Appeal for Eastern Africa shall be the court of appeal for Uganda and, for the purposes of the Constitution of Uganda, shall be deemed to have been established under section 96 (2) (a) of that Constitution. Appeals.

(2) Until it is otherwise provided by Parliament, the court of appeal shall possess the same jurisdiction and powers in connection with appeals from courts in Uganda, and shall observe the same rules of procedure in connection with those appeals, as were respectively possessed and observed by Her Majesty's Court of Appeal for Eastern Africa immediately before the commencement of this Order.

(3) Until Parliament otherwise provides, appeals shall lie from the court of appeal to Her Majesty in Council (in addition to appeals which lie under the proviso to section 96 (1) of the Constitution of Uganda) in such cases as, immediately before the commencement of this Order, appeals lay from Her Majesty's Court of Appeal for Eastern Africa to Her Majesty in Council in proceedings or matters originating in the courts of Uganda, and upon the same conditions and in accordance with the same procedure as was then applicable to those appeals.

(4) References in sections 95 and 96 (1) of the Constitution of Uganda to any question as to the interpretation of the Constitution of Uganda shall be construed as including references to any question as to the interpretation of this Order.

19. (1) The Government of Uganda shall, in respect of the period between 1st October 1962 and 30th June 1963, pay to the Kabaka's Government a contribution towards the cost of services administered by the Kabaka's Government in pursuance of arrangements entered into under section 79 of the Constitution of Uganda or referred to in section 14 (1) of this Order of such amount as the Government of Uganda, after consultation with the Kabaka's Government, may determine, which amount shall not be less than £75,000 in respect of each month: Financial provision for Buganda.

Provided that any payment so made may include sums equal to—

(a) the proceeds for any part of that period of any stamp duty levied on transfers of mailo land in Buganda under any Act of Parliament;

(b) the proceeds for any part of that period of fees for licensing two-wheeled powered vehicles registered in Buganda levied under any Act of Parliament; or

(c) such proportion of the proceeds for any part of that period of any import duty levied under any Act of Parliament on motor or light diesel oil distributed for consumption in the Kingdom of Buganda as may be specified by the Governor-General, after consultation with the Kabaka's Government.

(2) For the purposes of subsection (1) of this section—

(a) the amounts of motor spirit and light diesel oil distributed for consumption in the Kingdom of Buganda shall be assessed in such manner as may be agreed between the Government of Uganda and the Kabaka's Government;

(b) any sums payable to the Kabaka's Government under paragraphs (a), (b) and (c) of the proviso to subsection (1) of this section shall be certified by the Controller and Auditor General of Uganda; and

(c) provisional payments in respect of the sums due to the Kabaka's Government under subsection (1) of this section shall, unless it is otherwise agreed between the Government of Uganda and the Kabaka's Government, be made at monthly intervals.

(3) The amounts required for the making of payments under this section shall be a charge on the Consolidated Fund.

Review of
ss. 107, 108
and 109 of
Constitution.

20. The Government of Uganda, in consultation with the Governments of the Federal States, shall review the provisions of sections 107, 108 and 109 of the Constitution of Uganda not later than 30th June 1966.

Forests.

21. (1) The forests transferred to the Buganda Land Board in pursuance of article 20 of the Buganda Agreement 1961 shall be administered and controlled on behalf of the Board by the Government of Uganda from the commencement of this Order until such date as may be agreed between the Government of Uganda and the Kabaka's Government and, while those forests are being so administered and controlled, the cost of the administration of those forests, and the profits derived therefrom, shall be divided between those governments in such manner as they may agree.

(2) The forests transferred to the Land Board of a Federal State (other than the Kingdom of Buganda) or of a District under the Public Lands Ordinance 1962^(a) shall, until such time as it appears to the Government of Uganda that the Federal State or the District has adequate staff and resources to administer them, be administered and controlled by the Government of Uganda and, while those forests are being so administered and controlled, the cost of administering those forests, and the profits derived therefrom, shall be divided between those governments in such manner as they may agree.

(a) Ordinance No. 22 of 1962.

22. The rights and interests vested by or under section 15 of the Public Lands Ordinance 1962, as in force at the commencement of this Order, in any urban authority as defined by that Ordinance shall not be compulsorily acquired or compulsorily taken possession of.

Protection of certain urban authority leases.

23. The continuance of the system of mailo land tenure in force in the Kingdom of Buganda immediately before the commencement of this Order shall not be affected by reason only that the Buganda Agreement 1961 ceased to have effect as from 9th October 1962.

Mailo land tenure.

24. (1) Where, immediately before the commencement of this Order, any person is occupying any land vested in the Land Board of the Kingdom of Buganda by virtue of a licence that was granted before 1st March 1962 under section 24 of the Crown Lands Ordinance^(a) and that continued in force by virtue of section 17 (4) of the Public Lands Ordinance 1962 that person shall, so long as he complies with the terms of the licence, be entitled to a renewal from time to time on similar terms,

Protection of certain land rights in Buganda.

(2) This section shall cease to have effect when any Buganda law for the general regulation of, or for the alteration of, the system of mailo land tenure in force in the Kingdom of Buganda comes into operation.

25. Until the Legislature of the Kingdom of Buganda makes provision for establishing local government councils in the Kingdom towns in the Kingdom (other than Kampala and any town to which section 126 of the Constitution of Uganda applies) shall be subject to the Urban Authorities Ordinance 1958^(b):

Local government in Buganda.

Provided that where provision is made in that Ordinance for any power to be exercised or any duty to be performed by a Minister of the Government of Uganda, that power or duty shall, after the commencement of this Order, be exercised or performed by the Minister of the Kabaka's Government responsible for local government.

26. (1) In order to ascertain the wishes of the inhabitants of the county of Buyaga and of the county of Bugangazzi as to the territory of Uganda in which each of those counties should be included, a referendum shall be held in accordance with the following provisions—

The counties of Buyaga and Bugangazzi.

(a) the referendum shall take place on such date, not being earlier than 9th October 1964, as the National Assembly may, by resolution, appoint;

(b) the persons entitled to vote in the referendum in a county shall be the persons entitled to vote in any constituency established in that county under section 46 of the Constitution of Uganda;

(a) Chapter 117, Revised Laws of Uganda, 1951. (b) Ordinance No. 16 of 1958.

(c) the questions submitted to a voter in the referendum in a county shall be such as to ascertain whether the voter wishes the county—

(i) to form part of the Kingdom of Buganda; or

(ii) to form part of the Kingdom of Bunyoro; or

(iii) to be established as a separate District of Uganda;

(d) subject to the foregoing provisions of this subsection, the referendum shall be organised and conducted in such manner as Parliament may prescribe.

(2) If the majority, as determined in pursuance of any Act of Parliament, of the voters in a county in a referendum held under this section cast their votes in favour of the county forming part of the Kingdom of Bunyoro or in favour of the county being established as a separate District of Uganda, an Act of Parliament for altering the provisions of section 2 or 3 of the Constitution of Uganda to give effect to the vote of that majority shall be excepted from the provisions of section 5 (2) and (3) of the Constitution of Uganda.

(3) During the transitional period the local government and other authorities established for the local administration of the county of Buyaga or of the county of Bugangazzi shall be subject only to the direction and control of the Government of Uganda or the officers or authorities of that Government acting under the direction of that Government, and the provisions of sections 14 (1) and 25 of this Order and of sections 74 (5) (b) (iv), 78 (3) and 79 of the Constitution of Uganda (so far as those provisions relate to the administration of a service in those counties, any law for the local administration of those counties or the conferment of any functions for the purpose of the local administration of those counties) shall not apply if the President acting in accordance with the advice of the Prime Minister, by order so directs.

No. 61 of
1963, s. 9.

(4) The provisions of subsection (3) of this section shall not be construed as precluding a court of law from exercising jurisdiction in relation to any question whether a local government or other authority has performed any function under any law in accordance with that law.

(5) In this section “the transitional period” in relation to a county means the period beginning on 9th October 1962 and expiring—

(a) if a majority of the voters in the county in a referendum held under this section cast their votes in favour of the county forming part of the Kingdom of Buganda, three months after the date on which the referendum was held, or such earlier date after the holding of the referendum as Parliament may prescribe;

(b) if the majority of the voters in the county in a referendum held under this section cast their votes in favour of the county becoming part of the Kingdom of Bunyoro or being established as a separate District of Uganda, upon the coming into operation of the Act of Parliament that alters the Constitution of Uganda to give effect to the vote of that majority.

27. (1) If the Prime Minister is satisfied that there are more local candidates qualified for appointment to or promotion in any branch of the public service than there are vacancies in that branch which could appropriately be filled by such local candidates, he may select officers in that branch to whom this section applies and whose retirement would cause vacancies that could appropriately be filled by such suitably qualified local candidates as are available and fit for appointment and, by notice in writing, call upon the officers so selected to retire from the public service; and any officer who is so required to retire shall retire accordingly.

Compulsory retirement to facilitate appointment of local candidates. No. 61 of 1963, s. 6.

(2) This section applies to—

(a) any entitled officer (as defined in the Schedule to the Uganda (Compensation and Retiring Benefits) Order in Council 1962^(a)); and

(b) any officer on probation who, if he had been confirmed in his appointment, would have been such an entitled officer.

28. (1) If any appropriate authority decides to give such concurrence as is required under section 117 (1) or 117 (2) of the Constitution of Uganda in respect of any benefits to which that section applies that may be granted or that have been granted to or in respect of an officer to whom this section applies, or if any such appropriate authority makes any other decision the effect of which is (or might in the opinion of the appropriate authority be) that any such benefits cannot be granted to or in respect of such an officer, the appropriate authority shall cause to be delivered to the officer concerned (or to his personal representatives) a written notice of the decision, stating the time, not being less than fourteen days from the date on which the notice is delivered, within which he (or his personal representatives) may apply to the appropriate authority for the case to be referred to an Appeals Board.

Appeals Board. No. 61 of 1963, s. 7.

(2) Any such decision of an appropriate authority shall not have effect until the expiry of the time stated in the notice and if application is duly made within that time for the case to be referred to an Appeals Board, the decision shall not have effect until the final determination of the case under this section and except to the extent authorised by such determination:

^(a) S.I. 1962/2176.

Provided that the appropriate authority may, pending the expiry of the time stated in the notice or pending the final determination of the case under this section—

(a) suspend the payment of any benefits to which the decision that is the subject of the reference to the Appeals Board relates; and

(b) suspend the officer concerned from the exercise of the functions of his office.

(3) If application is duly made within the time stated in the notice for the case to be referred to an Appeals Board, the appropriate authority shall notify the Prime Minister in writing of that application, and the Prime Minister shall then appoint an Appeals Board of three members, consisting of—

(a) one member selected by the Prime Minister;

(b) one member selected by an association representative of public officers of which the applicant is qualified to be a member or representative of the profession of which the applicant is a member, the association being nominated in either case by the applicant; and

(c) one member selected by the two other members jointly, or, in default of agreement between those members by the Judicial Service Commission, from among persons who hold or have held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in the Republic of Ireland or a court having jurisdiction in appeals from any such court, who shall be chairman.

(4) The Appeals Board shall enquire into the facts of the case and for that purpose shall hear the applicant if he so requests in writing, and shall hear any other person who, in the opinion of the Board, is able to give the Board information on the case, and the Board shall have access to, and shall consider, all documents that were available to the appropriate authority and shall also consider any further document relating to the case that may be produced by or on behalf of the applicant or the appropriate authority.

(5) After the Appeals Board has completed its consideration of the case, the Board shall advise the appropriate authority whether the decision of the appropriate authority that is the subject of the reference to the Board should be confirmed, reversed or modified and the appropriate authority shall act in accordance with such advice :

Provided that where in any case the decision of the appropriate authority is that the applicant should be dismissed, the Board shall not have power to advise the appropriate authority to reverse or modify the decision, but shall have the power to grant to the applicant all or part of the pension or other like benefit—

(a) for which he would have been eligible under any law if he had retired voluntarily at the date of his dismissal; or

(b) in the case of an applicant who would not have been eligible for the grant of a pension if he had so retired, which could have been granted to him under any law if his service had been terminated in the public interest at the date of his dismissal, and the provisions of that law shall have effect accordingly.

(6) Where power to remove the holder of an office from his office is vested by the Constitution of Uganda in some person or authority other than an appropriate authority, then, in relation to any officer to whom this section applies and who holds such an office, this section shall have effect as if for the reference to a decision of an appropriate authority the effect of which is that any benefits cannot be granted to or in respect of that officer there were substituted a reference to a decision having that effect taken by that person or authority.

(7) This section applies to any officer whose conditions of service include an entitlement to free passages from East Africa for the purpose of leave of absence upon the completion of a tour of duty and who is the substantive holder of a pensionable office in the public service.

(8) In this section "appropriate authority" has the same meaning as in section 117 of the Constitution of Uganda.

29. *Section 7 of the King's African Rifles Order in Council 1960^(a) and any order made under that section by the Governor and Commander-in-Chief of Uganda shall cease to have effect in Uganda.*

No. 61 of
1963, s. 7.

Amendment
of King's
African
Rifles Order
in Council
1960.

30. (1) Subject to the provisions of this section, Parliament may alter any of the foregoing provisions of this Order or of this section.

Alteration
of this
Order.

(2) A bill for an Act of Parliament to alter the provisions of section 5, 12, 22, 27 or 28, or this subsection of this Order shall not be passed in the National Assembly unless it has been supported on the second and third readings by the votes of not less than two-thirds of all the members of the Assembly.

(3) An Act of Parliament so far as it makes an alteration to section 14 (1), 19, 21 (1), 23, 24, 25 or this subsection of this Order shall not come into effect unless the Kabaka's Government has consented that the Act should have effect.

(4) An Act of Parliament so far as it makes an alteration to section 8, 14 (2), 14 (3), 21 (2) or this subsection of this Order in relation to a Federal State shall not have effect in that State unless the Government of the State has consented that the Act should have effect.

(5) An Act of Parliament so far as it makes an alteration to section 26 or this subsection of this Order shall not come into effect unless the Kabaka's Government and the Government of the Kingdom of Bunyoro have each consented that the Act should have effect.

(a) 1960/1054 (1960 I, p 1215).

THE SCHEDULE TO THE ORDER.
THE CONSTITUTION OF UGANDA

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THE CONSTITUTION OF UGANDA

CHAPTER I.

UGANDA AND ITS TERRITORIES.

1. This Constitution is the supreme law of Uganda and, subject to the provisions of sections 5 and 6 of this Constitution, if any other law is inconsistent with this Constitution, this Constitution shall prevail and the other law shall, to the extent of the inconsistency, be void.

Constitution to be supreme law.

2. (1) Uganda consists of Federal States, Districts and the Territory of Mbale.

The territories of Uganda.

(2) The Federal States are the Kingdom of Buganda, the Kingdom of Ankole, the Kingdom of Bunyoro, the Kingdom of Toro and the Territory of Busoga.

(3) The Districts are the Districts of Acholi, Bugisu, Bukedi, Karamoja, Kigezi, Lango, Madi, Sebei, Teso and West Nile.

3. Each of the territories mentioned in section 2 of this Constitution shall comprise those parts of the former Protectorate of Uganda that on 8th October 1962 were comprised in that territory.

Boundaries of territories.

4. (1) The Constitution of Buganda set out in Schedule 1 to this Constitution shall have effect in the Kingdom of Buganda.

Constitutional provision for Federal States.

(2) The provisions set out in Schedule 2 to this Constitution shall have effect in the Kingdom of Ankole.

(3) The provisions set out in Schedule 3 to this Constitution shall have effect in the Kingdom of Bunyoro.

(4) The provisions set out in Schedule 4 to this Constitution shall have effect in the Kingdom of Toro.

(5) The provisions set out in Schedule 5 to this Constitution shall have effect in the Territory of Busoga.

5. (1) Subject to the provisions of this section, Parliament may alter any of the provisions of this Constitution (other than the provisions set out in Schedule 1, 2, 3, 4 or 5 to this Constitution) and (in so far as it forms part of the law of Uganda) any of the provisions of the Uganda Independence Act, 1962^(a).

Alteration of Constitution.

(2) A bill for an Act of Parliament under this section (other than an Act excepted from the provisions of this subsection) shall not be passed in the National Assembly unless it has been supported on second and third readings by the votes of not less than two-thirds of all the members of the Assembly.

(3) An Act of Parliament, so far as it makes an alteration to the provisions of section 3 of this Constitution by the transfer of any part

(a) 10 & 11 Eliz. 2. c. 57.

of Uganda from a Federal State or a District to another territory of Uganda, shall not come into operation unless the Legislative Assembly or the Council, as the case may be, of the State or District from which the part of Uganda is transferred and the Legislative Assembly of the State or District to which the part of Uganda is transferred have each, by resolution passed by not less than two-thirds of all the voting members of the Assembly, signified their consent that the Act of Parliament should have effect.

(4) An Act of Parliament, so far as it makes an alteration to any of the provisions of section 2 (2), 4 (1), 6 (1), Chapter III, section 43, 74, 77 (2), 78 (2), 78 (3), 79, 80, 81, 87, 94, 95, 96 (1), 107, 109, 118, 119, 121, 123, 124, 125, 126 (2), or 131 (4) of this Constitution, Schedule 6 or 7 to this Constitution or this subsection and has effect in relation to the Kingdom of Buganda, shall not come into operation in the Kingdom of Buganda unless the Legislative Assembly of Buganda has by resolution passed by not less than two-thirds of all its members, signified its consent that the Act of Parliament should have effect.

(5) An Act of Parliament, so far as it makes an alteration to any of the provisions of section 2 (2), 4, 6 (2), Chapter III, section 75, 77 (3), 78 (2), 79, 80 (2), 81, 84 (4), 90 (5), 91 (7), 95, 96 (1), 108, 109, 118, 123, 124, 125 or 127 of this Constitution, Schedule 8 to this Constitution or this subsection and has effect in relation to a Federal State (other than the Kingdom of Buganda), shall not come into operation in that State unless the Legislative Assembly of the State has, by resolution passed by not less than two-thirds of all its voting members, signified its consent that the Act of Parliament should have effect.

(6) An Act of Parliament for the repeal of section 38 (1) (b) of this Constitution shall be excepted from the provisions of subsection (2) of this section.

(7) In this section references to any of the provisions of this Constitution or the Uganda Independence Act, 1962, include references to any law, or any instrument made under a law, that amends, modifies, re-enacts with or without amendment or modification or makes different provision in lieu of, that provision.

6. (1) The Legislature of the Kingdom of Buganda may alter any of the provisions of the Constitution of Buganda set out in Schedule 1 to this Constitution:

Provided that—

(a) a bill for a law to be enacted by that Legislature for that purpose shall not be passed in the Legislative Assembly of the Kingdom unless it has been supported on the final vote thereon by

Alteration
of con-
stitutional
provisions
for
Federal
States.

the votes of not less than two-thirds of all the members of the Assembly;

(b) any such law, so far as it alters the provisions of article 20, 21, 22, 23, 24, 25, 32, 33, 34 or 39 of the Constitution of Buganda, shall not come into operation unless the President has, by Proclamation published in the Gazette, signified his consent to its having effect.

(2) The Legislature of a Federal State (other than the Kingdom of Buganda) may alter any of the provisions of the Schedule mentioned in section 4 of this Constitution that has effect in that State:

Provided that—

(a) a bill for a law to be enacted by that Legislature for that purpose shall not be passed in the Legislative Assembly of the State unless it has been supported on the final vote thereon by not less than two-thirds of all the voting members of the Legislative Assembly;

(b) any such law, so far as it alters any of the provisions set out in Part II of that Schedule, shall not come into operation unless the National Assembly, by resolution passed by not less than two-thirds of all its members, has signified its consent that the law should have effect.

(3) The Legislature of a Federal State (other than the Kingdom of Buganda) may make provision for the holding of a referendum in the State (at which the persons entitled to vote are the persons entitled to vote in any constituency established in the State under section 46 of this Constitution) upon any proposals, being proposals contained in a bill introduced into the Legislative Assembly of the State, for altering any of the provisions set out in Part I of the Schedule mentioned in section 4 of this Constitution that has effect in the State.

(4) In this section references to any of the provisions of the Constitution of Buganda or any of the provisions of Schedule 2, 3, 4 or 5 to this Constitution include references to any law, or instrument made under a law, that amends, modifies, re-enacts with or without amendment or modification or makes different provision in lieu of, that provision.

CHAPTER II.

CITIZENSHIP.

7. (1) Every person who, having been born in Uganda, is on 8th October 1962 a citizen of the United Kingdom and Colonies or a British protected person shall become a citizen of Uganda on 9th October 1962:

Persons who become citizens on 9th October 1962.

Provided that a person shall not become a citizen of Uganda by virtue of this subsection if neither of his parents was born in Uganda.

(2) Every person who, having been born outside Uganda is on 8th October 1962 a citizen of the United Kingdom and Colonies or a British protected person shall, if his father becomes, or would but for his death have become, a citizen of Uganda in accordance with the provisions of subsection (1) of this section, become a citizen of Uganda on 9th October 1962.

Persons
entitled to
be registered
as citizens.

8. (1) Any person who, but for the proviso to section 7 (1) of this Constitution would be a citizen of Uganda by virtue of that subsection, shall be entitled, upon making application before the specified date in such manner as may be prescribed by Parliament, to be registered as a citizen of Uganda:

Provided that a person who has not attained the age of twenty-one years (other than a woman who is or has been married) may not himself make an application under this subsection, but an application may be made on his behalf by his parent or guardian.

(2) Any woman who, on 8th October 1962, is or has been married to a person—

(a) who becomes a citizen of Uganda by virtue of section 7 of this Constitution; or

(b) who, having died before 9th October 1962, would, but for his death, have become a citizen of Uganda by virtue of that section, shall be entitled, upon making application in such manner as may be prescribed by Parliament, to be registered as a citizen of Uganda.

(3) Any woman who, on 8th October 1962, is married to a person who subsequently becomes a citizen of Uganda by registration under subsection (1) of this section shall be entitled, upon making application before the specified date in such manner as may be prescribed by Parliament, to be registered as a citizen of Uganda.

(4) Any woman who, on 8th October 1962, has been married to a person who becomes, or would, but for his death, have become, entitled to be registered as a citizen of Uganda under subsection (1) of this section, but whose marriage has been terminated by death or dissolution shall be entitled, upon making application before the specified date in such manner as may be prescribed by Parliament, to be registered as a citizen of Uganda.

(5) Any person who, on 8th October 1962, is a citizen of the United Kingdom and Colonies, having become such a citizen by virtue of his having been naturalised or registered in Uganda under the British Nationality Act, 1948^(a), shall be entitled, upon making

(a) 11 & 12 Geo. 6. c. 56.

application before the specified date in such manner as may be prescribed by Parliament, to be registered as a citizen of Uganda:

Provided that a person who has not attained the age of twenty-one years (other than a woman who is or has been married) may not himself make an application under this subsection but an application may be made on his behalf by his parent or guardian.

(6) In this section "the specified date" means—

(a) in relation to a person to whom subsection (1) of this section refers, 9th October 1964;

(b) in relation to a woman to whom subsection (3) of this section refers, the expiration of such period after her husband is registered as a citizen of Uganda as may be prescribed by or under an Act of Parliament;

(c) in relation to a woman to whom subsection (4) of this section refers, 9th October 1964; and

(d) in relation to a person to whom subsection (5) of this section refers, 9th October 1964,

or such later date as may in any particular case be prescribed by or under an Act of Parliament.

9. Every person born in Uganda after 8th October 1962 shall become a citizen of Uganda at the date of his birth:

Persons born in Uganda after 8th October 1962.

Provided that a person shall not become a citizen of Uganda by virtue of this section if at the time of his birth—

(a) neither of his parents is a citizen of Uganda and his father possesses such immunity from suit and legal process as is accorded to the envoy of a foreign sovereign power accredited to Uganda; or

(b) his father is an enemy alien and the birth occurs in a place then under occupation by the enemy.

10. A person born outside Uganda after 8th October 1962 shall become a citizen of Uganda at the date of his birth if at that date his father is a citizen of Uganda otherwise than by virtue of this section or of section 7 (2) of this Constitution.

Persons born outside Uganda after 8th October 1962.

11. Any woman who, after 8th October 1962, marries a citizen of Uganda shall be entitled, upon making application in such manner as may be prescribed by Parliament, to be registered as a citizen of Uganda.

Marriage to Uganda citizen.

12. (1) Any person who, upon the attainment of the age of twenty-one years, is a citizen of Uganda and also a citizen of some country other than Uganda shall, subject to the provisions of subsection (7) of this section, cease to be a citizen of Uganda upon the specified date unless he has renounced his citizenship of that other country, taken the oath of allegiance and, in the case of a person who is a citizen

Dual citizenship.

of Uganda by virtue of section 7 (2) or section 10 of this Constitution, made and registered such declaration of his intentions concerning residence as may be prescribed by Parliament.

(2) Any person who—

(a) has attained the age of twenty-one years before 9th October 1962; and

(b) becomes a citizen of Uganda on that day by virtue of the provisions of section 7 of this Constitution; and

(c) is immediately after that day also a citizen of some country other than Uganda,

shall, subject to the provisions of subsection (7) of this section, cease to be a citizen of Uganda upon the specified date unless he has renounced his citizenship of that other country, taken the oath of allegiance and, in the case of a person who is a citizen of Uganda by virtue of section 7 (2) of this Constitution, made and registered such declaration of his intentions concerning residence as may be prescribed by Parliament.

(3) A citizen of Uganda shall cease to be such a citizen if—

(a) having attained the age of twenty-one years, he acquires the citizenship of some country other than Uganda by voluntary act (other than marriage); or

(b) having attained the age of twenty-one years, he otherwise acquires the citizenship of some country other than Uganda and has not, by the specified date, renounced his citizenship of that other country, taken the oath of allegiance and made and registered such declaration of his intentions concerning residence as may be prescribed by Parliament.

(4) A person who—

(a) becomes a citizen of Uganda by registration under the provisions of section 8 (1), 8 (2), 8 (3), 8 (4), 8 (5) or 11 of this Constitution; and

(b) is immediately after the day upon which he becomes a citizen of Uganda also a citizen of some other country,

shall, subject to the provisions of subsection (7) of this section, cease to be a citizen of Uganda upon the specified date unless he has renounced his citizenship of that other country, taken the oath of allegiance, and made and registered such declaration of his intentions concerning residence as may be prescribed by Parliament.

(5) For the purposes of this section, where, under the law of a country other than Uganda a person cannot renounce his citizenship of that other country, he need not make such renunciation but he may instead be required to make such declaration concerning that citizenship as may be prescribed by Parliament.

(6) In this section "the specified date" means—

(a) in relation to a person to whom subsection (1) of this section refers, the date on which he attains the age of twenty-two years or 9th October 1964, whichever is the later;

(b) in relation to a person to whom subsection (2) of this section refers, 9th October 1964;

(c) in relation to a person to whom paragraph (b) of subsection (3) of this section refers, the expiration of one year after the date on which he acquired the citizenship of the country other than Uganda; and

(d) in relation to a person to whom subsection (4) of this section refers, at the expiration of three months after the date upon which he became a citizen of Uganda,

or, in the case of a person of unsound mind, such later date as may be prescribed by or under an Act of Parliament.

(7) Provision may be made by or under an Act of Parliament for extending beyond the specified date the period in which any person may make a renunciation of citizenship, take an oath or make or register a declaration for the purposes of this section, and if such provision is made that person shall not cease to be a citizen of Uganda upon the specified date but shall cease to be such a citizen upon the expiration of the extended period if he has not then made the renunciation, taken the oath or made or registered the declaration, as the case may be.

13. (1) Every person who under this Constitution or any Act of Parliament is a citizen of Uganda or under any enactment for the time being in force in any country to which this section applies is a citizen of that country shall, by virtue of that citizenship, have the status of a Commonwealth citizen.

Commonwealth citizens.

(2) Every person who is a British subject without citizenship under the British Nationality Act, 1948, or who continues to be a British subject under section 2 of that Act, shall, by virtue of that status, have the status of a Commonwealth citizen.

(3) Save as may be otherwise provided by Parliament^(a), the countries to which this section applies are the United Kingdom and Colonies, Canada, Australia, New Zealand, India, Pakistan, Ceylon, Ghana, the Federation of Malaya, the Federation of Nigeria, the Republic of Cyprus, Sierra Leone, the Federation of Rhodesia and Nyasaland, Tanganyika, Jamaica, Trinidad and Tobago and the State of Singapore.

14. (1) A Commonwealth citizen who is not a citizen of Uganda or a citizen of the Republic of Ireland who is not a citizen of Uganda

Criminal liability of Commonwealth citizens.

(a) See Act No. 80 of 1963.

shall not be guilty of an offence against any law in force in Uganda by reason of anything done or omitted in any part of the Commonwealth other than Uganda or in the Republic of Ireland or in any foreign country unless—

(a) the act or omission would be an offence if he were an alien; and

(b) in the case of an act or omission in any part of the Commonwealth or in the Republic of Ireland, it would be an offence if the country in which the act was done or omission made were a foreign country.

(2) In this section “foreign country” means a country (other than the Republic of Ireland) that is not part of the Commonwealth.

Powers of Parliament.

15. (1) Parliament may make provision for the acquisition of citizenship of Uganda by persons who are not eligible or who are no longer eligible to become citizens of Uganda under the provisions of this Chapter.

(2) Parliament may make provision for depriving of his citizenship of Uganda any person who is a citizen of Uganda otherwise than by virtue of section 7 (1) or section 9 of this Constitution.

(3) Parliament may make provision for the renunciation by any person of his citizenship of Uganda.

Interpretation.

16. (1) In this Chapter—

“alien” means a person who is not a Commonwealth citizen, a British protected person or a citizen of the Republic of Ireland;

“British protected person” means a person who is a British protected person for the purposes of the British Nationality Act, 1948.

(2) For the purposes of this Chapter, a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the Government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(3) Any reference in this Chapter to the national status of the father of a person at the time of that person’s birth shall, in relation to a person born after the death of his father, be construed as a reference to the national status of the father at the time of the father’s death; and where that death occurred before 9th October 1962 and the birth occurred after 8th October 1962, the national status that the father would have had if he had died on 9th October 1962 shall be deemed to be his national status at the time of his death.

CHAPTER III.

PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL.

17. Whereas every person in Uganda is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely—

Funda-
mental
rights and
freedoms
of the
individual.

(a) life, liberty, security of the person and the protection of the law;

(b) freedom of conscience, of expression and of assembly and association; and

(c) protection for the privacy of his home and other property and from deprivation of property without compensation,

the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.

18. (1) No person shall be deprived of his life intentionally save in execution of the sentence of a court in respect of a criminal offence under the law of Uganda of which he has been convicted.

Protection
of right
to life.

(2) Without prejudice to any liability for a contravention of any other law with respect to the use of force in such cases as are herein-after mentioned, a person shall not be regarded as having been deprived of his life in contravention of this section if he dies as the result of the use of force to such extent as is reasonably justifiable in the circumstances of the case—

(a) for the defence of any person from violence or for the defence of property;

(b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;

(c) for the purpose of suppressing a riot, insurrection or mutiny;

or
(d) in order to prevent the commission by that person of a criminal offence,

or if he dies as the result of a lawful act of war.

19. (1) No person shall be deprived of his personal liberty save as may be authorized by law in any of the following cases, that is to say—

Protection
of right
to
personal
liberty.

(a) in execution of the sentence or order of a court, whether established for Uganda or some other country, in respect of a criminal offence of which he has been convicted;

(b) in execution of the order of a court punishing him for contempt of that court or of a court inferior to it;

(c) in execution of the order of a court made to secure the fulfilment of any obligation imposed on him by law;

(d) for the purpose of bringing him before a court in execution of the order of a court;

(e) upon reasonable suspicion of his having committed, or being about to commit, a criminal offence under the law of Uganda;

(f) in the case of a person who has not attained the age of eighteen years, for the purpose of his education or welfare;

(g) for the purpose of preventing the spread of an infectious or contagious disease;

(h) in the case of a person who is, or is reasonably suspected to be, of unsound mind, addicted to drugs or alcohol, or a vagrant, for the purpose of his care or treatment or the protection of the community;

(i) for the purpose of preventing the unlawful entry of that person into Uganda, or for the purpose of effecting the expulsion, extradition or other lawful removal of that person from Uganda or for the purpose of restricting that person while he is being conveyed through Uganda in the course of his extradition or removal as a convicted prisoner from one country to another; or

(j) to such extent as may be necessary in the execution of a lawful order requiring that person to remain within a specified area within Uganda or prohibiting him from being within such an area, or to such extent as may be reasonably justifiable for the taking of proceedings against that person relating to the making of any such order, or to such extent as may be reasonably justifiable for restraining that person during any visit that he is permitted to make to any part of Uganda in which, in consequence of any such order, his presence would otherwise be unlawful.

(2) Any person who is arrested or detained shall be informed as soon as reasonably practicable, in a language that he understands, of the reasons for his arrest or detention.

(3) Any person who is arrested or detained—

(a) for the purpose of bringing him before a court in execution of the order of a court; or

(b) upon reasonable suspicion of his having committed, or being about to commit, a criminal offence under the law of Uganda, and who is not released, shall be brought without undue delay before

a court; and if any person arrested or detained as mentioned in paragraph (b) of this subsection is not tried within a reasonable time, then, without prejudice to any further proceedings that may be brought against him, he shall be released either unconditionally or upon reasonable conditions, including in particular such conditions as are reasonably necessary to ensure that he appears at a later date for trial or for proceedings preliminary to trial.

(4) Any person who is unlawfully arrested or detained by any other person shall be entitled to compensation therefor from that other person.

20. (1) No person shall be held in slavery or servitude.

(2) No person shall be required to perform forced labour.

(3) For the purposes of this section, the expression "forced labour" does not include—

(a) any labour required in consequence of the sentence or order of a court;

(b) labour required of any person while he is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained;

(c) any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service;

(d) any labour required during any period when Uganda is at war or in the event of any emergency or calamity that threatens the life and well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that other emergency or calamity, for the purpose of dealing with that situation; or

(e) any labour reasonably required as part of reasonable and normal communal or other civic obligations.

Protection
from slavery
and forced
labour.

21. (1) No person shall be subjected to torture or to inhuman or degrading punishment or other treatment.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question authorizes the infliction of any description of punishment that was lawful in Uganda immediately before 9th October 1962.

Protection
from
inhuman
treatment.

Protection
from
deprivation
of property.

22. (1) No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where the following conditions are satisfied, that is to say—

(a) the taking of possession or acquisition is necessary in the interests of defence, public safety, public order, public morality, public health, town and country planning or the development or utilisation of any property in such manner as to promote the public benefit; and

(b) the necessity therefor is such as to afford reasonable justification for the causing of any hardship that may result to any person having an interest in or right over the property; and

(c) provision is made by a law applicable to that taking of possession or acquisition—

(i) for the prompt payment of adequate compensation; and

(ii) securing to any person having an interest in or right over the property a right of access to the High Court of Uganda, whether direct or on appeal from any other authority, for the determination of his interest or right, the legality of the taking of possession or acquisition of the property, interest or right, and the amount of any compensation to which he is entitled, and for the purpose of obtaining prompt payment of that compensation.

(2) Nothing in this section shall be construed as affecting the making or operation of any law so far as it provides for the taking of possession or acquisition of property—

(a) in satisfaction of any tax, rate or due;

(b) by way of penalty for breach of the law, whether under civil process or after conviction of a criminal offence under the law of Uganda;

(c) as an incident of a lease, tenancy, mortgage, charge, bill of sale, pledge or contract;

(d) by way of the vesting or administration of trust property, enemy property or the property of persons adjudged or otherwise declared bankrupt or insolvent, persons of unsound mind, deceased persons, or bodies corporate or unincorporate in the course of being wound up;

(e) in the execution of judgments or orders of courts;

(f) by reason of its being in a dangerous state or injurious to the health of human beings, animals or plants;

(g) in consequence of any law with respect to the limitation of actions; or

(h) for so long only as may be necessary for the purposes of any examination, investigation, trial or inquiry or, in the case of land, the carrying out thereon—

(i) of work of soil conservation or the conservation of other natural resources; or

(ii) of agricultural development or improvement that the owner or occupier of the land has been required, and has, without reasonable and lawful excuse refused or failed, to carry out.

(3) Nothing in this section shall be construed as affecting the making or operation of any law for the compulsory taking of possession in the public interest of any property, or the compulsory acquisition in the public interest of any interest in or right over property, where that property, interest or right is held by a body corporate established by law for public purposes in which no monies have been invested other than monies provided by Parliament.

23. (1) Except with his own consent, no person shall be subjected to the search of his person or his property or the entry by others on his premises.

Protection
of privacy
of home
and other
property.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

(a) that is reasonably required in the interests of defence, public safety, public order, public morality, public health, town and country planning, the development and utilisation of mineral resources, or the development or utilisation of any other property in such a manner as to promote the public benefit;

(b) that is reasonably required for the purpose of promoting the rights or freedoms of other persons;

(c) that authorises an officer or agent of the Government of Uganda, the Government of a Federal State, the East African Common Services Organization, a local government authority or a body corporate established by law for a public purpose to enter on the premises of any person in order to inspect those premises or anything thereon for the purpose of any tax, rate or due or in order to carry out work connected with any property that is lawfully on those premises and that belongs to that Government, Organization, authority or body corporate, as the case may be;

(d) that authorises, for the purpose of enforcing the judgment or order of a court in any civil proceedings, the search of any person or property by order of a court or entry upon any premises by such order,

and except so far as that provision or, as the case may be, anything

done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

Provisions
to secure
protection
of law.

24. (1) If any person is charged with a criminal offence, then, unless the charge is withdrawn, the case shall be afforded a fair hearing within a reasonable time by an independent and impartial court established by law.

(2) Every person who is charged with a criminal offence—

(a) shall be presumed to be innocent until he is proved or has pleaded guilty;

(b) shall be informed as soon as reasonably practicable, in a language that he understands and in detail, of the nature of the offence charged;

(c) shall be given adequate time and facilities for the preparation of his defence;

(d) shall be permitted to defend himself before the court in person or, at his own expense, by a legal representative of his own choice;

(e) shall be afforded facilities to examine in person or by his legal representative the witnesses called by the prosecution before the court, and to obtain the attendance and carry out the examination of witnesses to testify on his behalf before the court on the same conditions as those applying to witnesses called by the prosecution; and

(f) shall be permitted to have without payment the assistance of an interpreter if he cannot understand the language used at the trial of the charge,

and except with his own consent the trial shall not take place in his absence unless he so conducts himself as to render the continuance of the proceedings in his presence impracticable and the court has ordered him to be removed and the trial to proceed in his absence.

(3) When a person is tried for any criminal offence, the accused person or any person authorised by him in that behalf shall, if he so requires and subject to payment of such reasonable fee as may be prescribed by law, be given within a reasonable time after judgment a copy for the use of the accused person of any record of the proceedings made by or on behalf of the court.

(4) No person shall be held to be guilty of a criminal offence on account of any act or omission that did not, at the time it took place, constitute such an offence, and no penalty shall be imposed for any criminal offence that is severer in degree or description than the maximum penalty that might have been imposed for that offence at the time when it was committed.

(5) No person who shows that he has been tried by a competent court for a criminal offence and either convicted or acquitted shall again be tried for that offence or for any other criminal offence of which he could have been convicted at the trial for that offence, save upon the order of a superior court in the course of appeal or review proceedings relating to the conviction or acquittal.

(6) No person shall be tried for a criminal offence if he shows that he has been pardoned for that offence.

(7) No person who is tried for a criminal offence shall be compelled to give evidence at the trial.

(8) No person shall be convicted of a criminal offence unless that offence is defined and the penalty therefor is prescribed in a written law :

Provided that nothing in this subsection shall prevent a court of record from punishing any person for contempt of itself notwithstanding that the act or omission constituting the contempt is not defined in a written law and the penalty therefor is not so prescribed.

(9) Any court or other adjudicating authority prescribed by law for the determination of the existence or extent of any civil right or obligation shall be established by law and shall be independent and impartial; and where proceedings for such a determination are instituted by any person before such a court or other adjudicating authority, the case shall be given a fair hearing within a reasonable time.

(10) Except with the agreement of all the parties thereto, all proceedings of every court and proceedings for the determination of the existence or extent of any civil right or obligation before any other adjudicating authority, including the announcement of the decision of the court or other authority, shall be held in public.

(11) Nothing in the last foregoing subsection shall prevent the court or other adjudicating authority from excluding from the proceedings persons other than the parties thereto and their legal representatives to such extent as the court or other authority—

(a) may consider necessary or expedient in circumstances where publicity would prejudice the interests of justice or in interlocutory proceedings; or

(b) may be empowered by law to do so in the interests of defence, public safety, public order, public morality, the welfare of persons under the age of eighteen years or the protection of the private lives of persons concerned in the proceedings.

(12) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of—

(a) paragraph (a) of subsection (2) of this section to the extent that the law in question imposes upon any person charged with a criminal offence the burden of proving particular facts;

(b) paragraph (d) of subsection (2) of this section to the extent that the law in question prohibits legal representation in a court established by or under the Native Courts Ordinance (a), the Buganda Courts Ordinance (b), the African Courts Ordinance, 1957(c), or any law replacing those Ordinances;

(c) paragraph (e) of the said subsection (2) to the extent that the law in question imposes conditions that must be satisfied if witnesses called to testify on behalf of an accused person are to be paid their expenses out of public funds;

(d) subsection (5) of this section to the extent that the law in question authorises a court to try a member of a disciplined force for a criminal offence notwithstanding any trial and conviction or acquittal of that member under the disciplinary law of that force, so, however, that any court so trying such a member and convicting him shall in sentencing him to any punishment take into account any punishment awarded him under that disciplinary law.

(13) In this section—

“criminal offence” means a criminal offence under the law of Uganda;

“legal representative” means a person entitled to practise in Uganda as an advocate.

Protection of
freedom of
conscience.

25. (1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience, and for the purposes of this section the said freedom includes freedom of thought and of religion, freedom to change his religion or belief, and freedom, either alone or in community with others, and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.

(2) Except with his own consent (or, if he is a minor, the consent of his guardian), no person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion other than his own.

(3) No religious community or denomination shall be prevented from providing religious instruction for persons of that community or denomination in the course of any education provided by that community or denomination.

(a) Chapter 76, Revised Laws of Uganda, 1951.

(b) Chapter 77, Revised Laws of Uganda, 1951.

(c) Ordinance No. 1 of 1957.

(4) No person shall be compelled to take any oath which is contrary to his religion or belief or to take any oath in a manner which is contrary to his religion or belief.

(5) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision which is reasonably required—

(a) in the interests of defence, public safety, public order, public morality or public health; or

(b) for the purpose of protecting the rights and freedoms of other persons, including the right to observe and practise any religion without the unsolicited intervention of members of any other religion,

and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

26. (1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions and to receive and impart ideas and information without interference, and freedom from interference with his correspondence.

Protection of
freedom of
expression.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

(a) that is reasonably required in the interests of defence, public safety, public order, public morality or public health; or

(b) that is reasonably required for the purpose of protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, or regulating telephony, telegraphy, posts, wireless broadcasting, television, public exhibitions or public entertainments; or

(c) that imposes restrictions upon public officers,

and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

27. (1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons and in particular to form or belong to trade unions or other associations for the protection of his interests.

Protection of
freedom of
assembly
and
association.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

(a) that is reasonably required in the interests of defence, public safety, public order, public morality or public health; or

(b) that is reasonably required for the purpose of protecting the rights or freedoms of other persons; or

(c) that imposes restrictions upon public officers, and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

Protection of
freedom of
movement.

28. (1) No person shall be deprived of his freedom of movement, and for the purposes of this section the said freedom means the right to move freely throughout Uganda, the right to reside in any part of Uganda, the right to enter Uganda and immunity from expulsion from Uganda.

(2) Any restriction on a person's freedom of movement that is involved in his lawful detention shall not be held to be inconsistent with or in contravention of this section.

(3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

(a) for the imposition of restrictions, by order of a court, that are reasonably required in the interests of defence, public safety or public order on the movement or residence within Uganda of any person;

(b) for the imposition of restrictions, by order of a court, on the movements or residence within Uganda of any person either in consequence of his having been found guilty of a criminal offence under the law of Uganda or for the purpose of ensuring that he appears before a court at a later date for trial of such criminal offence or for proceedings preliminary to trial or for proceedings relating to his extradition or other lawful removal from Uganda;

(c) for the imposition of restrictions that are reasonably required in the interests of defence, public safety, public order, public morality or public health on the movement or residence within Uganda of persons generally, or any class of persons, and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society;

(d) for the imposition of restrictions on the freedom of movement of any person who is not a citizen of Uganda;

(e) for the imposition of restrictions on the acquisition or use by any person of land or other property in Uganda;

(f) for the imposition of restrictions upon the movement or residence within Uganda of public officers; or

(g) for the removal of a person from Uganda to be tried outside Uganda for a criminal offence or to undergo imprisonment in some other country in execution of the sentence of a court in respect of a criminal offence under the law of Uganda of which he has been convicted.

(4) If any person whose freedom of movement has been restricted by the order of a court by virtue of such a provision as is referred to in subsection (3) (a) of this section so requests at any time during the period of that restriction not earlier than six months after the order was made or six months after he last made such request, as the case may be, his case shall be reviewed by that court or, if it is so provided by law, by an independent and impartial tribunal presided over by a person appointed by the Chief Justice.

(5) On any review by a court or a tribunal in pursuance of subsection (4) of this section of the case of any person whose freedom of movement has been restricted, the court or tribunal may, subject to the provisions of any law, make such order for the continuation or termination of the restriction as it may consider necessary or expedient.

29. (1) Subject to the provisions of subsections (4), (5) and (7) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.

Protection from discrimination on the grounds of race, etc.

(2) Subject to the provisions of subsections (6), (7) and (8) of this section, no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.

(3) In this section, the expression "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, tribe, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

(4) Subsection (1) of this section shall not apply to any law so far as that law makes provision—

(a) for the appropriation of public revenues or other public funds; or

(b) with respect to persons who are not citizens of Uganda; or

(c) with respect to adoption, marriage, divorce, burial, devolution of property on death or other matters of personal law; or

(d) for the application in the case of members of a particular race or tribe of customary law with respect to any matter to the exclusion of any law with respect to that matter which is applicable in the case of other persons; or

(e) for the imposition of restrictions on the acquisition or use by any person of land or other property in Uganda; or

(f) whereby persons of any such description as is mentioned in subsection (3) of this section may be subjected to any disability or restriction or may be accorded any privilege or advantage which, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description, is reasonably justifiable in a democratic society.

(5) Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that it makes provision with respect to qualifications for service as a public officer or as a member of a disciplined force or for the service of a local government authority or a body corporate established directly by any law.

(6) Subsection (2) of this section shall not apply to anything which is expressly or by necessary implication authorized to be done by any such provision of law as is referred to in subsection (4) or (5) of this section.

(7) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision whereby persons of any such description as is mentioned in subsection (3) of this section may be subjected to any restriction on the rights and freedoms guaranteed by sections 23, 25, 26, 27 and 28 of this Constitution, being such a restriction as is authorised by section 23 (2), 25 (5), 26 (2), 27 (2) or 28 (3), as the case may be.

(8) Nothing in subsection (2) of this section shall affect any discretion relating to the institution, conduct or discontinuance of civil or criminal proceedings in any court that is vested in any person by or under this Constitution or any other law.

30. (1) The President may at any time, by Proclamation published in the Gazette, declare that a state of public emergency exists for the purpose of the provisions of this Chapter.

(2) A declaration of a state of public emergency under this section, if not sooner revoked, shall cease to have effect—

(a) in the case of a declaration made when Parliament is sitting or has been summoned to meet within five days, at the expiration of a period of five days beginning with the date of publication of the declaration;

(b) in any other case, at the expiration of a period of fifteen days beginning with the date of publication of the declaration,

unless, before the expiration of that period, it is approved by a resolution passed by not less than one half of all the members of the National Assembly.

(3) Subject to the provisions of subsection (4) of this section, a declaration of a state of public emergency approved by resolution of the National Assembly under subsection (2) of this section shall continue in force until the expiration of a period of six months beginning with the date of its being so approved or until such earlier date as may be specified in the resolution :

Provided that the National Assembly may, by resolution passed by not less than two-thirds of all the members of the Assembly, extend its approval of the declaration for periods of not more than six months at a time.

(4) The National Assembly may, by resolution passed by a majority of the members of the Assembly, at any time revoke a declaration of a state of public emergency approved by the Assembly under this section.

(5) Nothing contained in or done under the authority of an Act of Parliament shall be held to be inconsistent with or in contravention of section 19, 24 or 29 of this Constitution to the extent that the Act authorises the taking, during any period when Uganda is at war or any period when a declaration of a state of public emergency under this section is in force, of measures that are reasonably justifiable for the purpose of dealing with the situation that exists during that period :

Provided that the provisions of this subsection shall not apply in relation to anything contained in or done under the authority of any instrument having the force of law that is made under the provisions of an Act of Parliament, during a period when a declaration of a state of public emergency is in force by virtue of a resolution of the National Assembly unless the Assembly has, by a like resolution, affirmed that that instrument shall have effect during that period.

31. (1) Where a person is detained by virtue of such a law as is referred to in section 30 (5) of this Constitution the following provisions shall apply—

(a) he shall, as soon as reasonably practicable and in any case not more than five days after the commencement of his detention,

Protection
of persons
detained
under
emergency
laws.

be furnished with a statement in writing in a language that he understands specifying in detail the grounds upon which he is detained;

(b) not more than fourteen days after the commencement of his detention, a notification shall be published in the Gazette stating that he has been detained and giving particulars of the provision of law under which his detention is authorised;

(c) not more than one month after the commencement of his detention and thereafter during his detention at intervals of not more than six months, his case shall be reviewed by an independent and impartial tribunal established by law and presided over by a person appointed by the Chief Justice;

(d) he shall be afforded reasonable facilities to consult, at his own expense, a legal representative of his own choice who shall be permitted to make representations to the tribunal appointed for the review of the case of the detained person;

(e) at the hearing of his case by the tribunal appointed for the review of his case he shall be permitted to appear in person or, at his own expense, by a legal representative of his own choice.

(2) On any review by a tribunal in pursuance of this section of the case of a detained person, the tribunal may make recommendations concerning the necessity or expediency of continuing his detention to the authority by which it was ordered but, unless it is otherwise provided by law, that authority shall not be obliged to act in accordance with any such recommendations.

(3) In every month in which there is a sitting of Parliament the Prime Minister or a Minister authorised by him shall make a report to Parliament of the number of persons detained by virtue of such a law as is referred to in section 30 (5) of this Constitution and the number of cases in which the authority that ordered the detention has not acted in accordance with the recommendations of a tribunal appointed in pursuance of this section.

Enforcement
of protective
provisions.

32. (1) Subject to the provisions of subsection (5) of this section, if any person alleges that any of the provisions of sections 17 to 29 (inclusive) or section 31 (1) of this Constitution has been, is being or is likely to be contravened in relation to him, then, without prejudice to any other action with respect to the same matter that is lawfully available, that person may apply to the High Court of Uganda for redress.

(2) The High Court of Uganda shall have original jurisdiction to hear and determine any application made by any person in pursuance of subsection (1) of this section, and may make such orders, issue

such writs and give such directions as it may consider appropriate for the purpose of enforcing, or securing the enforcement of, any of the provisions of the said sections 17 to 29 (inclusive) or section 31 (1) to the protection of which the person concerned is entitled:

Provided that the High Court of Uganda shall not exercise its powers under this subsection if it is satisfied that adequate means of redress for the contravention alleged are or have been available to the person concerned under any other law.

(3) Where a court of appeal is established under section 96 (2) of this Constitution, any person aggrieved by any determination of the High Court of Uganda under this section may appeal therefrom to that court.

(4) No appeal shall lie from any determination under this section that any application is merely frivolous or vexatious.

(5) Parliament may make provision, or may authorize the making of provision, with respect to the practice and procedure of any court for the purposes of this section and may confer upon that court such powers, or may authorize the conferment thereon of such powers, in addition to those conferred by this section as may appear to be necessary or desirable for the purpose of enabling that court more effectively to exercise the jurisdiction conferred upon it by this section.

33. (1) In this Chapter, unless the context otherwise requires—

“contravention”, in relation to any requirement, includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly;

“court” means any court of law in Uganda, other than a court established by a disciplinary law, and includes Her Majesty in Council, the court of appeal and in sections 18 and 20 of this Constitution a court established by a disciplinary law;

“disciplinary law” means a law regulating the discipline—

- (a) of any disciplined force; or
- (b) of persons serving prison sentences;

“disciplined force” means—

- (a) a naval, military or air force;
- (b) the Uganda Police Force;
- (c) a police force established by law enacted by Parliament; or
- (d) the Uganda Prisons Service;

“member”, in relation to a disciplined force, includes any person who, under the law regulating the discipline of that force, is subject to that discipline.

Inter-
tation and
savings.

(2) References in this Chapter to public officers include references to officers and employees in the service of the Government of a Federal State and officers and employees in the service of the East African Common Services Organisation.

(3) In relation to any person who is a member of a disciplined force raised under any law in force in Uganda, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Chapter other than sections 18, 20 and 21.

(4) In relation to any person who is a member of a disciplined force raised otherwise than as aforesaid and lawfully present in Uganda, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Chapter.

CHAPTER IV

THE PRESIDENT OF UGANDA

Establishment of office of President. No. 61 of 1963, s. 8.

34. (1) There shall be a Supreme Head and Commander-in-Chief of Uganda who shall be known as the President of Uganda and who is referred to in this Constitution as the President.

(2) The President shall, subject to the provisions of section 123 of this Constitution take precedence over all persons in Uganda and shall not be liable to any proceedings whatsoever in any court.

(3) The President shall be exempt from direct personal taxation and no property held by him in his personal capacity shall be compulsorily acquired or compulsorily taken possession of.

(4) The President shall receive such salary and allowances, and on retirement such pension, gratuity or other allowance, as may be prescribed by Parliament.

(5) The salary and allowances payable to the President and any pension, gratuity or other allowance payable to him on retirement shall be a charge on the Consolidated Fund.

(6) Before assuming office the President shall take and subscribe the oath of allegiance and such other oath (if any) as Parliament may prescribe.

35. (1) There shall be a Vice President of Uganda (referred to in this Constitution as the Vice President) who shall perform the functions and have the privileges of the President during any period when—

(a) the President is absent from Uganda or is for any reason unable to perform the functions of his office; or

(b) the office of the President is vacant.

Establishment of office of Vice President and discharge of President's functions during inability. No. 61 of 1963, s. 8.

(2) The Vice President shall receive such salary and allowances, and on retirement such pension, gratuity or other allowances, as may be prescribed by Parliament.

(3) The salary and allowances payable to the Vice President and any pension, gratuity or other allowance payable to him on retirement shall be a charge on the Consolidated Fund.

(4) During any period when the Vice President is required by subsection (1) of this section to perform the functions of the President and either—

(a) the Vice President is unable to do so by reason of absence from Uganda or for any other cause; or

(b) the office of the Vice President is vacant,

those functions shall be performed by the Chief Justice.

(5) A person required by this section to perform the functions of the President shall before commencing to perform those functions take and subscribe the oath of allegiance and such other oath (if any) as Parliament may prescribe.

36. (1) Subject to the provisions of this section, the President and the Vice President shall be elected in accordance with such procedure as may be prescribed by Parliament from among the Rulers of the Federal States and the constitutional heads of the Districts by the members of the National Assembly for a term of five years.

Election and tenure of office of President and Vice President, and succession to Presidency. No. 61 of 1963, s. 8.

(2) The term of office for which the Vice President is elected under subsection (1) of this section shall be deemed to expire at the same time as the term of office for which the President is elected under that subsection expires.

(3) The President or the Vice President may at any time be removed from office by a resolution of the National Assembly which is moved either—

(a) by the Prime Minister; or

(b) by a member of the Assembly other than the Prime Minister who satisfies the Speaker that not less than one half of all the members of the Assembly have signified in writing an intention to vote in support of the resolution,

and which is supported by the votes of not less than two-thirds of all the members of the Assembly.

(4) Where a vacancy occurs in the office of the President or the Vice President otherwise than by reason of the expiry of the term for which the holder of the office was elected, the person elected to fill the vacancy shall hold office for the remainder of that term, and not for a term of five years.

(5) The President or the Vice President may at any time resign his office by writing under his hand addressed to the Prime Minister.

(6) A person who has vacated the office of the President or the Vice President may be elected or re-elected to either of those offices, if qualified, in accordance with the provisions of this Constitution.

CHAPTER V

PARLIAMENT

PART 1

Composition of Parliament

Establishment of Parliament of Uganda. No. 61 of 1963, s. 10.

37. There shall be a Parliament of Uganda, which shall consist of the President and a National Assembly.

Composition of National Assembly.

38. (1) The National Assembly shall consist of—

(a) eighty-two elected members; and

(b) such number of specially elected members, not exceeding nine, as Parliament may prescribe.

(2) If a person who is not a member of the National Assembly is elected to the office of Speaker of the Assembly or appointed to the office of Attorney-General of Uganda, as the case may be, that person shall, by virtue of holding that office, be a member of the Assembly in addition to the members referred to in subsection (1) of this section.

Qualifications for membership of National Assembly.

39. Subject to the provisions of section 40 of this Constitution, a person shall be qualified to be a member of the National Assembly if, and shall not be so qualified unless, he—

(a) is a citizen of Uganda who has attained the age of twenty-one years; and

(b) is able to speak and, unless incapacitated by blindness or other physical cause, to read the official language well enough to take an active part in the proceedings of the Assembly.

Disqualifications for membership of National Assembly.

40. (1) No person shall be qualified to be a member of the National Assembly who—

(a) has made a declaration of allegiance to a country other than Uganda;

(b) has been adjudged or otherwise declared bankrupt under any law in force in Uganda and has not been discharged;

(c) is adjudged or otherwise declared to be of unsound mind under any law in force in Uganda; or

(d) is under sentence of death imposed on him by any court in Uganda or under sentence of imprisonment (by whatever name called) exceeding six months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court.

(2) Parliament may provide that a person who is the holder of any office the functions of which involve—

(a) any responsibility for, or in connection with, the conduct of any election to the National Assembly; or

(b) any responsibility for the compilation or revision of any register of voters for elections to the Assembly,

shall not be qualified to be a member of the Assembly.

(3) Parliament may provide that a person shall not be qualified to be a member of the National Assembly for such period (not exceeding five years) as may be prescribed if he is convicted of any such offence connected with elections to the Assembly as may be prescribed.

(4) Parliament may provide that, subject to such exceptions and limitations (if any) as may be prescribed, a person shall be disqualified for membership of the National Assembly by virtue of—

(a) his holding or acting in any office or appointment that may be prescribed;

(b) his belonging to any of the armed forces of Uganda that may be prescribed; or

No. 61 of
1963, s. 11.

(c) his belonging to any police force.

(5) For the purpose of this section—

(a) two or more sentences of imprisonment that are required to be served consecutively shall be regarded as separate sentences if none of those sentences exceeds six months, and if any one of such sentences exceeds that term they shall be regarded as one sentence; and

(b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

41. (1) There shall be a Speaker of the National Assembly who shall be elected by the members of the Assembly from among persons who are members of the Assembly or who are qualified to be elected as such.

Speaker.

(2) A Minister, the Attorney-General of Uganda, or a Parliamentary Secretary shall not be qualified to be elected as Speaker.

(3) The Speaker shall vacate his office—

(a) if, having been elected from among the members of the National Assembly, he ceases to be a member of the Assembly otherwise than by reason of a dissolution of Parliament;

(b) if any circumstances arise that, if he were not Speaker, would disqualify him for election as such;

(c) when the Assembly first meets after any dissolution of Parliament; or

(d) if he is removed from office by a resolution of the Assembly supported by the votes of not less than two-thirds of all the members thereof.

(4) No business shall be transacted in the National Assembly (other than an election to the office of Speaker) at any time when the office of Speaker is vacant.

Deputy
Speaker.

42. (1) There shall be a Deputy Speaker of the National Assembly who shall be elected by the members of the Assembly from among persons who are members of the Assembly other than Ministers, the Attorney-General of Uganda or Parliamentary Secretaries.

(2) The members of the National Assembly shall elect a person to the office of Deputy Speaker when the Assembly first meets after any dissolution of Parliament and, if the office becomes vacant otherwise than by reason of a dissolution of Parliament, at the first sitting of the Assembly after the office becomes vacant.

(3) The Deputy Speaker shall vacate his office—

(a) if he ceases to be a member of the National Assembly;

(b) if he becomes a Minister, the Attorney-General of Uganda or a Parliamentary Secretary; or

(c) if he is removed from office by a resolution of the National Assembly.

Election of
elected
members.

43. (1) Of the elected members of the National Assembly, three members shall be elected within Kampala and twenty-one members (hereinafter in this section called "the twenty-one members") shall be elected within the Kingdom of Buganda, exclusive of Kampala.

(2) Subject to the provisions of this section, the elected members of the National Assembly shall be directly elected in such manner as may be prescribed by Parliament to represent constituencies established under section 46 of this Constitution.

(3) If the Legislative Assembly of the Kingdom of Buganda declares by resolution after any dissolution of Parliament and not less than fourteen days before the date fixed for the nomination of candidates for election of elected members at the next general election to the National Assembly that it so desires, the twenty-one members shall, until the next dissolution of Parliament, be elected by the Legislative Assembly in accordance with the provisions of Schedule 6 to this Constitution :

Provided that—

(a) if at any time the composition of the Legislative Assembly as prescribed by the Constitution of Buganda includes less than sixty-eight members that are directly elected, the twenty-one members shall be directly elected in accordance with subsection (2) of this section;

(b) only such members of the Legislative Assembly as are directly elected, such Ministers of the Kabaka's Government as are members of the Legislative Assembly by virtue of holding the office of Minister of that Government (not exceeding six in number) and such members of the Legislative Assembly as may be appointed as such by the Kabaka (not exceeding six in number) shall be entitled to vote upon a resolution for the purpose of this subsection or to take part in elections by the Legislative Assembly of the twenty-one members; and

(c) if at any time any of the twenty-one members is not elected by the Legislative Assembly by reason of any failure to comply with the provisions of Schedule 6 to this Constitution, then that member shall be directly elected in accordance with subsection (2) of this section.

(4) For the purposes of this section members of the Legislative Assembly of the Kingdom of Buganda shall not be regarded as being directly elected unless they are elected—

(a) to represent constituencies in the Kingdom of Buganda that have been delimited by an independent and impartial authority;

(b) at elections at which all persons who are for the time being registered in each such constituency as voters for the purpose of elections of elected members of the National Assembly, and no other persons, are entitled to vote and at which the votes are cast in such manner so as not to disclose how any particular voter has voted.

(5) The registration of voters for the purposes of elections of elected members of the National Assembly and the conduct of direct elections of those members shall be subject to the direction and control of the Electoral Commission.

44. A person who—

(a) has attained the age of twenty-one years;

(b) is a citizen of Uganda; and

(c) has been resident in Uganda for six months immediately preceding the date on which he applies for registration as a voter, shall, unless he is disqualified for registration as a voter under any law, be entitled, upon his making application in that behalf at such

Qualifica-
tions of
voters.

time and in such manner as may be prescribed by Parliament, to be registered as a voter for the purposes of elections of elected members of the National Assembly.

Electoral
Commission.

45. (1) There shall be an Electoral Commission, which shall consist of a chairman and not less than two other members appointed by the President, acting in accordance with the advice of the Prime Minister.

(2) A person shall not be qualified to hold the office of a member of the Electoral Commission if he is a member of the National Assembly or a public officer.

(3) Subject to the provisions of this section, a member of the Electoral Commission shall vacate his office—

(a) at the expiration of four years from the date of his appointment; or

(b) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such.

(4) A member of the Electoral Commission may be removed from office by the President, acting in accordance with the advice of the Prime Minister, but he may be removed only for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

(5) (a) Before tendering advice to the President with respect to the appointment or removal from office of a member of the Electoral Commission the Prime Minister shall consult the Leader of the Opposition.

(b) For the purposes of this section “the Leader of the Opposition” means that member of the National Assembly who is for the time being the leader in the Assembly of the party in opposition to the Government having the greatest numerical strength in the Assembly.

(c) If any doubt arises as to which is or was at any material time the party in opposition to the Government having the greatest numerical strength in the National Assembly or as to who is or was at any material time the leader in the Assembly of such a party, the question shall be decided for the purposes of this section by the Speaker of the Assembly and his decision shall be final.

(6) In the exercise of its functions under this Constitution the Electoral Commission shall not be subject to the direction or control of any other person or authority.

Consti-
tuencies.

46. (1) Uganda shall be divided into as many constituencies as there are elected members of the National Assembly in such manner as the Electoral Commission, acting with the approval of the National Assembly signified by resolution, may prescribe.

(2) No constituency shall include part of the Kingdom of Buganda and part of another territory and the boundaries of each constituency shall be such that the number of inhabitants thereof is as nearly equal to the population quota as is reasonably practicable:

Provided that the number of inhabitants of a constituency may be greater or less than the population quota in order to take account of means of communication, geographical features, density of population and the boundaries of Federal States, Districts and other administrative areas and in order to give effect to the provisions of section 43 (1) of this Constitution.

(3) The Electoral Commission shall review the division of Uganda into constituencies at intervals of not less than eight and not more than ten years and may alter the constituencies in accordance with the provisions of this section to such extent as it may consider desirable in the light of the review:

Provided that the Commission shall carry out such review and, in accordance with the provisions of this section, alter the constituencies wherever Parliament has made provision altering the number of elected members of the National Assembly; and, in addition, the Commission may at any time carry out such a review and alter the constituencies in accordance with the provisions of this section to such extent as it considers necessary by reason of the holding of a census of the population of Uganda.

(4) Where the boundaries of any constituency established under this section are altered, the alteration shall come into effect upon the next dissolution of Parliament.

(5) In this section "population quota" means the number obtained by dividing the number of inhabitants of Uganda by the number of constituencies into which Uganda is divided under this section.

47. The specially elected members of the National Assembly shall be elected by the elected members of the Assembly in such manner as may be prescribed by Parliament.

Election of specially elected members.

48. (1) Every member of the National Assembly shall vacate his seat in the Assembly upon a dissolution of Parliament.

Tenure of office of members of National Assembly.

(2) A member of the National Assembly shall vacate his seat in the Assembly—

- (a) if he ceases to be a citizen of Uganda;
- (b) if he is absent from the sittings of the Assembly for such period and in such circumstances as may be prescribed in the rules of procedure of the Assembly; or
- (c) subject to the provisions of subsection (3) of this section, if any circumstances arise that, if he were not a member of the

Assembly, would cause him to be disqualified for election as such under section 40 (1), 40 (3) or 40 (4) of this Constitution.

(3) Parliament may, in order to permit a member of the National Assembly who has been adjudged or declared bankrupt or of unsound mind or sentenced to death or imprisonment to appeal against the decision, provide that, subject to such conditions as may be prescribed, the decision shall not have effect for the purpose of this section until such time as may be prescribed.

Determina-
tion of
questions
as to
membership
of National
Assembly.

49. (1) The High Court of Uganda shall have jurisdiction to hear and determine any question whether—

(a) any person has been validly elected as a member of the National Assembly or the seat of any member has become vacant;

(b) any person has been validly elected as Speaker of the Assembly from among persons who are not members of the Assembly or, having been so elected, has vacated the office of Speaker.

(2) Parliament may make provision with respect to—

(a) the persons who may apply to the High Court of Uganda for the determination of any question under this section;

(b) the circumstances and manner in which and the conditions upon which any such application may be made; and

(c) the powers, practice and procedure of the High Court in relation to any such application.

(3) The determination by the High Court of Uganda of any question under this section shall not be subject to appeal.

Clerk to
National
Assembly
and his
staff.

50. (1) There shall be a Clerk to the National Assembly.

(2) Unless Parliament otherwise provides, the office of the Clerk to the National Assembly and the offices of the members of his staff shall be public offices.

PART 2

Procedure in National Assembly

Oath to be
taken by
members of
National
Assembly.

51. (1) Every member of the National Assembly shall, before taking his seat therein, take and subscribe before the Assembly the oath of allegiance but a member may before taking that oath take part in the election of a Speaker.

(2) Any person elected to the office of Speaker who is not a member of the National Assembly shall, before entering upon the duties of his office, take and subscribe the oath of allegiance before the Assembly.

52. There shall preside at any sitting of the National Assembly—
(a) the Speaker; or
(b) in the absence of the Speaker, the Deputy Speaker; or
(c) in the absence of the Speaker and of the Deputy Speaker, such member of the Assembly (not being a Minister, the Attorney-General of Uganda or a Parliamentary Secretary) as the Assembly may elect for that purpose.

Presiding
in National
Assembly.

53. If objection is taken by any member of the National Assembly present that there are present in the Assembly (besides the person presiding) less than twenty members of the Assembly and, after such interval as may be prescribed in the rules of procedure of the Assembly, the person presiding ascertains that the number of members present is still less than twenty, he shall thereupon adjourn the Assembly.

Quorum in
National
Assembly.

54. (1) Save as otherwise provided in this Constitution, any question proposed for decision in the National Assembly shall be determined by a majority of the votes of the members present and voting.

Voting in
National
Assembly.

(2) The person presiding in the National Assembly shall have neither an original nor a casting vote and if upon any question before the Assembly the votes are equally divided the motion shall be lost.

(3) The rules of procedure of the National Assembly may make provision under which a member who votes upon a question in which he has a direct pecuniary interest shall be deemed not to have voted.

(4) Repealed (Act No. 61 of 1963, s. 12).

55. Any person who sits or votes in the National Assembly knowing or having reasonable grounds for knowing that he is not entitled to do so shall be liable to a penalty not exceeding four hundred shillings or such other sum as may be prescribed by Parliament for each day on which he so sits or votes in the Assembly, which shall be recoverable by action in the High Court of Uganda at the suit of the Attorney-General of Uganda.

Unqualified
person
sitting or
voting.

56. (1) The power of Parliament to make laws shall be exercised by bills passed by the National Assembly and assented to by the President.

Mode of
exercising
legislative
power.

(2) When a bill passed by the National Assembly is presented to the President for assent, he shall signify that he assents to the bill.

No. 61 of
1963, s. 13.

(3) Without prejudice to the power of Parliament to postpone the operation of any law or to make laws with retrospective effect, a bill shall not become law until it has been duly passed and assented to in accordance with this Constitution.

Restrictions with regard to certain financial measures. No. 61 of 1963, s. 13.

57. The National Assembly shall not—

(a) proceed upon any bill (including any amendment to a bill) that, in the opinion of the person presiding, makes provision for any of the following purposes—

(i) for the imposition of taxation or the alteration of taxation otherwise than by reduction;

(ii) for the imposition of any charge upon the Consolidated Fund or other public funds of Uganda or the alteration of any such charge otherwise than by reduction;

(iii) for the payment, issue or withdrawal from the Consolidated Fund or other public funds of Uganda of any monies not charged thereon or any increase in the amount of such payment, issue or withdrawal; or

(iv) for the composition or remission of any debt due to the Government of Uganda; or

(b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding, would be to make provision for any of those purposes, unless the bill is introduced or the motion is moved by a Minister.

Regulation of procedure in National Assembly.

58. (1) Subject to the provisions of this Constitution, the National Assembly may regulate its own procedure.

(2) The National Assembly may act notwithstanding any vacancy in its membership (including any vacancy not filled when the Assembly first meets after any dissolution of Parliament) and the presence or participation of any person not entitled to be present or to participate in the proceedings of the Assembly shall not invalidate those proceedings.

PART 3

Summoning, Prorogation and Dissolution

Sessions of Parliament.

59. (1) Each session of Parliament shall be held at such place within Uganda and shall commence at such time as the President may appoint.

(2) There shall be a session of Parliament at least once in every year so that a period of twelve months shall not intervene between the last sitting of Parliament in one session and the first sitting thereof in the next session.

(3) Subject to the provisions of subsection (4) of this section, whenever Parliament is dissolved a general election of members of the National Assembly shall be held within sixty days of the date of the dissolution and a session of Parliament shall be appointed to commence within thirty days of that date.

(4) If, after a dissolution and before the holding of the general election of members of the National Assembly, the Prime Minister advises the President that, owing to the existence of a state of war or of a state of emergency in Uganda or any part thereof, it is necessary to recall Parliament, the President shall summon the Parliament that has been dissolved to meet, but, unless the life of Parliament is extended under the provisions of section 60 (4) of this Constitution, the general election of members of the National Assembly shall proceed and the Parliament that has been recalled shall, if not sooner dissolved, again stand dissolved on the date appointed for the nomination of candidates in that general election.

60. (1) The President may at any time prorogue Parliament.

Prorogation and dissolution of Parliament.

(2) The President, acting in accordance with the advice of the Prime Minister, may at any time dissolve Parliament:

Provided that a Prime Minister who has not been able to form a government which commands the support of the National Assembly shall not be entitled to advise the President to dissolve Parliament.

No. 61 of 1963, ss. 9 and 14.

(3) Subject to the provisions of subsection (4) of this section, Parliament, unless sooner dissolved, shall continue for five years from the date of its first sitting after any dissolution and shall then stand dissolved.

(4) At any time when Uganda is at war, Parliament may from time to time extend the period of five years specified in subsection (3) of this section for not more than twelve months at a time:

Provided that the life of Parliament shall not be extended under this subsection for more than five years.

CHAPTER VI

THE EXECUTIVE OF UGANDA

61. (1) The executive authority of Uganda shall vest in the President and shall be exercised in accordance with the provisions of this Constitution.

Executive authority of Uganda. No. 61 of 1963, s. 15.

(2) Subject to the provisions of this Constitution, the functions conferred on the President by subsection (1) of this section may be exercised either directly or through officers subordinate to him.

(3) Nothing in this section shall prevent Parliament from conferring functions on persons or authorities other than the President.

62. (1) There shall be a Prime Minister who shall be appointed by the President.

Ministers of Government of Uganda. No. 61 of 1963, s. 15.

(2) There shall be, in addition to the office of Prime Minister, such other offices of Minister of the Government of Uganda as may be established by the President, acting in accordance with the advice of the Prime Minister.

(3) The President shall appoint as Prime Minister the member of the National Assembly who is the leader in the Assembly of the party having a numerical strength which consists of a majority of all the members of the Assembly.

(4) If there is no party in the National Assembly having a numerical strength which consists of a majority of all the members of the Assembly, the President shall appoint as Prime Minister the member of the Assembly who is the leader in the Assembly of the party having the greatest numerical strength in the Assembly.

(5) If a Prime Minister appointed in pursuance of subsection (4) of this section fails to form a government which commands the support of the Assembly, the President shall appoint as Prime Minister the member of the Assembly who is the leader in the Assembly of the party having the next largest numerical strength in the Assembly; and if the member so appointed fails to form a government which commands the support of the Assembly, the President shall endeavour to fill the office of Prime Minister by making an appointment from among the remaining members of the Assembly who are the leaders in the Assembly of parties having a numerical strength in the Assembly in excess of twenty, selecting for appointment in each case the member who is the leader of the party having the largest numerical strength in the Assembly (not being a party the leader of which has already failed to form a government).

(6) If the President acting in pursuance of subsections (4) and (5) of this section does not succeed in appointing a Prime Minister who is able to form a government which commands the support of the Assembly, he shall appoint as Prime Minister the person who last held the office or, if that person is no longer a member of the Assembly or it is for any other reason impossible for that person to be appointed as Prime Minister, the member of the Assembly who is the leader in the Assembly of the party having the greatest numerical strength in the Assembly (notwithstanding the fact that such member may already have failed to form a government commanding the support of the Assembly).

(7) Where a Prime Minister has been appointed in pursuance of subsection (6) of this section—

(a) the Prime Minister may remain in office for a period of three months from the date of his appointment, notwithstanding any vote of no confidence in the Government of Uganda which may be passed by the National Assembly during that period;

(b) no bill shall be introduced into the Assembly during that period unless a declaration of a state of public emergency is in force and the bill is, in the opinion of the person presiding, necessary in the public interest; and

(c) Parliament shall be dissolved by the President at the expiration of that period unless a government which commands the support of the Assembly has been formed by that time.

(8) Where in a case to which subsection (4), (5) or (6) of this section applies two or more members of the National Assembly are equally eligible for appointment as Prime Minister by reason of the fact that two or more parties have an equal numerical strength in the Assembly, the President shall appoint as Prime Minister that one of those members who is in his opinion the more likely to succeed in forming a government which commands the support of the Assembly.

(9) If it is impossible for the President to make an appointment to the office of Prime Minister in accordance with the provisions of subsection (3), (4), (5) or (6) of this section by reason of the fact that Parliament is dissolved, the functions of the Prime Minister shall be performed (until it becomes possible to make the appointment in accordance with those provisions) by a Minister designated by the President, acting in accordance with the advice of a majority of those Ministers who are members of the Cabinet.

(10) Appointments to the office of a Minister other than the Prime Minister shall be made by the President, acting in accordance with the advice of the Prime Minister, from among the members of the National Assembly or, if occasion arises for making such an appointment while Parliament is dissolved, from among those persons who were members of the Assembly immediately before the dissolution.

(11) The President shall remove the Prime Minister from office if a vote of no confidence in the Government of Uganda is passed by the National Assembly:

Provided that the President shall not remove the Prime Minister from office when such a vote has been passed unless—

(a) subsection (7) of this section does not apply; and

(b) three days have elapsed since the vote was passed and the Prime Minister has neither resigned nor recommended a dissolution of Parliament.

(12) The office of any Minister shall become vacant—

(a) if the holder of the office ceases to be a member of the National Assembly otherwise than by reason of a dissolution of Parliament; or

(b) if, at the first sitting of the Assembly after any dissolution of Parliament, the holder of the office is not a member of the Assembly:

Provided that paragraph (b) of this subsection shall not take effect in the case of the Prime Minister until three months have elapsed since that sitting.

(13) The office of a Minister other than the Prime Minister shall become vacant—

(a) if the President, acting in accordance with the advice of the Prime Minister, so directs;

(b) if the Prime Minister resigns from office within three days after the passage by the National Assembly of a resolution of no confidence in the Government or is removed from office under subsection (11) of this section; or

(c) upon the appointment of any person to the office of Prime Minister.

Cabinet.
No. 61 of
1963, s. 16.

63. (1) There shall be a Cabinet of Ministers, consisting of the Prime Minister and such other Ministers as may be designated by the President acting in accordance with the advice of the Prime Minister.

(2) The function of the Cabinet shall be to advise the President in the Government of Uganda and the Cabinet shall be collectively responsible to Parliament for any advice given to the President by or under the general authority of the Cabinet and for all things done by or under the authority of any Minister in the execution of his office.

(3) The provisions of subsection (2) of this section shall not apply in relation to—

(a) the appointment and removal from office of Ministers, the Attorney-General of Uganda and Parliamentary Secretaries, the assigning of responsibility to any Minister under section 65 of this Constitution or the authorization of another Minister to perform the functions of the Prime Minister during absence or illness;

(b) the dissolution of Parliament; and

(c) the matters referred to in section 84 of this Constitution (which relates to the Prerogative of Mercy).

Attorney-
General of
Uganda.

64. (1) There shall be an Attorney-General for Uganda, who shall be appointed by the President, acting in accordance with the advice of the Prime Minister, and who shall be the principal legal adviser to the Government of Uganda.

(2) The office of the Attorney-General of Uganda shall become vacant—

(a) if the President, acting in accordance with the advice of the Prime Minister, so directs;

(b) if the Prime Minister resigns from office within three days after the passage of a resolution of no confidence in the Government of Uganda or is removed from office under section 62 (11) of this Constitution; or

No. 61 of
1963, s. 17.

(c) upon the appointment of any person to the office of Prime Minister.

65. The President, acting in accordance with the advice of the Prime Minister, may, by directions in writing, assign to the Prime Minister or any other Minister responsibility for any business of the Government of Uganda, including the administration of any department of government.

Allocation
of portfolios
to Ministers.

66. (1) Whenever the Prime Minister is absent from Uganda or is by reason of illness unable to perform the functions conferred on him by this Constitution, the President may authorise some other Minister to perform those functions (other than the functions conferred by this section) and that Minister may perform those functions until his authority is revoked by the President.

Performance
of functions
of Prime
Minister
during
absence or
illness.

(2) The powers of the President under this section shall be exercised by him in accordance with the advice of the Prime Minister :

Provided that if the President considers that it is impracticable to obtain the advice of the Prime Minister owing to his absence or illness he may exercise those powers without that advice.

67. (1) In the exercise of his functions the President shall act in accordance with the advice of the Cabinet or a Minister acting under the general authority of the Cabinet except in cases where he is required by this Constitution or any other law to act in accordance with the advice of any person or authority other than the Cabinet :

Exercise of
President's
functions.
No. 61 of
1963, s. 18.

Provided that—

(a) in the exercise of—

(i) the power to appoint the Prime Minister conferred upon him by sections 62 (3), 62 (4), 62 (5) and 62 (6) of this Constitution;

(ii) the power to dissolve Parliament conferred upon him by section 62 (7) (c) of this Constitution; and

(iii) the power to remove the Prime Minister from office conferred upon him by section 62 (11) of this Constitution, the President shall not be required to act in accordance with the advice of any person or authority, but shall act in accordance with the provisions of this Constitution by which the power is conferred;

(b) in the exercise of the power conferred upon him by section 66 of this Constitution (which relates to the performance of the functions of the Prime Minister during absence or illness) in the

circumstances described in the proviso to subsection (2) of that section, and in signifying his concurrence for the purposes of section 111 (3) of this Constitution in appointments to offices on his personal staff, the President shall act in accordance with his own deliberate judgment.

(2) Where the President is required by this Constitution to act in accordance with the advice of any person or authority, the question whether he has received or acted in accordance with such advice in any case shall not be enquired into in any court:

Provided that—

(a) where the President is required by this Constitution to do any act in accordance with the advice of any person or authority and the Prime Minister is satisfied that the President has neglected or declined to do so, the Prime Minister may inform the President that it is the intention of the Prime Minister to do that act himself after the expiration of a period to be specified by the Prime Minister, and if at the expiration of that period the President has not done that act the Prime Minister may do that act himself;

(b) an act done by the Prime Minister in pursuance of paragraph (a) of this proviso shall be deemed to have been done by the President and to be his act;

(c) notwithstanding any other provision of this Constitution, no act of the President shall be valid to the extent that it is inconsistent with an act deemed to be his act by virtue of paragraph (b) of this proviso.

President to be informed concerning matters of government.

68. The Prime Minister shall keep the President fully informed concerning the general conduct of the government of Uganda and shall furnish him with such information as he may require with respect to any particular matter relating to the government of Uganda.

Parliamentary Secretaries.

69. (1) The President, acting in accordance with the advice of the Prime Minister, may appoint Parliamentary Secretaries from among the members of the National Assembly to assist Ministers in the performance of their duties:

Provided that, if occasion arises for making appointments while Parliament is dissolved, a person who was a member of the Assembly immediately before the dissolution may be appointed as a Parliamentary Secretary.

(2) The office of a Parliamentary Secretary shall become vacant—

(a) if the President, acting in accordance with the advice of the Prime Minister, so directs;

(b) if the Prime Minister resigns from office within three days after the passage by the National Assembly of a resolution of no

confidence in the Government of Uganda or is removed from office under section 62 (11) of this Constitution;

No. 61 of
1963, s. 19.

(c) upon the appointment of a person to the office of Prime Minister;

(d) if the holder of the office ceases to be a member of the Assembly otherwise than by reason of a dissolution of Parliament; or

(e) if, at the first sitting of the Assembly after any dissolution of Parliament, the holder of the office is not a member of the Assembly.

70. A Minister, the Attorney-General of Uganda or a Parliamentary Secretary shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and such oath for the due execution of his office as may be prescribed by Parliament.

Oaths to be
taken
by Ministers,
etc.

71. Where any Minister has been charged with responsibility for any department of government, he shall exercise general direction and control over that department and, subject to such direction and control, the department shall be under the supervision of a permanent secretary, whose office shall be a public office.

Permanent
secretaries.

72. (1) There shall be a Secretary to the Cabinet whose office shall be a public office.

Secretary to
Cabinet.

(2) The Secretary to the Cabinet shall have charge of the Cabinet office and shall be responsible, in accordance with such instructions as may be given to him by the Prime Minister, for arranging the business for, and keeping the minutes of, the Cabinet and for conveying the decisions of the Cabinet to the appropriate person or authority and shall have such other functions as the Prime Minister may direct.

CHAPTER VII

LEGISLATIVE AND EXECUTIVE POWERS

PART I

Legislative Powers

73. Parliament shall have power to make laws for the peace, order and good government of Uganda (other than the Federal States) with respect to any matter.

Power of
Parliament
to make
laws for
Uganda
excluding
Federal
States.

74. (1) The Legislature of the Kingdom of Buganda shall have power, to the exclusion of Parliament, to make laws for the peace, order and good government of the Kingdom of Buganda with respect to the matter specified in Part I of Schedule 7 to this Constitution.

Power to
make laws
for Buganda.

(2) Parliament shall have power, to the exclusion of the Legislature of the Kingdom of Buganda, to make laws for the peace, order and

good government of the Kingdom of Buganda with respect to the matters specified in Part II of Schedule 7 to this Constitution.

(3) Parliament and the Legislature of the Kingdom of Buganda shall both have power to make laws for the peace, order and good government of the Kingdom of Buganda with respect to matters other than the matters specified in Schedule 7 to this Constitution.

(4) A law of the Legislature of the Kingdom of Buganda shall not apply to any person who is not an African any provision of the law or custom applicable to members of any African tribe with respect to inheritance, marriage, divorce, religion or the personal obligations attaching to a member of an African tribe as such.

(5) (a) An Act of Parliament, so far as it makes any provision to which this subsection applies, shall not come into operation unless the Legislative Assembly of the Kingdom of Buganda has, by resolution, signified its consent that the Act of Parliament should have effect.

(b) This subsection applies to—

(i) any provision for altering or replacing the Buganda Courts Ordinance;

(ii) any provision for altering or replacing the Public Lands Ordinance 1962, so far as that Ordinance has effect in relation to the Kingdom of Buganda, or for altering or replacing any other law with respect to the tenure of land vested in the Land Board of the Kingdom of Buganda;

(iii) any provision for altering or replacing the system of mailo land tenure in the Kingdom of Buganda as in force immediately before 9th October 1962; or

(iv) any provision with respect to local government in the Kingdom of Buganda (other than local government in Kampala or any town to which section 126 of this Constitution applies).

75. (1) The Legislature of a Federal State (other than the Kingdom of Buganda) shall have power, to the exclusion of Parliament, to make laws for the peace, order and good government of the State with respect to the matters specified in Schedule 8 to this Constitution.

(2) Parliament shall have power, to the exclusion of the Legislature of the State, to make laws for the peace, order and good government of a Federal State (other than the Kingdom of Buganda) with respect to any matter other than the matters specified in Schedule 8 to this Constitution.

(3) Parliament may confer upon the Legislature of a Federal State (other than the Kingdom of Buganda) authority to make laws for that State with respect to any matter, other than a matter specified in Part II of Schedule 7 or in Schedule 8 to this Constitution, and any

Power to
make laws
for Federal
States
other than
Buganda.

such authority may be general or may be conferred for such period or subject to such restrictions as Parliament may specify and may be revoked by Parliament at any time.

(4) A law of the Legislature of a Federal State (other than the Kingdom of Buganda) shall not apply to any person who is not an African any provision of the law or custom applicable to members of any African tribe with respect to inheritance, marriage, divorce, religion or the personal obligations attaching to a member of an African tribe as such.

76. If any law enacted by the Legislature of a Federal State is inconsistent with any law validly made by Parliament, the law made by Parliament shall prevail and the law of the Federal State shall to the extent of the inconsistency be void.

Inconsistency of laws.

PART 2

Executive Powers

77. (1) The executive authority of Uganda shall extend to the maintenance and execution of this Constitution (other than Schedules 1, 2, 3, 4 and 5 to the Constitution) and to all matters with respect to which Parliament has for the time being power to make laws.

Extent of executive authority of Uganda and Federal States.

(2) The executive authority of the Kingdom of Buganda shall extend to the maintenance and execution of the Constitution of Buganda, to the maintenance of public order and public safety in the Kingdom and to all matters with respect to which the Legislature of the Kingdom has for the time being power to make laws.

(3) The executive authority of a Federal State (other than the Kingdom of Buganda) shall extend to the maintenance and execution of the provisions mentioned in section 4 of this Constitution that have effect in the State and to all matters with respect to which the Legislature of the State may for the time being make laws.

(4) The executive authority of every Federal State shall be so exercised as—

(a) not to impede or prejudice the exercise of the executive authority of Uganda;

(b) to ensure compliance with any Act of Parliament applying to that State.

78. (1) Subject to the provisions of this section—

(a) the President may entrust, either conditionally or unconditionally, to any officer or authority of a Federal State, functions in relation to any matter to which the executive authority of Uganda extends falling to be performed in the State;

Delegation of executive authority of Uganda.

(b) Parliament may make provision conferring powers or imposing duties, or authorising the conferring of powers or the imposition of duties, upon any officer or authority of a Federal State.

(2) Powers or duties shall not be conferred upon an officer or authority of a Federal State for the purpose of the administration by that State of a service unless there are in force arrangements with respect to that service made under section 79 of this Constitution.

(3) Except in the case of powers or duties conferred or imposed for the purposes of the administration of a service in respect of which there are in force arrangements made under section 79 of this Constitution, the President shall not entrust any function to any officer or authority of the Kabaka's Government under this section without the consent of that Government and any provision of an Act of Parliament concerning powers or imposing duties on an officer or authority of the Kabaka's Government shall not have effect unless that Government consents to its having effect.

Administra-
tion of
services in
Federal
States.

79. (1) The Government of Uganda may enter into arrangements with the Government of a Federal State for the administration by the State of services in the State for the purpose of any matter within the executive authority of Uganda.

(2) Where arrangements are entered into with a Federal State under this section with respect to any service, that service shall be administered by that State, in such manner as is prescribed by any law for the time being in force, until those arrangements expire or are superseded by further arrangements or are terminated by the Government of Uganda under subsection (3) of this section.

(3) The Government of Uganda may terminate arrangements for the administration of any service entered into under this section with a Federal State (other than the Kingdom of Buganda) if a Commission appointed under the provisions of the Commissions of Inquiry Ordinance^(a) or any law amending or replacing that Ordinance, has inquired into the administration of the service and has found that it is not being conducted in an efficient manner or not being conducted in the manner prescribed by law.

The police
forces.

80. (1) There shall be a police force for Uganda, which shall be styled the Uganda Police Force.

(2) There shall be a police force for each Federal State and such other police forces in Uganda as Parliament may prescribe.

(3) Subject to the provisions of this Constitution, every police force in Uganda shall be organised and administered in such manner as Parliament may prescribe.

(a) Chapter 37, Revised Laws of Uganda, 1951.

(4) The following provisions shall apply to the police force established by this section for the Kingdom of Buganda—

(a) the force shall be styled the Kabaka's Police Force;

(b) where any power or duty is conferred or imposed by an Act of Parliament having effect in the Kingdom of Buganda upon the members of the Uganda Police Force of any rank, the members of the Kabaka's Police Force of corresponding rank shall, by virtue of this Constitution, have that power or be subject to that duty;

(c) if, not later than 9th October 1963, the Government of Uganda and the Kabaka's Government have entered into an agreement with regard to the strength of the Kabaka's Police Force, the composition of the force shall be such that the number of members of the force in each rank shall not be less than the number provided in that agreement.

81. (1) The Uganda Police Force shall be under the command of an Inspector-General of Police, whose office shall be a public office.

Control of
the police
forces.

(2) The Inspector-General of Police shall have power to give directions with respect to the use and operational control of any police force in Uganda not under his command and the officer in command of any such force shall comply with those directions or cause them to be complied with.

(3) The Prime Minister or such other Minister as may be authorised in that behalf by the Prime Minister may give to the Inspector-General of Police such general directions of policy with respect to the maintaining and securing of public safety and public order as he may consider necessary and the Inspector-General shall comply with those directions or cause them to be complied with.

(4) Except as provided in subsection (3) of this section, the Inspector-General shall not be subject to the direction or control of any person or authority in the exercise of the powers conferred upon him by this section.

(5) The question whether any, and if so, what directions have been given under subsection (2) or (3) of this section shall not be enquired into in any court.

82. (1) There shall be a Director of Public Prosecutions, whose office shall be a public office.

Director
of Public
Prosecutions

(2) The Director of Public Prosecutions shall have power in any case in which he considers it desirable so to do—

(a) to institute and undertake criminal proceedings against any person before any court (other than a court-martial) in respect of any offence alleged to have been committed by that person;

(b) to take over and continue any such criminal proceedings that have been instituted or undertaken by any other person or authority; and

(c) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.

(3) The powers of the Director of Public Prosecutions under subsection (2) of this section may be exercised by him in person or by officers subordinate to him acting in accordance with his general or special instructions.

(4) The powers conferred on the Director of Public Prosecutions by paragraphs (b) and (c) of subsection (2) of this section shall be vested in him to the exclusion of any other person or authority:

Provided that where any other person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority and with the leave of the court.

(5) For the purposes of this section, any appeal from any judgment in any criminal proceedings before any court, or any case stated or question of law reserved (including any question referred under section 95 of this Constitution) for the purpose of any such proceedings, to any other court in Uganda or the court of appeal or to the Judicial Committee of Her Majesty's Privy Council shall be deemed to be part of those proceedings:

Provided that the power conferred on the Director of Public Prosecutions by paragraph (c) of subsection (2) of this section shall not be exercised in relation to any appeal by a person convicted in any criminal proceedings or to any case stated or question of law reserved at the instance of such a person.

(6) In the exercise of the powers conferred on him by this section, the Director of Public Prosecutions shall not be subject to the direction or control of any other person or authority.

Constitution
of offices.
No. 61 of
1963, s. 20.

83. Subject to the provisions of this Constitution and of any Act of Parliament, the President, acting on the advice of the Prime Minister, may constitute offices for Uganda, make appointments to any such office and terminate any such appointment.

Prerogative
of Mercy.

84. (1) The President may—

(a) grant to any person concerned in or convicted of any offence a pardon, either free or subject to lawful conditions;

(b) grant to any person a respite, either indefinite or for a specified period, of the execution of any punishment imposed on that person for any offence;

(c) substitute a less severe form of punishment for any punishment imposed on any person for any offence; or

(d) remit the whole or part of any punishment imposed on any person for an offence or of any penalty or forfeiture otherwise due to the Government of Uganda on account of any offence.

L.N. 269
of 1963.

(2) Subject to the provisions of subsection (3) of this section, the powers of the President under subsection (1) of this section shall be exercised by him acting in accordance with the advice of such Minister as may be designated in that behalf by the President, acting in accordance with the advice of the Prime Minister.

(3) In relation to persons convicted by courts-martial, the President, acting in accordance with the advice of the Prime Minister, may designate a Minister other than the Minister designated under subsection (2) of this section, and at any time when there is another Minister so designated the powers of the President under subsection (1) of this section shall, in relation to such persons, be exercised in accordance with the advice of that other Minister.

(4) Where any power conferred on the President by this section is exercised in respect of any punishment imposed upon any person by a court when it is administering justice in the name of the Ruler of the Kingdom of Ankole, the Kingdom of Bunyoro, the Kingdom of Toro or the Territory of Busoga in accordance with the provisions of this Constitution or any Act of Parliament, it shall be exercised in the name of the Ruler.

No. 61 of
1963, s. 21.

85. (1) There shall be an Advisory Committee on the Prerogative of Mercy which shall consist of—

Advisory
Committee
on
Prerogative
of Mercy.

(a) the Minister for the time being designated under section 84 (2) of this Constitution, who shall be chairman;

(b) the Attorney-General of Uganda; and

(c) not less than five nor more than seven other members appointed by the President, acting in accordance with the advice of the Prime Minister.

(2) A person shall not be qualified for appointment by the President as a member of the Advisory Committee if he is a member of the National Assembly, a member of the Legislative Assembly of a Federal State or a member of a Council of a District.

(3) A member of the Advisory Committee appointed by the President shall hold office for three years:

Provided that his seat on the Committee shall become vacant—

(a) if any circumstances arise that, if he were not a member of the Committee, would cause him to be disqualified for appointment as such; or

(b) if he is removed from office by the President, acting in accordance with the advice of the Prime Minister, for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

Functions of Advisory Committee.

86. (1) Where any person has been sentenced to death (otherwise than by a court-martial) for any offence, the Minister for the time being designated under section 84 (2) of this Constitution shall cause a written report of the case from the trial judge, together with such other information derived from the record of the case or elsewhere as he may require, to be considered at a meeting of the Advisory Committee; and after obtaining the advice of the Committee he shall decide in his own deliberate judgment whether to advise the President to exercise any of his powers under section 84 (1) of this Constitution.

(2) The Minister for the time being designated under section 84 (2) of this Constitution may consult with the Advisory Committee before tendering any advice to the President under that subsection but the Minister shall not be obliged to act in accordance with the advice of the Committee.

(3) The Advisory Committee may regulate its own procedure.

Kabaka's powers of commutation and remission.

87. The Kabaka may, in relation to any person who is serving a sentence of imprisonment imposed on him by any court of Buganda established by or under the Buganda Courts Ordinance, or any law amending or replacing that Ordinance, or substituted by competent authority for some other sentence imposed on him by such a court—

(a) substitute a less severe form of punishment for that sentence of imprisonment; or

(b) remit the whole or any part of that sentence, in such cases and subject to such conditions as may be prescribed by the President.

CHAPTER VIII.

ADMINISTRATIONS OF THE DISTRICTS.

Councils for Districts.

88. (1) There shall be a Council for each District, which shall have such functions in relation to the administration of the District as may be conferred upon it by any law.

(2) The Council of a District may by resolution make provision for its own membership:

Provided that of the members of each Council at least nine-tenths shall be elected in accordance with the provisions of this section.

(3) Subject to the provisions of subsection (4) of this section, those members of the Council of a District that are required by this section to be elected shall be elected in accordance with the laws

that apply in relation to the election of elected members of the National Assembly (which for that purpose shall have effect with such modifications, if any, as Parliament may prescribe) at elections—

(a) at which all persons who are for the time being registered as voters in the District for which the Council is established for the purposes of elections of elected members of the National Assembly are entitled to vote; and

(b) at which any person who is qualified to be a member of the Assembly is qualified to be elected to the Council.

(4) For the purpose of returning the elected members of the Council a District shall be divided into as many constituencies as there are elected members of the Council in such manner as the Council may, by resolution, determine:

Provided that the boundaries of the constituencies in a District shall be such that the number of persons entitled to vote in each of the constituencies in the District is, as nearly as is reasonably practicable, equal.

(5) A resolution of the Council of a District for the purpose of this section shall not be passed unless it has been supported by the votes of not less than two-thirds of all the members of the Council.

(6) References in this section to persons who are qualified for election to the National Assembly are references to persons who are qualified to be a member of the Assembly in accordance with the provisions of section 39 (a) of this Constitution and are not disqualified as such by the provisions of section 40 (1) of this Constitution.

89. (1) Parliament may make provision for establishing the office of constitutional head of a District, for the appointment of persons to that office, their tenure of office and their ceremonial functions or for authorising the Council of a District to make such provision.

Constitutional heads for Districts. No. 61 of 1963, s. 22.

(2) The constitutional head of a District shall assent to all legislative resolutions passed by the Council of the District and make such appointments to the office of any Chief or other officer of the District, as the Appointments Board of the District may recommend.

(3) Repealed (Act No. 61 of 1963, s. 22).

CHAPTER IX.

THE JUDICATURE.

PART 1.

The High Courts of Uganda and Buganda.

90. (1) There shall be a High Court for Uganda, which shall have such jurisdiction as may be conferred on it by this Constitution or any other law.

Establishment of High Court of Uganda.

(2) The judges of the High Court of Uganda shall be the Chief Justice and such number of other judges, not being less than six, (hereinafter referred to as "the puisne judges") as may be prescribed by Parliament:

Provided that the office of a puisne judge shall not be abolished while there is a substantive holder thereof.

(3) The High Court of Uganda shall be a superior court of record and, save as otherwise provided by Parliament, shall have all the powers of such a court.

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

No. 61 of
1963, s. 23.

(5) When sitting in the Kingdom of Ankole, the Kingdom of Bunyoro, the Kingdom of Toro or the Territory of Busoga, the High Court shall administer justice in the name of the Ruler of that Kingdom or Territory.

Appoint-
ment of
judges of
High Court
of Uganda.

91. (1) The Chief Justice shall be appointed by the President, acting in accordance with the advice of the Prime Minister.

(2) The puisne judges shall be appointed by the President, acting in accordance with the advice of the Judicial Service Commission.

(3) (a) A person shall not be qualified for appointment as a judge of the High Court of Uganda unless—

(i) he is, or has been, a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in the Republic of Ireland or a court having jurisdiction in appeals from any such court; or

(ii) he is entitled to practise as an advocate in such a court and has been entitled for not less than seven years to practise as an advocate in such a court.

(b) For the purposes of this subsection, a person shall be regarded as entitled to practise as an advocate if he has been called, enrolled or otherwise admitted as such (and has not subsequently been disbarred or removed from the roll of advocates) notwithstanding that—

(i) he holds or acts in any office the holder of which is, by reason of his office, precluded from practising in a court; or

(ii) he does not hold a practising certificate or has not satisfied any other like condition upon which he is permitted to practise.

(4) If the office of Chief Justice is vacant or if the Chief Justice is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of that office or until the person holding that office has resumed those functions, as the case may be, those functions shall be performed by

such one of the puisne judges as may be designated in that behalf by the President, acting in accordance with the advice of the Prime Minister.

(5) If the office of any puisne judge is vacant or if any such judge is appointed to act as Chief Justice or is for any reason unable to perform the functions of his office, or if the Chief Justice advises the President that the state of business in the High Court of Uganda so requires, the President, acting in accordance with the advice of the Judicial Service Commission, may appoint a person qualified for appointment as a judge of the High Court of Uganda to act as a puisne judge of that Court:

Provided that a person may act as a judge notwithstanding that he has attained the age prescribed for the purposes of section 92 (1) of this Constitution.

(6) Any person appointed under subsection (5) of this section to act as a puisne judge shall continue to act for the period of his appointment or, if no such period is specified, until his appointment is revoked by the President, acting in accordance with the advice of the Judicial Service Commission:

Provided that, notwithstanding the expiration of the period of his appointment or the revocation of his appointment, he may thereafter continue to act as puisne judge for so long as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him previously thereto.

(7) Whenever, after 9th October 1962, any person is appointed to hold the office of Chief Justice or of judge of the High Court of Uganda, the instrument appointing that person to that office shall state that the Rulers of the Kingdom of Ankole, the Kingdom of Bunyoro and the Kingdom of Toro have each, by virtue of the provisions of this subsection, appointed that person to administer justice in the Kingdom in the name of the Ruler.

(8) Where a court of appeal is established under section 96 (2) (a) of this Constitution, the Prime Minister shall, before tendering advice for the purposes of subsection (1) of this section, consult the President of that court.

92. (1) Subject to the provisions of this section, a person holding the office of a judge of the High Court of Uganda shall vacate that office on attaining the age of sixty-two years or such other age as may be prescribed by Parliament.

Tenure of office of judges of High Court of Uganda.

(2) Notwithstanding that he has attained the age at which he is required by the provisions of this section to vacate his office, a person

holding the office of a judge of the High Court of Uganda may continue in office for so long after attaining that age as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him before he attained that age.

(3) A judge of the High Court of Uganda may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of body or mind or from any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of this section.

No. 61 of
1963, s. 24.

(4) A judge of the High Court of Uganda shall be removed from office by the President if the question of his removal from office has been referred to a tribunal appointed under subsection (5) of this section and the tribunal has recommended to the President that he ought to be removed from office for inability as aforesaid or for misbehaviour.

No. 61 of
1963, s. 24.

(5) If the Prime Minister represents to the President that the question of removing a judge under this section ought to be investigated, then—

(a) the President, acting in accordance with the advice of the Prime Minister, shall appoint a tribunal, which shall consist of a chairman and not less than two other members, being persons who hold or have held office as a judge of a court having unlimited jurisdiction in civil or criminal matters in some part of the Commonwealth or in the Republic of Ireland or a court having jurisdiction in appeals from such a court; and

(b) that tribunal shall enquire into the matter and report on the facts thereof to the President and recommend to the President whether the judge ought to be removed under this section.

No. 61 of
1963, s. 24.

(6) If the question of removing a judge under this section has been referred to a tribunal under this section, the President, acting in accordance with the advice of the Prime Minister, may suspend the judge from performing the functions of his office and any such suspension may at any time be revoked by the President, acting in accordance with the advice of the Prime Minister, and shall in any case cease to have effect if the tribunal recommends to the President that the judge should not be removed.

(7) The provisions of this section shall be without prejudice to the provisions of section 91 (6) of this Constitution.

Oaths to be
taken by
judges of
High Court
of Uganda.

93. A judge of the High Court of Uganda shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and such oath for the due execution of his office as may be prescribed by Parliament.

94. (1) There shall be a High Court for Buganda which shall have within Buganda the same jurisdiction as the High Court of Uganda has within Buganda under this Constitution or any other law: High Court of Buganda.

Provided that the High Court of Buganda shall not have jurisdiction to determine any application or question falling to be determined by the High Court of Uganda under section 32, 49, 55 or 95 of this Constitution.

(2) (a) The Chief Justice and the other judges of the High Court of Uganda shall be the judges of the High Court of Buganda.

(b) Whenever, after 9th October 1962, any person is appointed to hold the office of Chief Justice or of judge of the High Court of Uganda, the instrument appointing that person to that office shall state that the Kabaka has, by virtue of the provisions of this section, appointed him to be a judge of the High Court of Buganda.

(3) The High Court of Buganda shall, in relation to the matters in respect of which it has jurisdiction, have the same powers as has the High Court of Uganda and shall observe the same practice and procedure as that High Court including the practice and procedure of that High Court with respect to use of the official language and the persons entitled to practise before that High Court.

(4) The Chief Justice may by rules of court make provision for the assignment of causes or matters in respect of which the High Court of Uganda and the High Court of Buganda have jurisdiction to one or other of those courts and for the transfer of any cause or matter from the High Court of Buganda to the High Court of Uganda or from the High Court of Uganda to the High Court of Buganda.

(5) The High Court of Buganda shall administer justice in the name of the Kabaka.

95. (1) Where any question as to the interpretation of this Constitution arises in any proceedings in any court of law in Uganda (other than the High Court of Uganda or the court of appeal or a court-martial) and the court is of opinion that the question involves a substantial question of law the court may, and shall if any party to the proceedings so requests, refer the question to the High Court of Uganda.

Questions of interpretation of Constitution.

(2) Where any question is referred to the High Court of Uganda in pursuance of this section the High Court shall give its decision upon the question and the court in which the question arose shall dispose of the case in accordance with that decision.

PART 2.

Appeals.

Appeals to
H.M. in
Council
and the
court of
appeal.

96. (1) An appeal shall lie as of right direct to Her Majesty in Council from final decisions of the High Court of Uganda on any question as to the interpretation of this Constitution:

Provided that if a court of appeal is established under subsection (2) of this section an appeal shall lie as of right—

(a) to the court of appeal from final decisions of the High Court of Uganda on the interpretation of the provisions of Chapter III of this Constitution;

(b) to Her Majesty in Council from final decisions of the court of appeal in any such appeal.

(2) Parliament may make provision—

(a) for the establishment of a court of appeal;

(b) for appeals to lie from decisions of the High Court of Uganda or the High Court of Buganda to the court of appeal in cases other than those mentioned in subsection (1) of this section; and

(c) for appeals in cases mentioned in paragraph (b) of this subsection to lie from the court of appeal to Her Majesty in Council.

(3) The provisions of this section shall be subject to the provisions of section 49 (3) of this Constitution.

PART 3.

Judicial Service Commission.

97. (1) There shall be a Judicial Service Commission for Uganda which shall consist of—

(a) the Chief Justice, who shall be chairman;

(b) a Minister designated by the Prime Minister or, if no Minister is so designated, the Attorney-General of Uganda;

(c) such puisne judge as may for the time being be designated in that behalf by the President, acting in accordance with the advice of the Prime Minister; and

(d) one other member who shall be appointed by the President, acting in accordance with the advice of the Prime Minister.

(2) The following provisions shall apply in relation to a member of the Judicial Service Commission appointed by the President—

(a) a person shall not be qualified for appointment as such unless he has the qualifications prescribed in section 91 (3) of this Constitution;

Judicial
Service
Commis-
sion.

No. 61 of
1963, s. 25.

(b) subject to the provisions of this subsection, a person appointed as such shall vacate his office at the expiration of four years from the date of his appointment; and

(c) a person appointed as such may be removed from office by the President, acting in accordance with the advice of the Prime Minister, but he may be removed only for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

98. (1) Subject to the provisions of this section, power to appoint persons to hold or act in offices to which this section applies (including power to confirm appointments), to exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office shall be vested in the Judicial Service Commission.

Appoint-
ment, etc.
of judicial
officers.
No. 61 of
1963, s. 26.

(2) If Parliament so provides, power to appoint persons to hold or act in an office referred to in subsection (5) (b) of this section shall vest in the Kabaka acting in accordance with the advice of the Judicial Service Commission.

(3) Where this section is applied to an office in pursuance of subsection (5) (d) of this section and that office relates to a court limited in its jurisdiction to a specified race, power to appoint persons to hold or act in that office (including power to confirm appointments), to exercise disciplinary control over persons holding or acting in such an office and to remove such persons from office shall vest in the President acting in accordance with the advice of the Prime Minister:

Provided that, as respects a court whose jurisdiction is limited to a particular Federal State, the powers conferred by this section shall be exercised in the name of the Ruler of the State.

(4) The functions of the President, the Prime Minister and the Judicial Service Commission under this section shall be discharged in accordance with such provision as may be made by Parliament for regulating and facilitating the discharge thereof.

(5) The offices to which this section applies are—

(a) the office of Registrar or Deputy Registrar of the High Court of Uganda;

(b) the office of Registrar or Deputy Registrar of the High Court of Buganda;

(c) the office of Senior Resident Magistrate or Resident Magistrate;

(d) such other offices of an officer empowered to preside in or to be a member of any court of law (other than the High Court of Uganda or the High Court of Buganda), and such offices connected with any such court, as may be prescribed by Parliament.

(6) References in this section to a court of law do not include references to the court of appeal, a court-martial or a court recognised or established for the Kingdom of Buganda by the Buganda Courts Ordinance.

CHAPTER X

FINANCE

PART 1

Public Funds of Uganda

Consolidated
Fund.

99. All revenues or other monies raised or received for the purposes of the government of Uganda (not being revenues or other monies that are payable by or under an Act of Parliament into some other fund established for a specific purpose or that may by or under an Act of Parliament be retained by the department of government that received them for the purpose of defraying the expenses of that department) shall be paid into and form one Consolidated Fund.

Withdrawals
from
Consolidated
Fund or
other public
funds.

100. (1) No monies shall be withdrawn from the Consolidated Fund except—

(a) to meet expenditure that is charged upon the Fund by this Constitution or by any Act of Parliament; or

(b) where the issue of those monies has been authorised by an Appropriation Act, by a supplementary estimate approved by resolution of the National Assembly or by an Act enacted in pursuance of section 102 of this Constitution.

(2) No monies shall be withdrawn from any public fund of Uganda other than the Consolidated Fund unless the issue of those monies has been authorised by or under any law.

(3) No monies shall be withdrawn from the Consolidated Fund unless such withdrawal has been approved by the Controller and Auditor-General and except in the manner prescribed by Parliament.

Authorisa-
tion of
expenditure.

101. (1) The Minister for the time being responsible for finance shall cause to be prepared and laid before the National Assembly in each financial year estimates of the revenues and expenditure of Uganda for the next following financial year.

(2) The heads of expenditure contained in the estimates (other than expenditure charged upon the Consolidated Fund by this Constitution or any Act of Parliament) shall be included in a bill to be known as an Appropriation bill which shall be introduced into the Assembly to provide for the issue from the Consolidated Fund of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.

(3) If in respect of any financial year it is found—

(a) that the amount appropriated by the Appropriation Act for any purpose is insufficient or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by that Act; or

(b) that any monies have been expended for any purpose in excess of the amount appropriated for that purpose by the Appropriation Act or for a purpose for which no amount has been appropriated by that Act,

a supplementary estimate showing the sums required or spent shall be laid before the National Assembly.

(4) Where in respect of any financial year a supplementary estimate or supplementary estimates have been approved by the National Assembly in accordance with the provisions of subsection (3) of this section a supplementary Appropriation bill shall be introduced into the Assembly in the financial year next following the financial year to which the estimates relate, providing for the appropriation of the sums so approved for the purposes specified in those estimates.

102. Parliament may make provision under which, if it appears to the Minister responsible for finance that the Appropriation Act in respect of any financial year will not come into operation by the beginning of that financial year, he may authorise the withdrawal of monies from the Consolidated Fund for the purpose of meeting expenditure necessary to carry on the services of the Government in respect of the period expiring four months from the beginning of that financial year or the coming into operation of the Act, whichever is the earlier.

Authorisation of expenditure in advance of appropriation.

103. (1) Parliament may make provision for the establishment of a Contingencies Fund and for authorising the Minister responsible for finance, if satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision exists, to make advances from that Fund to meet that need.

Contingencies Fund.

(2) Where any advance is made from the Contingencies Fund, a supplementary estimate shall be presented as soon as possible for the purpose of replacing the amount so advanced.

104. (1) There shall be paid to the holders of the offices to which this section applies such salary and such allowances as may be prescribed by Parliament.

Remuneration of certain officers.

(2) The salaries and any allowances payable to the holders of the offices to which this section applies shall be a charge on the Consolidated Fund.

(3) The salary payable to the holder of any office to which this section applies and his terms of office, other than allowances, shall not be altered to his disadvantage after his appointment.

(4) Where a person's salary or terms of office depend upon his option, the salary or terms for which he opts shall, for the purposes of subsection (3) of this section, be deemed to be more advantageous to him than any others for which he might have opted.

No. 61 of
1963, s. 27.

(5) This section applies to the offices of judge of the High Court of Uganda, member of the Electoral Commission, appointed member of the Judicial Service Commission, Director of Public Prosecutions, Controller and Auditor-General and Inspector-General of Police.

Public debt.

105. (1) The public debt of Uganda shall be a charge upon the Consolidated Fund and other public funds of Uganda.

(2) For the purposes of this section, the public debt includes the interest on that debt, sinking fund payments in respect of that debt and the costs, charges and expenses incidental to the management of that debt.

Controller
and
Auditor-
General.

106. (1) There shall be a Controller and Auditor-General for Uganda, whose office shall be a public office.

(2) The public accounts of Uganda and of all officers, courts and authorities of the Government of Uganda shall be audited and reported on by the Controller and Auditor-General and for that purpose the Controller and Auditor-General or any person authorised by him in that behalf shall have access to all books, records, returns and other documents relating to those accounts.

(3) The Controller and Auditor-General shall submit his reports to the Minister responsible for finance, who shall cause them to be laid before the National Assembly.

(4) In the exercise of his functions under this Constitution the Controller and Auditor-General shall not be subject to the direction or control of any other person or authority.

PART 2.

Financial Provision for the Federal States.

Payments to
Buganda.

107. (1) The Government of Uganda shall make payments to the Kabaka's Government in accordance with the provisions of the Agreement set out in Schedule 9 to this Constitution.

(2) The amounts required for making payments under this section shall be a charge on the Consolidated Fund.

108. (1) Subject to such terms and conditions as may be prescribed by Parliament, the Government of Uganda shall pay to the Government of each Federal State (other than the Kabaka's Government) an annual contribution towards the cost of services administered by the Government of that Federal State in pursuance of arrangements entered into under section 79 of this Constitution of such amount as the Government of Uganda, after consultation with that Government, may determine.

Payments to
Federal
States other
than
Buganda.

(2) The amounts required for the making of contributions under this section shall be a charge on the Consolidated Fund.

109. (1) Where by virtue of any provision of any law in force immediately before 9th October 1962 a Federal State has power to collect and retain the proceeds of any tax, that provision shall not be altered by or under any Act of Parliament to the disadvantage of that Federal State without the concurrence of the Government of that Federal State:

Existing
powers.

Provided that, for the purposes of this section, a provision shall not be regarded as having been altered to the disadvantage of a Federal State if—

(a) other provision is made in lieu of that provision that is not less favourable to the Federal State than was the former provision; or

(b) where the collection and retention of the proceeds of a tax by the Federal State is incidental to the administration of any service, or the performance of any other function, by the Federal State for the purposes of any law if provision is made under which the Federal State ceases to be entitled to collect and retain those proceeds upon its ceasing to administer that service or to perform that function, as the case may be.

(2) The provisions of subsection (1) of this section shall not apply to any provision of law empowering a Federal State to collect or retain tax in Kampala or in a town to which section 126 of this Constitution applies.

(3) In this section "tax" includes rate, rent, due, fee, fine, royalty or other revenue.

CHAPTER XI

THE PUBLIC SERVICE OF UGANDA

110. Repealed (Act No. 61 of 1963, s. 28).

Public
Service
Commis-
sion.

Appointment, etc. of public officers.
No. 61 of 1963, s. 29.

111. (1) Subject to the provisions of this Constitution, power to appoint persons to hold or act in any offices in the public service of Uganda (including power to confirm appointments), to exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office shall vest in the President acting in accordance with the advice of the Prime Minister.

(2) The provisions of this section shall not apply in relation to any of the following offices—

(a) the office of any judge of the High Court of Uganda;

(b) except for the purpose of making appointments thereto or to act therein, the offices of Director of Public Prosecutions, Controller and Auditor-General or Inspector-General of Police;

(c) any office to which section 98 of this Constitution (which relates to judicial offices) applies;

(d) any offices in the Uganda Police Force, not being above the rank of Inspector, to the extent that the Inspector-General of Police or some other officer of the Uganda Police Force is empowered by any law to exercise powers of appointment, disciplinary control or removal in respect of persons holding or acting in those offices.

(3) No person shall be appointed under this section to or to act in any office on the personal staff of the President except with the concurrence of the President.

(4) The functions of the President and the Prime Minister under this section shall be discharged in accordance with such provision as may be made by Parliament for regulating and facilitating the discharge thereof.

Qualifications of Director of Public Prosecutions

112. (1) A person shall not be qualified for appointment to hold or act in the office of Director of Public Prosecutions unless he is entitled to practise as an advocate or solicitor in a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in the Republic of Ireland or a court having jurisdiction in appeals from any such court, and has been entitled for not less than five years to practise as an advocate or solicitor in such a court.

(2) For the purposes of this section, a person shall be regarded as entitled to practise as an advocate or solicitor if he has been called, enrolled or otherwise admitted as such (and has not subsequently been disbarred or removed from the roll of advocates or solicitors) notwithstanding that—

(a) he holds or acts in any office the holder of which is, by reason of his office, precluded from practising in a court; or

(b) he does not hold a practising certificate or has not satisfied any other like condition upon which he is permitted to practise.

No. 61 of 1963, s. 30.

113. (1) The provisions of this section shall apply in relation to persons holding the office of Director of Public Prosecutions, Controller and Auditor-General or Inspector-General of Police.

Tenure of office of Director of Public Prosecutions, etc.

(2) Subject to the provisions of this section, a person to whom this section applies shall vacate his office when he attains the age of fifty-five or such other age as may be prescribed by Parliament.

(3) A person to whom this section applies may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of this section.

(4) A person to whom this section applies shall be removed from office by the President if the question of his removal from office has been referred to a tribunal appointed under subsection (5) of this section and the tribunal has recommended to the President that he ought to be removed from office for inability as aforesaid or for misbehaviour.

(5) If the Prime Minister represents to the President that the question of removing a person to whom this section applies ought to be investigated, then—

(a) the President, acting in accordance with the advice of the Prime Minister, shall appoint a tribunal, which shall consist of a chairman and not less than two other members, being persons who hold or have held office as a judge of a court having unlimited jurisdiction in civil or criminal matters in some part of the Commonwealth or in the Republic of Ireland or a court having jurisdiction in appeals from such a court; and

(b) that tribunal shall enquire into the matter and report on the facts thereof to the President and recommend to the President whether the person ought to be removed under this section.

(6) If the question of removing a person to whom this section applies has been referred to a tribunal under this section, the President, acting in accordance with the advice of the Prime Minister, may suspend the person from performing the functions of his office and any such suspension may at any time be revoked by the President, acting in accordance with the advice of the Prime Minister, and shall in any case cease to have effect if the tribunal recommends to the President that the person should not be removed.

114. Repealed (Act No. 61 of 1963, s. 31).

Principal representatives of Uganda abroad.

Appointment of permanent secretaries, etc.

Protection of pension rights.

115. Repealed (Act No. 61 of 1963, s. 31).

116. (1) The law applicable to any benefits to which this section applies shall, in relation to any person who has been granted or is or may become eligible for the grant of such benefits, be that in force at the relevant date or any later law that is not less favourable to that person.

(2) In this section "the relevant date" means—

(a) in relation to benefits granted before 9th October 1962, the date on which those benefits were granted;

(b) in relation to benefits granted or that may be granted after 9th October 1962 to or in respect of a person who was a public officer before that date, 8th October 1962; and

(c) in relation to any benefits granted or that may be granted in respect of any person who becomes a public officer after 9th October 1962, the date on which he becomes a public officer.

(3) Where a person is entitled to exercise an option as to which of two or more laws shall apply in his case, the law for which he opts shall, for the purposes of this section, be deemed to be more favourable to him than the other law or laws.

(4) Any benefits to which this section applies (to the extent that those benefits are not a charge upon some other public fund) shall be a charge on the Consolidated Fund.

(5) The benefits to which this section applies are any benefits payable under any law providing for the grant of any pensions, compensation, gratuities or other like allowances to persons in respect of their service as public officers or to the widows, children, dependants or personal representatives of such persons in respect of such service.

(6) References to the law applicable to any benefits to which this section applies include (without prejudice to their generality) references to any law regulating, for the purpose of determining whether any person is eligible for the grant of such benefits on his retirement from the public service of Uganda, the circumstances in which he is required or permitted to retire.

Power of appropriate authority in relation to pensions, etc.

No. 61 of 1963, s. 32.

117. (1) Where under any law any person or authority has a discretion—

(a) to decide whether or not any benefits to which this section applies shall be granted; or

(b) to withhold, reduce in amount or suspend any such benefits that have been granted,

those benefits shall be granted and may not be withheld, reduced in amount or suspended unless the appropriate authority concurs in the refusal to grant the benefits or, as the case may be, in the decision to withhold them, reduce them in amount or suspend them.

(2) Where the amount of any benefits to which this section applies that may be granted to any person is not fixed by law, the amount of the benefits to be granted to him shall be the greatest amount for which he is eligible unless the appropriate authority concurs in his being granted benefits of a smaller amount.

(3) The appropriate authority shall not concur under subsection (1) or subsection (2) of this section in action taken on the ground that any person who holds or has held the office of a judge of the High Court of Uganda, Director of Public Prosecutions, Controller and Auditor-General or Inspector-General of Police has been guilty of misbehaviour unless he has been removed from office by reason of such misbehaviour.

(4) In this section "appropriate authority" means—

(a) in the case of benefits for which any person may be eligible in respect of the service in the public service of a person who, immediately before he ceased to be a public officer, was subject to the disciplinary control of the Judicial Service Commission or that have been granted in respect of such service, the Judicial Service Commission; and

(b) in any other case, the President acting in accordance with the advice of the Prime Minister.

(5) This section applies to any benefits that are or may become payable under any law providing for the grant of pensions, compensation, gratuities or other like allowances to persons in respect of their services as public officers or to the widows, children, dependants or personal representatives of such persons in respect of such service.

CHAPTER XII

PUBLIC LAND

118. (1) There shall be—

(a) for Uganda, a Land Commission; and

(b) for each Federal State and each District, a Land Board.

(2) The Land Commission shall consist of not more than five members who shall be appointed by the President.

(3) The Land Board for the Kingdom of Buganda shall consist of not more than eight members who shall be appointed by the Kabaka, acting in accordance with the recommendation of the Kabaka's Council of Ministers.

Land
Commission
and Land
Boards.

(4) The Land Board for a Federal State (other than the Kingdom of Buganda) or a District shall consist of not more than eight members who shall be appointed—

(a) in the case of a Federal State or of a District having a constitutional head, by the Ruler or constitutional head of the State or District, acting in accordance with the recommendation of the Legislative Assembly of the State or Council of the District, signified by resolution;

(b) in the case of a District not having a constitutional head, by resolution of the Council of the District.

(5) A person shall not be qualified for appointment as a member of a Land Board unless he has such qualifications as may be prescribed by Parliament:

Provided that at least one member of a Land Board shall be appointed from amongst persons who are representatives of the traditional interests in land in the territory for which the Board is established.

(6) The office of a member of the Land Board shall become vacant—

(a) at the expiration of such period, after his appointment, as may be prescribed by or under any Act of Parliament;

(b) if any circumstances arise that would cause him to be disqualified for appointment under subsection (5) of this section; or

(c) in such other circumstances as Parliament may prescribe.

(7) The Land Commission shall hold and manage any land vested in it by any law or acquired by the Government of Uganda and shall have such other powers and duties as may be prescribed by Parliament.

(8) The Land Board of a Federal State or of a District shall hold and manage, for the benefit of the people of the State or District, any land vested in it by any law or acquired by the Government of the State or the Administration of the District, as the case may be, and shall have such other powers and duties as may be prescribed by Parliament or, in the case of the Land Board of the Kingdom of Buganda, by any law in force in that Kingdom.

(9) The functions of a Land Board of a Federal State shall be exercised on behalf of the Ruler and the functions of a Land Board of a District having a constitutional head shall, if the Council of the District so determine by resolution, be exercised by the Board on behalf of the constitutional head of the District.

(10) The provisions of subsections (7) and (8) of this section shall be without prejudice to the provisions of any law relating to—

(a) the compulsory acquisition or taking possession of any land;

(b) mines, minerals, forests or national parks; or

(c) the tenure, use or management of land.

(11) Subject to the provisions of this section, Parliament may make provision for the tenure of office of members and the procedure of the Land Commission or a Land Board and for regulating the Commission or a Board in the performance of its functions.

119. (1) If the Government of Uganda is satisfied that land in the Kingdom of Buganda is needed for the purposes of the Government of Uganda that Government may, subject to the provisions of subsection (2) of this section, require the Kabaka's Government—

Acquisition of land in Buganda by the Government of Uganda.

(a) if the land is vested in the Land Board of the Kingdom, to cause the Board to vest the land in the Land Commission or such other authority as may be specified by the Government of Uganda;

(b) if the land is not vested in the Land Board of the Kingdom, to cause it to be acquired by agreement or compulsorily and to be vested in the Land Commission or such other authority as may be specified by the Government of Uganda,

and it shall then be the duty of the Kabaka's Government to comply with that requirement.

(2) When land is needed by the Government of Uganda for a purpose other than a public purpose as referred to in the Land Acquisition Act, 1894^(a), as in force at the commencement of this Constitution, a requirement shall not be made unless the President has, after consultation with the Kabaka's Government, appointed an impartial person or persons recommended by the Judicial Service Commission to enquire into the proposed acquisition of the land and any such person or (if more than one) a majority of those persons has reported that the acquisition will be for the general economic benefit of Uganda.

(3) Where land is acquired in accordance with paragraph (a) of subsection (1) of this section the Government of Uganda shall pay to the Kabaka's Government the amount it would be liable to pay if the land had been acquired under the law for the time being in force relating to compulsory acquisition.

(4) Where any land in the Kingdom of Buganda vested in the Land Commission under the provisions of this section ceases to be required for the purposes of the Government of Uganda it shall revert to the Land Board of the Kingdom if the Kabaka's Government agrees to pay to the Government of Uganda an amount equal to the market value of the land.

(5) The provisions of this section shall be without prejudice to the provisions of any law relating to the compulsory taking possession of land.

120. References in this Chapter to land include references to any estate, interest or right in land.

Interpretation.

(a) Chapter 120, Revised Laws of Uganda, 1951.

CHAPTER XIII.

GENERAL AND MISCELLANEOUS.

The capital
of Uganda.

121. (1) Kampala shall be the capital of Uganda.

(2) The local government and other authorities established for the administration of Kampala shall be subject only to the direction and control of the Government of Uganda and its officers and authorities.

(3) (a) There shall be for the Municipality of Kampala a Joint Advisory Committee which shall consist of nine members of whom three shall be appointed by the President, three shall be appointed by the Kabaka's Government and three shall be appointed by the Municipal Council of Kampala.

(b) The Minister responsible for the local administration of Kampala may consult the Joint Advisory Committee in the exercise of his powers relating to Kampala but he shall not be obliged to act in accordance with the advice of the Committee.

(c) Parliament may make provision with respect to the tenure of office of members of the Joint Advisory Committee and its rules of procedure.

(4) The provisions of subsection (2) of this section shall not be construed as precluding a court of law from exercising jurisdiction in relation to any question whether a local government or other authority has performed any function under any law in accordance with that law.

Official
language.

122. The official language of the Government of Uganda shall be English.

Precedence
of Rulers
and constitu-
tional heads.
No. 61 of
1963, s. 33.

123. The Ruler of a Federal State and the constitutional head of a District shall take precedence over all persons in the State or District other than the President:

Provided that, in the case of a traditional ceremony relating only to a particular Federal State or District, the Ruler of the State or the constitutional head of the District, as the case may be, shall take precedence over all persons in the State or District.

Privileges
of Rulers
and constitu-
tional
heads.

No. 61 of
1963, s. 34.

124. (1) The following provisions shall apply in relation to the Ruler of a Federal State—

(a) the Ruler shall be exempt from direct personal taxation;

(b) subject to the provisions of subsection (2) of this section, the Ruler shall have the right to move freely throughout the State, the right to have access to Kampala and to Entebbe, the right to enter or leave Uganda and immunity from expulsion from Uganda;

(c) no civil proceedings shall be brought in any court against the Ruler in his personal capacity in respect of anything done or any obligation incurred after 8th October 1962;

(d) no property of the Ruler, held in his personal capacity, shall be compulsorily acquired or compulsorily taken possession of.

(2) If the Prime Minister advises the President that it is necessary in the interests of public safety and public order in Uganda, the President may require the Council of Ministers of a Federal State to make such recommendations to the Ruler with respect to the exercise by the Ruler of any of the rights mentioned in subsection (1) (b) of this section as he may specify, and if the Council of Ministers of the State fails to make, or the Ruler fails to comply with, those recommendations, such measures for restricting the exercise by the Ruler of any of his rights may be taken as are authorised by or under any law and are reasonably justifiable for the purpose of maintaining the public order and public safety of Uganda.

(3) The provisions of subsection (1) (a) of this section shall apply in relation to such person as may for the time being be designated by the Government of a Federal State as the consort of the Ruler as they apply in relation to the Ruler of the State and the provisions of subsection (1) (b) and subsection (2) of this section shall apply in relation to any person for the time being lawfully performing the functions of a Regent for the State as they apply in relation to the Ruler of the State.

(4) The provisions of this section shall be without prejudice to any rights guaranteed to the Ruler of a Federal State by the provisions of Chapter III of this Constitution.

(5) The reference in this section to the property of a Ruler of a Federal State held in his personal capacity includes a reference, in the case of the Kabaka, to land held by him on the tenure known as official mailo tenure.

(6) The provisions of this section shall apply to the constitutional head of a District as they apply to the Ruler of a Federal State, subject to the following modifications—

No. 61 of
1963, s. 34.

(a) the reference in subsection (1) (c) to 8th October 1962 shall be construed as a reference to the date immediately preceding the date of appointment of the constitutional head; and

(b) the reference to the Council of Ministers in subsection (2) shall be construed as a reference to the Secretary General or, where there is no Secretary General, the Chairman of the Council of the District.

Privileges of members of Legislative Assemblies and Councils.

125. The laws that apply in relation to the privileges and immunities of the members of the National Assembly while taking part in the proceedings of the Assembly shall apply in relation to the members of the Legislative Assembly of a Federal State and the members of a Council of a District whilst taking part in the proceedings of that Legislative Assembly or Council, as the case may be, and for that purpose shall have effect with such modifications as may be prescribed by Parliament.

Towns under central administration.

126. (1) The local government and other authorities established by law for the local administration of any town specified in Schedule 10 to this Constitution shall be subject only to the direction and control of the Government of Uganda or the officers or authorities of that Government.

(2) The provisions of this section shall cease to have effect in relation to Entebbe on 2nd November 1992, and in relation to Mubende and Njeru on such respective dates as may be agreed between the Government of Uganda and the Kabaka's Government.

(3) The provisions of subsection (1) of this section shall not be construed as precluding a court of law from exercising jurisdiction in relation to any question whether a local government or other authority has performed any function under any law in accordance with that law.

Local government councils in Federal States.

127. There shall be such local government councils in each Federal State (other than the Kingdom of Buganda) as may be established by the Legislature of that State in accordance with such provision as may be made in that behalf by any Act of Parliament:

Provided that Parliament may make provision under which local government councils may be established in any such Federal State at any time when the Legislature of that State has failed to make satisfactory provision for the State under this section.

Performance of functions of Com-missions.

128. (1) Any Commission established by this Constitution may, with the consent of the Prime Minister or such other Minister as may be authorised in that behalf, by regulation or otherwise regulate its own procedure or confer power or impose duties on any officer or authority of the Government of Uganda for the purpose of discharging its functions.

(2) Any decision of any Commission established by this Constitution shall require the concurrence of a majority of all the members

thereof and, subject as aforesaid, the Commission may act notwithstanding the absence of any member or, in the case of the Judicial Service Commission, any vacancy in the office of the appointed member.

(3) Subject to the provisions of this section, any Commission established by this Constitution may regulate its own procedure.

(4) This section shall be subject to the provisions of section 98 (4) of this Constitution (which enables Parliament to make provision for regulating and facilitating the discharge of the functions of the Judicial Service Commission). No. 61 of
1963, s. 35.

129. (1) Any person who is appointed or elected to any office established by this Constitution may resign from that office by writing under his hand addressed to the person or authority by whom he was appointed or elected: Resignations.

Provided that in the case of a person who holds office as Speaker or Deputy Speaker of the National Assembly his resignation from that office shall be addressed to the Assembly, and in the case of a member of the Assembly his resignation shall be addressed to the Speaker.

(2) The resignation of any person from any office established by this Constitution shall take effect when the writing signifying the resignation is received by the person or authority to whom it is addressed or by any person authorised by that person or authority to receive it.

(3) References in this section to an office do not include a reference to the office of the President or the Vice President. No. 61 of
1963, s. 36.

130. (1) Where any person has vacated any office established by this Constitution, he may, if qualified, again be appointed or elected to hold that office in accordance with the provisions of this Constitution. Reappointments and concurrent appointments.

(2) Where a power is conferred by this Constitution upon any person to make any appointment to any office, a person may be appointed to that office notwithstanding that some other person may be holding that office, when that other person is on leave of absence pending the relinquishment of the office; and where two or more persons are holding the same office by reason of an appointment made in pursuance of this subsection, then, for the purposes of any function conferred upon the holder of that office, the person last appointed shall be deemed to be the sole holder of the office.

(3) References in this section to an office do not include a reference to the office of the President or the Vice President. No. 61 of
1963, s. 37.

Interpre-
tation.

131. (1) In this Constitution, unless the context otherwise requires—

“Act of Parliament” means any law made by Parliament;

No. 61 of
1963, s. 38.

“the armed forces of Uganda” means the Uganda military forces for which provision is made by Parliament and any other armed forces of Uganda for which provision is so made;

“the Commonwealth” means any country to which section 13 of this Constitution applies, and any dependency of any such country;

“oath” includes affirmation;

“the oath of allegiance” means such oath of allegiance as may be prescribed by law;

“the court of appeal” means a court of appeal established under section 96 (2) of this Constitution;

“financial year” means the period of twelve months ending on 30th June in any year or such other day as Parliament may prescribe;

“Minister” means a Minister of the Government of Uganda;

“public office” means an office of emolument in the public service;

“public officer” means a person holding or acting in any public office;

No. 61 of
1963, s. 38.

“the public service” means, subject to the provisions of sub-sections (2) and (3) of this section, the service of the Government of Uganda in a civil capacity;

“session” means the sittings of the National Assembly beginning when it first meets after the prorogation or dissolution of Parliament at any time and ending when Parliament is prorogued or is dissolved without having been prorogued;

“sitting” means a period during which the National Assembly is sitting continuously without adjournment and includes any period during which it is in committee;

“territory” means a Federal State, a District or the Territory of Mbale.

(2) In this Constitution, unless the context otherwise requires, references to offices in the public service shall be construed as including references to the offices of judges of the High Court of Uganda and references to the offices of members of all other courts of law established by Parliament (other than courts-martial), being offices the emoluments attaching to which are paid directly out of monies provided by Parliament, and references to the offices of members of the Uganda Police Force.

(3) In this Constitution references to an office in the public service shall not be construed as including references to the office of the President, the Vice President, the Speaker or Deputy Speaker of

No. 61 of
1963, s. 38.

the National Assembly, the Prime Minister or other Minister, the Attorney-General of Uganda, Parliamentary Secretary, a member of the Assembly or a member of any Commission established by this Constitution.

(4) References in this Constitution to Kampala, Entebbe, Mubende or Njeru are references respectively to that part of the Kingdom of Buganda comprised within the Municipality of Kampala, the town of Entebbe, the town of Mubende or the town of Njeru, as delimited by or under the provisions of any law immediately before 9th October 1962 or as delimited after that date by an order made by the President with the consent of the Kabaka's Government.

(5) For the purposes of this Constitution, a person shall not be considered as holding a public office by reason only of the fact that he is in receipt of a pension or other like allowance in respect of service under the Government of Uganda.

No. 61 of
1963, s. 38.

(6) In this Constitution, unless the context otherwise requires, a reference to the holder of an office by the term designating his office shall be construed as including a reference to any person for the time being lawfully acting in or performing the functions of that office.

(7) References in this Constitution to the power to remove a public officer from his office shall be construed as including references to any power conferred by any law to require or permit that officer to retire from the public service:

Provided that—

(a) nothing in this subsection shall be construed as conferring on any person or authority power to require a judge of the High Court of Uganda, the Director of Public Prosecutions, the Controller and Auditor-General or the Inspector-General of Police to retire from the public service; and

(b) any power conferred by any law to permit a person to retire from the public service shall, in the case of any public officer who may be removed from office by some person or authority other than a Commission established by this Constitution, vest in the President acting in accordance with the advice of the Prime Minister.

No. 61 of
1963, s. 38.

(8) Any provision in this Constitution that vests in any person or authority power to remove any public officer from his office shall be without prejudice to the power of any person or authority to abolish any office or to any law providing for the compulsory retirement of public officers generally or any class of public officer on attaining an age specified therein.

(9) Where power is vested by this Constitution in any person or authority to appoint any person to act in or perform the functions

of any office if the holder thereof is himself unable to perform those functions, no such appointment shall be called in question on the ground that the holder of the office was not able to perform those functions.

(10) Where power is conferred upon the Government of Uganda to enter into any agreement with the Government of a Federal State for the purpose of any provision of this Constitution that agreement may, subject to that provision, be of such duration, whether limited or unlimited, as may be specified in the agreement.

(11) No provision of this Constitution that any person or authority shall not be subject to the direction or control of any other person or authority in the exercise of any functions under this Constitution shall be construed as precluding a court of law from exercising jurisdiction in relation to any question whether that person or authority has performed those functions in accordance with this Constitution or any other law.

(12) Where any power is conferred by this Constitution to make any order or rule, pass any resolution or give any direction, the power shall be construed as including the power, exercisable in like manner, to amend or revoke any such order, rule, resolution or direction.

(13) In this Constitution references to the alteration of any of the provisions of this Constitution, the Uganda Independence Act, 1962, or any Act of Parliament include references to the amendment, modification or re-enactment, with or without amendment or modification, of that provision, the suspension or repeal of that provision and the making of different provision in lieu of that provision.

(14) The Interpretation Act, 1889^(a) as in force on 9th October 1962, shall apply, with the necessary adaptations, for the purpose of interpreting this Constitution and otherwise in relation thereto as it applies for the purpose of interpreting and in relation to Acts of Parliament of the United Kingdom.

SCHEDULES 1 TO 6 OMITTED.

Section 74.

SCHEDULE 7 TO THE CONSTITUTION OF UGANDA.

PART I.

Matters with respect to which the Legislature of Buganda has exclusive power to make Laws.

1. The Kabakaship.
2. The powers, obligations and duties of the Kabaka as such.

(a) 52 and 53 Vict. c. 63.

3. The status of the Kabaka's Ministers as such and their powers, obligations and duties as such (other than those conferred by or under a law enacted by Parliament).

4. The public service of Buganda.

5. Matters incidental to the Lukiiko and other authorities established by the Constitution of Buganda.

6. Such taxation and matters relating thereto as may be agreed between the Kabaka's Government and the Government of Uganda.

7. The public debt of Buganda.

8. Buganda public holidays and festivals.

9. Traditional and customary matters relating to Buganda alone.

10. Such other matters (not being matters specified in Part II of this Schedule) as the National Assembly may, by resolution, designate as matters that are of primarily domestic concern to Buganda.

PART II.

Matters with respect to which Parliament has exclusive power to make Laws.

1. External affairs.

2. Extradition, fugitive offenders; admission into, and emigration and expulsion from Uganda.

3. Passports, visas; quarantine.

4. Defence, including—

(a) military and other armed forces, including visiting forces;

(b) enemy aliens and enemy property.

5. Internal security, including—

(a) the police forces;

(b) press censorship;

(c) importation, registration and licensing of firearms, ammunition and explosives.

6. The Penal and Criminal Procedure Codes.

7. Courts, other than courts dealing with Buganda clan cases, including—

(a) the jurisdiction, powers, practice, procedure and organisation of such courts;

(b) persons entitled to practise before the courts.

8. The public service of Uganda, including pensions, compensation, gratuities and conditions of service.

9. Finance, including—

(a) currency, legal tender and coinage;

(b) national savings and savings banks;

(c) external and internal loans (including loans for the purposes of the Kabaka's Government);

(d) banking, money-lending, pawnbrokers, control of credit;

(e) bills of exchange, cheques, promissory notes and other similar instruments;

(f) foreign exchange;

(g) capital issues, stock and commodity exchanges;

(h) insurance, building societies and investment trusts;

(i) taxation (other than that referred to in item 6 of Part I of this Schedule).

10. Medical, health and veterinary services, including the following—
- (a) mental treatment;
 - (b) poisons and dangerous drugs;
 - (c) control of diseases both human and animal.

11. Miscellaneous—

- (a) land registration;
- (b) civil aviation and aerodromes;
- (c) the regulation of trade and commerce with foreign countries and between Buganda and the rest of Uganda;
- (d) weights and measures;
- (e) professional qualifications.

12. Any other matter which, under any provision of the Constitution of Uganda (other than section 74 thereof) or of the Constitution of Buganda, may be provided for by any provision made by Parliament having the force of law in Buganda.

Section 75.

SCHEDULE 8 TO THE CONSTITUTION OF UGANDA.

Matters with respect to which the Legislature of a Federal State (other than the Kingdom of Buganda) has exclusive power to make Laws.

1. The office of the Ruler of the State.
2. The powers, obligations and duties of the Ruler of the State as such.
3. Public holidays and festivals of the State.
4. Traditional and customary matters relating to the State alone.
5. Such other matters as may be agreed between the Government of Uganda and the Government of the State.
6. Any other matter which, under any provision of the Constitution of Uganda (other than section 75 thereof) or of the Schedule mentioned in section 4 of that Constitution that has effect in the State, may be provided for by the Legislature of the State.

Section 107.

SCHEDULE 9 TO THE CONSTITUTION OF UGANDA.

AGREEMENT BETWEEN THE UGANDA AND BUGANDA
GOVERNMENT DELEGATIONS ON THE FINANCIAL
RELATIONSHIPS BETWEEN THE GOVERNMENT OF
UGANDA AND THE KABAKA'S GOVERNMENT.

1. The Delegations of the Central and Kabaka's Governments have agreed that Buganda's financial requirements, in addition to her independent sources of revenue (including graduated tax), and calculated on lines similar to the figures for local authorities block grants, should be provided as follows:—

- (a) fifty per cent. by assignment of certain revenues raised in Buganda (with minimum yield guaranteed)—it is intended that these should be from petrol and diesel duty and the items mentioned in paragraph 3 below; and

(b) fifty per cent. by an annual statutory contribution from general revenue (not to be reduced without consultation with the Kabaka's Government).

2. At intervals of from three to five years there will be a review of these arrangements, not only to consider the rate of annual statutory contribution, but also to consider—in the light of actual yields—whether there should be any change in the revenues selected for assignment.

3. Revenue from stamp duty on mailo transfers and from licences on powered two-wheeled vehicles will be included in the assignments above. As to the other recommendations in paragraph 67 of the Fiscal Commission's Report, it is now agreed that the Kabaka's Government should be able to levy entertainment tax on entertainments for which it is the licensing authority. The Buganda Delegation, however, reject the proposal that Buganda should raise revenue from the licensing of unpowered bicycles or unmanufactured "black" tobacco.

4. Additional sums which may be required in respect of further services for which the Kabaka's Government assumes financial responsibility will be made available by increasing the amount of the statutory contribution.

5. As, in accordance with its own wishes, the Kabaka's Government is excluded from the local authorities grant structure, it will not be eligible for deficiency or "catching up" grants, nor for grants to assist with the cost of salary increments.

SCHEDULE 10 TO THE CONSTITUTION OF UGANDA.

Section 126.

TOWNS UNDER CENTRAL ADMINISTRATION.

Arua.	Kabale.	Moroto.
Entebbe.	Kitgum.	Moyo.
Fort Portal.	Lira.	Mubende.
Gulu.	Masindi.	Njeru.
Hoima.	Mbale.	Soroti.
Jinja.	Mbarara.	Tororo.