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THE PARLIAMENTARY ELECTIONS ACT, 2001.

Section 5(4).

THE LOCAL GOVERNMENTS ACT, 1997.

Section 173.

NOTICE OF COMPLETION OF FORMAL EDUCATION OF ADVANCED LEVEL STANDARD EQUIVALENT

NOTICE IS HEREBY GIVEN that by virtue of the powers conferred upon the Uganda National Examinations Board under Section 5 (4) of the Parliamentary Elections Act, 2001,

ALEX JOSEPH APECU

is said to have completed formal education of University level standard.

ISSUED at Kampala this 7th day of June, 2002.

M. B. B. BUKENYA,
Acting Secretary,
Uganda National Examinations Board.

General Notice No. 176 of 2002.

THE ELECTORAL COMMISSION ACT, 1997.

Act No. 3 of 1997.

Section 25(1).

NOTICE.

APPOINTMENT OF DISPLAY PERIOD FOR THE CHAIRPERSON LOCAL GOVERNMENT COUNCIL ELECTIONS IN NEBBI DISTRICT.

NOTICE IS HEREBY GIVEN that in exercise of the powers conferred upon the Electoral Commission by section 25(1) of the Electoral Commission Act, No.1 of 1997, the period commencing 7th June 2002 and ending 16th June, 2002 is hereby appointed display period in preparation for the District Chairperson Local Council Election for Nebbi District.

ISSUED at Kampala, this 4th day of June, 2002.

AZIZ K. KASUJJA,
Chairman, Electoral Commission.

General Notice No. 177 of 2002.

THE LOCAL GOVERNMENTS ACT, 1997.

Act No. 1 of 1997.

Section 108.

NOTICE.

APPOINTMENT OF POLLING DAY IN THE ELECTORAL AREAS SPECIFIED IN THE NOTICE.

Notice is hereby given by the Electoral Commission that in exercise of the powers conferred upon the Electoral Commission by section 108 of the Local Governments Act, No. 1 of 1997, the 10th day of June, 2002 is hereby appointed polling day for the electoral areas specified in the Schedule to this Notice.

SCHEDULE.

<i>Electoral Area</i>	<i>Nature of Councillor</i>	<i>District</i>
Dwaniro	Direct Councillor	Kiboga
Agule	Direct Councillor	Pallisa
Mazimasa	Direct Councillor	Tororo
Mella	Direct Councillor	Tororo
Bukinda/Kamwezi	Woman Councillor	Kabale
Kagadi	Woman Councillor	Kibaale
Wakisi	Woman Councillor	Mukono
Kachonga/Mazimasa	Woman Councillor	Tororo
Kwapa/Mella	Woman Councillor	Tororo

ISSUED at Kampala this 4th day of June, 2002.

AZIZ K. KASUJJA,
Chairman, Electoral Commission.

General Notice No. 178 of 2002.

THE LOCAL GOVERNMENTS ACT, 1997.

Act No. 1 of 1997.

Section 120 (1).

NOTICE.

APPOINTMENT OF NOMINATION DAYS FOR THE DISTRICT CHAIRPERSON LOCAL GOVERNMENT COUNCIL ELECTIONS IN NEBBI DISTRICT.

NOTICE IS HEREBY GIVEN by the Electoral Commission that in accordance with section 120(1) of the Local Governments Act, No. 1 of 1997, the 11th day of June 2002 and 12th day of June, 2002 are hereby appointed nomination days for the District Chairperson Local Council Elections for Nebbi District.

Nominations shall be conducted at the office of the District Returning Officer from 10.00 a.m to 5.00 p.m on each of the appointed dates.

ISSUED at Kampala, this 4th day of June, 2002.

AZIZ K. KASUJJA,
Chairman, Electoral Commission.

General Notice No. 179 of 2002.

THE ADVOCATES ACT.

NOTICE.

APPLICATION FOR ENROLMENT OF ADVOCATE.

IT IS HEREBY NOTIFIED that a Petition has been presented to the Hon. the Chief Justice by Noel Christex Muhangi who is stated to be a holder of Bachelor of Laws Degree of Makerere University and a Diploma in Legal Practice awarded to him by the Law Development Centre, Kampala for entry of his name on the Roll of Advocates for Uganda.

Kampala,
31st May, 2002.

LAWRENCE GIDUDU,
for Chief Registrar.

General Notice No. 180 of 2002.

THE ADVOCATES ACT.

NOTICE.

APPLICATION FOR ENROLMENT OF ADVOCATE.

IT IS HEREBY NOTIFIED that a Petition has been presented to the Hon. the Chief Justice by Doroth Kwagala who is stated to be a holder of Bachelor of Laws Degree of Makerere University and a Diploma in Legal Practice awarded to her by the Law Development Centre, Kampala for entry of her name on the Roll of Advocates for Uganda.

Kampala,
29th May, 2002.

STEPHEN MUSOTA,
Acting Chief Registrar.

General Notice No. 181 of 2002.

THE ADVOCATES ACT.

NOTICE.

APPLICATION FOR ENROLMENT OF ADVOCATE.

IT IS HEREBY NOTIFIED that a Petition has been presented to the Hon. the Chief Justice by Badru Bwango who is stated to be a holder of Bachelor of Laws Degree of Makerere University and a Diploma in Legal Practice awarded to him by the Law Development Centre, Kampala for entry of his name on the Roll of Advocates for Uganda.

Kampala,
6th June, 2002.

STEPHEN MUSOTA,
Acting Chief Registrar.

General Notice No. 182 of 2002.

THE ADVOCATES ACT.

NOTICE.

APPLICATION FOR A CERTIFICATE OF ELIGIBILITY.

IT IS HEREBY NOTIFIED that an application has been presented to the Law Council by Tengo Jabavu Lubogo who is stated to be a holder of Bachelor of Laws of University of Dar-es-Salaam having been awarded a Degree on the 27th day of August, 1977 and to have been awarded a Diploma in Legal Practice by the Law Development Centre on the 21st day of January, 2000 for the issue of a Certificate of Eligibility for entry of his name on the Roll of Advocates for Uganda.

Kampala,
29th May, 2002.

JULIET NASSUNA (Ms.),
Acting Secretary, Law Council.

General Notice No. 183 of 2002.

THE ADVOCATES ACT.

NOTICE.

APPLICATION FOR A CERTIFICATE OF ELIGIBILITY.

IT IS HEREBY NOTIFIED that an application has been presented to the Law Council by Joanitta Nakimuli who is stated to be a holder of Bachelor of Laws of Makerere University having been awarded a Degree on the 8th day of October, 1999 and to have been awarded a Diploma in Legal Practice by the Law Development Centre on the 9th day of February, 2001 for the issue of a Certificate of Eligibility for entry of her name on the Roll of Advocates for Uganda.

Kampala,
8th May, 2002.

JULIET NASSUNA (Ms.),
Acting Secretary, Law Council.

General Notice No. 184 of 2002.

THE ADVOCATES ACT.

NOTICE.

APPLICATION FOR A CERTIFICATE OF ELIGIBILITY.

IT IS HEREBY NOTIFIED that an application has been presented to the Law Council by Mugarura Yosam who is stated to be a holder of Bachelor of Laws of Makerere University having been awarded a Degree on the 8th day of October, 1999 and to have been awarded a Diploma in Legal Practice by the Law Development Centre on the 31st day of May, 2002 for the issue of a Certificate of Eligibility for entry of his name on the Roll of Advocates for Uganda.

Kampala,
6th June, 2002.

JULIET NASSUNA (Ms.),
Acting Secretary, Law Council.

General Notice No. 185 of 2002.

THE ADVOCATES ACT.

NOTICE.

APPLICATION FOR A CERTIFICATE OF ELIGIBILITY.

IT IS HEREBY NOTIFIED that an application has been presented to the Law Council by Mulema Mukasa Richard who is stated to be a holder of Bachelor of Laws of Makerere University having been awarded a Degree on the 8th day of October, 1999 and to have been awarded a Diploma in Legal Practice by the Law Development Centre on the 31st day of May, 2002 for the issue of a Certificate of Eligibility for entry of his name on the Roll of Advocates for Uganda.

Kampala,
5th June, 2002.

JULIET NASSUNA (Ms.),
Acting Secretary, Law Council.

General Notice No. 186 of 2002.

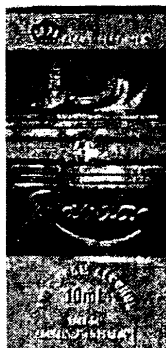
THE TRADE MARKS ACT.

(Cap. 83).

NOTICE.

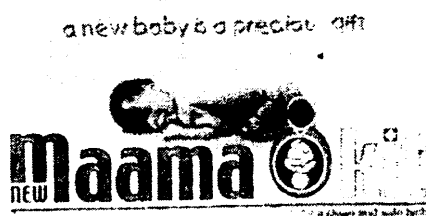
NOTICE IS HEREBY GIVEN that any person who has grounds to oppose the registration of any of the marks advertised herein may within sixty days from the date of this *Gazette*, lodge a Notice of opposition on Trade Mark Form No. 6 together with a fee of Shs. 4000 in case of National applicants or US\$ 250 in case of Foreign applicants. The period of lodging Notice of opposition may be extended in suitable cases by the Registrar as he thinks fit upon such terms as he may direct. Formal opposition should not be lodged until after reasonable notice has been given by letter to the applicant so that he may have an opportunity to withdraw his application before the expense of opposition proceedings is incurred. Failure to give such notice will be taken into account in considering any application by the opponent for an order for costs if the opposition is uncontested by the applicant. Representations of the marks herein advertised can be inspected at the office of the Registrar of Trade Marks, Parliamentary Buildings, P.O. Box 7151, Kampala.

- (21) APPLICATION No. 24883 IN PART "A".
 (52) Class 3.
 (54)



- (53)
 (59)
 (64)
 (57) *Nature of goods*—Perfumes.
 (73) *Name of applicant*—Seru Chemical Co. Ltd.
 (77) *Address*—P.O. Box 33833, Kampala.
 (74)
 (22) *Date of filing application*—30th May, 2002.

- (21) APPLICATION No. 24868 IN PART "A".
 (52) Class 10.
 (54)



- (53)
 (59)
 (64)
 (57) *Nature of goods*—Delivery kits.
 (73) *Name of applicant*—Population Services International.
 (77) *Address*—1120 19th Street, NW, Suite 600, Washington, DC 20036, U.S.A.
 (74)
 (22) *Date of filing application*—24th May, 2002.

- (21) APPLICATION No. 24869 IN PART "A".
 (52) Class 24.
 (54)



- (53)
 (59)
 (64)
 (57) *Nature of goods*—Mosquito nets.
 (73) *Name of applicant*—Population Services International.
 (77) *Address*—1120 19th Street, NW, Suite 600, Washington, DC 20036, U.S.A.
 (74)
 (22) *Date of filing application*—24th May, 2002.

- (21) APPLICATION No. 24867 IN PART "A".
 (52) Class 16.
 (54)



- (53)
 (59)
 (64)
 (57) *Nature of goods*—Paper and paper articles.
 (73) *Name of applicant*—Ireland Uganda Limited.
 (77) *Address*—P.O. Box 25302, Kampala.
 (74)
 (22) *Date of filing application*—23rd May, 2002.
 Kampala, RITA BBANGA-BUKENYA (MRS.),
 30th May, 2002. Assistant Registrar of Trade Marks.

ADVERTISEMENTS

THE REGISTRATION OF TITLES ACT, 1964. (Cap. 205). NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyaggwe Block 111 Plot 9, Area 3.65 Hectares at Mawoto.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Erika Kakembo of Mawoto Kyaggwe, a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Mukono, SARAH KULATA-BASANGWA,
 20th May, 2002. for Chief Registrar of Titles.

THE REGISTRATION OF TITLES ACT, 1964. (Cap. 205). NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 250 Plot 343, Area 0.28 Acres at Bunga Hill.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Francis Xavier Kabwama, of P.O. Box 15225, Kampala, a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Kampala, OPIO ROBERT,
 29th January, 2002. for Chief Registrar of Titles.

THE REGISTRATION OF TITLES ACT, 1964. (Cap. 205). NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Leasehold Register—Volume 2749 Folio 12, Plot No. 1842, Kyadondo Block 15, Kampala.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Mary Birungi Baguma P.O. Box 7059, Kampala, a special Certificate of Title under the above Volume and Folio, the Certificate of Title which was originally issued having been lost.

Kampala, EDWARD KARIBWENDE,
 6th June, 2002. for Chief Registrar of Titles.

THE REGISTRATION OF TITLES ACT, 1964.

(Cap. 205).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Leasehold Register—Volume 590 Folio 18, Plot No. 42 Main Street, Hoima.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Yowasi T. Kasaganki, Kezironi T. Rugongeza and Yofesi T. Kyomya all of P.O. Box 113, Hoima, a special Certificate of Title under the above Volume and Folio, the Certificate of Title which was originally issued having been lost.

Kampala,
23rd May, 2002.

ROBERT NYOMBI
for Chief Registrar of Titles

THE REGISTRATION OF TITLES ACT, 1964.

(Cap. 205).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Leasehold Register—Volume 633 Folio 1, Plot No. 4 at Kisangi in Mwenge County.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Ian Bruce Spurr of P.O. Box 181, Kilembe, a special Certificate of Title under the above Volume and Folio, the Certificate of Title which was originally issued having been lost.

Kampala,
30th May, 2002.

ROBERT V. NYOMBI,
for Chief Registrar of Titles.

THE REGISTRATION OF TITLES ACT, 1964.

(Cap. 205).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Freehold Register—Volume 206 Folio 7, Plots 19/23 at Hamu Road, Kampala.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Uganda Posts and Telecommunications Corporation of P.O. Box 7171, Kampala, a special Certificate of Title under the above Volume and Folio, the Certificate of Title which was originally issued having been lost.

Kampala,
14th May, 2002.

EDWARD KARIBWENDE,
for Chief Registrar of Titles.

THE REGISTRATION OF TITLES ACT, 1964.

(Cap. 205).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Freehold Register—Burahya Block III, Plot 22, Area 12.0 Hectares at Kadali, Omutwanga, Burahya, Kabarole.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Eva Nyakato Musinguzi of P.O. Box 31115, Kampala, a special Certificate of Title under the above Block and Plot, the duplicate Certificate of Title which was originally issued having been lost.

Fort-Portal,
20th May, 2002.

G.K MPAKA,
for Chief Registrar of Titles.

THE REGISTRATION OF TITLES ACT, 1964.

(Cap. 205).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kibuga Block 29 Plot 1437, Area 0.105 Hectares at Mulago.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Rwamo-Butsya B. of P.O. Box 1370, Mbarara, a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Kampala,
23rd April, 2002.

OPIO ROBERT,
for Chief Registrar of Titles.

THE REGISTRATION OF TITLES ACT, 1964.

(Cap. 205).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kibuga Block 5 Plot 602, Area 0.45 Hectares at Mulago.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Amosi Kalule Sempa, a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Kampala,
24th May, 2002.

OPIO ROBERT,
for Chief Registrar of Titles.

IN THE HIGH COURT OF UGANDA
HOLDEN AT KAMPALA.

ADMINISTRATION CAUSE No. 205 OF 2002.

In the Matter of the Estate of the Late Joy Connie Nakubulwa
Kiwanuka of Kasanga-Kampala District
and

In the Matter of an application for Letters of Administration
by Julia Kiwanuka, daughter of the deceased.

NOTICE OF APPLICATION

TO WHOM IT MAY CONCERN

TAKE NOTICE that an application for Letters of Administration to the estate of the late Joy Connie Nakubulwa Kiwanuka has been lodged in this Court by Julia Kiwanuka, daughter of the deceased.

This court will proceed to grant the same if no caveat is lodged with this Court within fourteen days from the date of publication of this notice unless cause be shown to the contrary.

Dated at Kampala this 25th day of February, 2002.

E.O KISAWUZI,
Registrar.

ACTS SUPPLEMENT

to The Uganda Gazette No. 33 Volume XCV dated 7th June, 2002.

Printed by UPPC, Entebbe, by Order of the Government.

Act 14

Anti-Terrorism Act

SEC. 2 AMENDED
BY ACT 9, 2015

2002

THE ANTI-TERRORISM ACT, 2002.

ARRANGEMENT OF SECTIONS.

Section.

PART I—PRELIMINARY.

1. Short title.
2. Interpretation.

LAW DEVELOPMENT
REFERENCE LIBRARY

PART II—GENERAL.

3. Consent of DPP required for Prosecution.
4. Extraterritorial jurisdiction of Uganda courts in relation to offences under this Act.
5. Terrorism extraditable.
6. Certain offences under this Act triable and bailable only by High Court.

PART III—TERRORISM AND RELATED OFFENCES.

7. The offence of terrorism.
8. Aiding and abetting terrorism *etc.*
9. Establishment of terrorist institutions.

SEC. 7 AMENDED
BY ACT 9/2015

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10. Terrorist organisations.
11. Membership, support and meetings *etc.*

PART V—FINANCIAL ASSISTANCE FOR TERRORISM.

12. Contributions towards acts of terrorism.
13. Contributions to resources of terrorism organisations.
14. Assisting in retention or control of terrorism funds.
15. Disclosure of information about terrorist funds.
16. Penalties and forfeiture.

Section.

PART VI—TERRORIST INVESTIGATIONS.

17. Terrorist investigations.

PART VII—INTERCEPTION OF COMMUNICATIONS
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19. Powers of authorised officer.
20. Obstructing authorised officer.
21. Offences by authorised officer.
22. Things obtained from interception, surveillance admissible in evidence.

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31. Power of Minister to amend First Schedule.
32. Protection for persons acting under this Act.
33. Consequential amendment of Penal Code.

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FIRST SCHEDULE

Currency Point.

SECOND SCHEDULE

Terrorist Organisations.

THIRD SCHEDULE

Information and Investigations Relating to Terrorism, etc.

LAW DEVELOPMENT CENTRE
REFERENCE LIBRARY
LAW DEVELOPMENT CENTRE
REFERENCE LIBRARY

THE ANTI-TERRORISM ACT, 2002.

An Act to suppress acts of terrorism, to provide for the punishment of persons who plan, instigate, support, finance or execute acts of terrorism; to prescribe terrorist organisations and to provide for the punishment of persons who are members of, or who profess in public to be members of, or who convene or attend meetings of, or who support or finance or facilitate the activities of terrorist organisations; to provide for investigation of acts of terrorism and obtaining information in respect of such acts including the authorising of the interception of the correspondence of and the surveillance of persons suspected to be planning or to be involved in acts of terrorism; and to provide for other connected matters.

DATE OF ASSENT: 21st May, 2002.

Date of commencement: 7th June, 2002.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.

1. This Act may be cited as the Anti-Terrorism Act, 2002. Short tit.
2. In this Act, unless the context otherwise requires—Inter-pretation
 - “aircraft” includes a hovercraft;
 - “alarm” for the purposes of the definition of “terrorism” means bodily hurt, or apprehension of bodily hurt, disease or disorder, whether permanent or temporary;

SEC. 2 AMENDED
BY ACT 9, 2015

"authorised officer" means a security officer designated by the Minister under section 18;

"currency point" has the meaning assigned to it in the First Schedule;

"explosive or other lethal device" means—

(a) an explosive or incendiary weapon or device that is designed, or has the capability to cause death, serious bodily injury or substantial material damage; or

(b) a weapon or device that is designed, or has the capability, to cause death, serious bodily injury or substantial material damage through the release, dissemination or impact of toxic chemicals, biological agents or toxins or similar substances or radiation or radioactive material;

"infrastructure facility" means any publicly or privately owned facility providing or distributing services for the benefit of the public, such as water, sewage, energy, fuel or communications;

"Minister" means the Minister responsible for internal affairs;

"place of public use" means those parts of any building, land, street, waterway or other location that are accessible or open to members of the public, whether continuously, periodically or occasionally, and encompasses any commercial, business, cultural, historical, educational, religious, government, entertainment, recreational or similar place that is accessible or open to the public;

"premises" includes any place and in particular includes—

(a) any vehicle, vessel or aircraft;

(b) any tent or moveable structure;

"property" includes property wherever situated and whether moveable or immovable and things in action;

"security officer" means a member of the Uganda Peoples' Defence Forces, the Uganda Police Force or of a Security Organisation under the Security Organisations Statute 1987;

Statute No.
10 of 1987.

"ship" includes every description of vessel used in navigation;

"State or government facility" includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a State, members of Government, the legislature or the judiciary or by officials or employees of the State or any other public authority or entity or by employees or officials of an intergovernmental organisation in connection with their official duties;

"terrorism" has the meaning assigned to it in section 7;

"terrorist organisation" means an organisation specified in the Second Schedule;

"vessel" includes every description of vessel or ship used in navigation;

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PART II—GENERAL.

3. No person shall be prosecuted for an offence under this Act except with the consent of the Director of Public Prosecutions.

Consent of
DPP
required for
prosecution.

4. (1) The courts of Uganda shall have jurisdiction to try any offence prescribed by this Act, wherever committed, if the offence is committed—

Territorial
jurisdiction
of Uganda
courts in
relation to
offences
under this
Act.

(a) in Uganda; or

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(b) outside Uganda—

- (i) on board a vessel flying the Uganda flag or an aircraft which is registered under the laws of Uganda at the time the offence is committed;
- (ii) on board an aircraft, which is operated by the Government of Uganda, or by a body in which the government of Uganda holds a controlling interest, or which is owned by a company incorporated in Uganda; or
- (iii) by a citizen of Uganda or by a person ordinarily resident in Uganda;
- (iv) against a citizen of Uganda;
- (v) against a State or government facility of Uganda including an embassy or other diplomatic or consular premises of Uganda;
- (vi) by a stateless person who has his or her habitual residence in Uganda;
- (vii) in an attempt to compel Uganda or the Government of Uganda to do or abstain from doing any act;
- (viii) by any person who has for the time being present in Uganda;
- (ix) on the property of any person.

(2) Offences committed outside Uganda to which this section applies, shall be dealt with as if committed in Uganda.

terrorism
traditible.

5. (1) Notwithstanding any law to the contrary, none of the offences prescribed by this Act shall be regarded for the purposes of extradition or mutual legal assistance, as a political offence or as an offence inspired by political motives.

(2) A request for extradition or for mutual legal assistance where an arrangement for extradition or mutual assistance exists between Uganda and another country, based on an offence referred to in subsection (1), may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

6. The offence of terrorism and any other offence punishable by more than ten years imprisonment under this Act is triable only by the High Court and bail in respect of those offences may be granted only by the High Court.

Certain offences under this Act triable and bailable only by High Court.

PART III—TERRORISM AND RELATED OFFENCES.

7. (1) Subject to this Act, any person who engages in or carries out any act of terrorism commits an offence and shall, on conviction—

The offence of terrorism.

SEC. 7 AMENDED
SEE ACT 9/2015

(a) be sentenced to death if the offence directly results in the death of any person;

(b) in any other case, be liable to suffer death.

(2) A person commits an act of terrorism who, for purposes of influencing the Government or intimidating the public or a section of the public and for a political, religious, social or economic aim, indiscriminately without due regard to the safety of others or property, carries out all or any of the following acts—

(a) intentional and unlawful manufacture, delivery, placement, discharge or detonation of an explosive or other lethal device, whether attempted or actual, in, into or against a place of public use, a State or Government facility, a public transportation system or an infrastructure facility, with the intent to cause death or serious bodily injury, or extensive destruction likely to or actually resulting in major economic loss;

- (b) direct involvement or complicity in the murder, kidnapping, maiming or attack, whether actual, attempted or threatened, on a person or groups of persons, in public or private institutions;
- (c) direct involvement or complicity in the murder, kidnapping, abducting, maiming or attack, whether actual, attempted or threatened on the person, official premises, private accommodation or means of transport or diplomatic agents or other internationally protected persons;
- (d) intentional and unlawful provision or collection of funds, whether attempted or actual, with the intention or knowledge that any part of the funds may be used to carry out any of the terrorist activities under this Act;
- (e) direct involvement or complicity in the seizure, detention of, and threat to kill, injure or continue to detain a hostage, whether actual or attempted, order to compel a State, an international intergovernmental organisation, a person or group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of a hostage;
- (f) unlawful seizure of an aircraft or public transport, the hijacking of passengers or group of persons for ransom;
- (g) serious interference with or disruption of an electronic system;
- (h) unlawful importation, sale, making, manufacture, distribution of any firearms, explosives, ammunition or bomb;

- (i) intentional development or production or use of, or complicity in the development or production or use of a biological weapon;
- (j) unlawful possession of explosives, ammunition, bomb or any materials for making of any of the foregoing.

8. Any person who aids or abets or finances or harbours, or renders support to any person, knowing or having reason to believe that the support will be applied or used for or in connection with the preparation or commission or instigation of acts of terrorism, commits an offence and shall, on conviction, be liable to suffer death.

Aiding and
abetting
terrorism
etc.

9. (1) Any person who establishes, runs or supports any institution for—

Establish-
ment of
terrorist
institutions.

(a) promoting terrorism;

AW DEVELOPMENT
REFERENCE LIBRARY

(b) publishing and disseminating news or materials that promote terrorism; or

(c) training or mobilising any group of persons or recruiting persons for carrying out terrorism or mobilising funds for the purpose of terrorism;

commits an offence and shall be liable on conviction, to suffer death.

(2) Any person who, without establishing or running an institution for the purpose, trains any person for carrying out terrorism, publishes or disseminates materials that promote terrorism, commits an offence and shall be liable on conviction, to suffer death.

PART IV—TERRORIST ORGANISATIONS.

10. (1) The organisations specified in the Second Schedule are declared to be terrorist organisations and any organisation which passes under a name mentioned in that Schedule shall be treated as a terrorist organisation whatever relationship (if any) it has, to any other organisation bearing the same name.

Terrorist
organisa-
tions.

(2) The Minister may, by statutory instrument, made with the approval of the Cabinet, amend the Second Schedule.

(3) An instrument made under subsection (2) shall be laid before Parliament within fourteen days after being published in the *Gazette* and may be annulled by Parliament by resolution within twenty-one days after being laid; but any annulment under this subsection shall not affect the previous operation of the instrument.

(4) Any period specified in subsection (3) shall only run when Parliament is sitting.

(5) The Minister may, by statutory instrument—

- (a) declare any terrorist organisation dissolved;
- (b) provide for the winding up of the terrorist organisation; and
- (c) provide for the forfeiture to the State of the property and assets of the terrorist organisation.

(6) In this section "organisation" includes any association or combination of persons.

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11. (1) A person who—

- (a) belongs or professes to belong to a terrorist organisation;
- (b) solicits or invites support for a terrorist organisation, other than support with money or other property; or
- (c) willfully arranges or assist in the arrangement of a meeting to be addressed by a person belonging or professing to belong to a terrorist organisation or addresses any meeting (whether or not it is a meeting to which the public are admitted) knowing that the meeting is—

(i) to support a terrorist organisation;

(ii) to further the activities of a terrorist organisation;

commits an offence.

(2) For the avoidance of doubt, paragraph (c) of subsection (1) shall not apply to a person who arranges or assists in the arrangement or management of a meeting to be addressed by, or who addresses any meeting with a person or persons belonging or professing to belong to a terrorist organisation for purposes of negotiating peace.

(3) A person who commits an offence under subsection (1) is liable, on conviction, to imprisonment not exceeding ten years or a fine not exceeding five hundred currency points, or both.

PART V—FINANCIAL ASSISTANCE FOR TERRORISM.

12. (1) A person who—

(a) solicits or invites any other person to give, lend or otherwise make available, whether for consideration or not, any money or other property; or

(b) receives or accepts from any other person, whether for consideration or not, any money or other property,

intending that it shall be applied or used for the commission of, or in furtherance of or in connection with acts of terrorism, or having reasonable cause to suspect that it may be so used or applied, commits an offence.

(2) A person who—

(a) gives, lends or otherwise makes available to any other person, whether for consideration or not, any money or other property; or

Contributions
towards acts
of terrorism

(2) The Minister may, by statutory instrument, made with the approval of the Cabinet, amend the Second Schedule.

(3) An instrument made under subsection (2) shall be laid before Parliament within fourteen days after being published in the *Gazette* and may be annulled by Parliament by resolution within twenty-one days after being laid; but any annulment under this subsection shall not affect the previous operation of the instrument.

(4) Any period specified in subsection (3) shall only run when Parliament is sitting.

(5) The Minister may, by statutory instrument—

(a) declare any terrorist organisation dissolved;

(b) provide for the winding up of the terrorist organisation; and

(c) provide for the forfeiture to the State of the property and assets of the terrorist organisation.

(6) In this section "organisation" includes any association or combination of persons.

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11. (1) A person who—

(a) belongs or professes to belong to a terrorist organisation;

(b) solicits or invites support for a terrorist organisation, other than support with money or other property; or

(c) wilfully arranges or assist in the arrangement of a meeting to be addressed by a person belonging or professing to belong to a terrorist organisation or addresses any meeting (whether or not it is a meeting to which the public are admitted) knowing that the meeting is—

(i) to support a terrorist organisation;

(ii) to further the activities of a terrorist organisation;

commits an offence.

(2) For the avoidance of doubt, paragraph (c) of subsection (1) shall not apply to a person who arranges or assists in the arrangement or management of a meeting to be addressed by, or who addresses any meeting with a person or persons belonging or professing to belong to a terrorist organisation for purposes of negotiating peace.

(3) A person who commits an offence under subsection (1) is liable, on conviction, to imprisonment not exceeding ten years or a fine not exceeding five hundred currency points, or both.

PART V—FINANCIAL ASSISTANCE FOR TERRORISM.

12. (1) A person who—

(a) solicits or invites any other person to give, lend or otherwise make available, whether for consideration or not, any money or other property; or

(b) receives or accepts from any other person, whether for consideration or not, any money or other property,

intending that it shall be applied or used for the commission of, or in furtherance of or in connection with acts of terrorism, or having reasonable cause to suspect that it may be so used or applied, commits an offence.

(2) A person who—

(a) gives, lends or otherwise makes available to any other person, whether for consideration or not, any money or other property; or

- (b) enters into or is otherwise concerned in an arrangement by which money or other property is or is to be made available to another person,

knowing or having reasonable cause to suspect that it will or may be applied or used as mentioned in subsection (1), commits an offence.

Contributions to resources of terrorist organisations.

13. Any person who wilfully and knowingly—

- (a) solicits or invites any other person to give, lend or otherwise make available, whether for consideration or not, any money or other property for the benefit of a terrorist organisation;

- (b) gives, lends or otherwise makes available or receives or accepts, whether for consideration or not, any money or other property for the benefit of a terrorist organisation; or

- (c) enters into or is otherwise concerned in an arrangement by which money or other property is or is to be made available for the benefit of a terrorist organisation,

commits an offence.

Assisting in retention or control of terrorism funds.

14. (1) A person who enters into or is otherwise concerned in an arrangement by which the retention or control by or on behalf of another person of terrorist funds is facilitated, whether by concealment, removal from Uganda, transfer to nominees or otherwise, commits an offence.

(2) In proceedings against a person for an offence under this section, it is a defence to prove that that person did not know and had no reasonable cause to suspect that the arrangement related to terrorist funds.

(3) In this section and in section 15, "terrorist funds" means—

(a) funds which may be applied or used for the commission of, or in furtherance of, or in connection with acts of terrorism;

(b) the proceeds of the commission of acts of terrorism or of activities engaged in furtherance of or in connection with such acts; and

(c) the resources of a terrorist organisation.

(4) Paragraph (b) of subsection (3) includes any property which, in whole or in part, directly or indirectly represents such proceeds as are mentioned in that paragraph; and paragraph (c) of that subsection includes any money or other property which is, or is to be applied or made available for the benefit of a terrorist organisation.

15. (1) A person may, notwithstanding any restriction on the disclosure of information imposed by contract or law, disclose to the Director of Public Prosecutions or a police officer or other public officer authorised in writing by the Director of Public Prosecutions, a suspicion or belief that any money or other property is or is derived from terrorist funds or any matter on which such a suspicion or belief is based.

Disclosur
of
informati
about
terrorist
funds.

(2) A person who enters into or is otherwise concerned in any such transaction or arrangement as is mentioned in section 12, 13 and 14 does not commit an offence under that section if he or she is acting with the express consent of a police officer or other public officer authorised in writing by the Director of Public Prosecution or if—

(a) he or she discloses to the Director of Public Prosecutions or a police officer or other public officer authorised in writing by the Director of Public Prosecutions, his or her suspicion or belief that the money or other property concerned is or is derived from terrorist funds or any matter on which the suspicion or belief is based; and

- (b) the disclosure is made after he or she enters into or otherwise becomes concerned in the transaction or arrangement in question but is made on his or her own initiative and as soon as it is reasonable for him or her to make it,

but paragraphs (a) and (b) of this subsection do not apply in a case where, having disclosed any such suspicion, belief or matter to the Director of Public Prosecutions or a police officer or other public officer authorised in writing by the Director of Public Prosecutions and having been forbidden by any such person to enter into or otherwise be concerned in the transaction or arrangement in question, he or she nevertheless does so.

(3) In proceedings against a person for an offence under section 12 (1)(b) or 12(2), 13 (b) or (c) or 14, it is a defence to prove—

- (a) that the accused person intended to disclose to the Director of Public Prosecutions or a police officer or other public officer authorised in writing by the Director of Public Prosecutions, such a suspicion, belief or matter as is mentioned in subsection (2)(a); and
- (b) that there is a reasonable excuse for his or her failure to make the disclosure as mentioned in subsection (2)(b).

Penalties
and
forfeiture.

16. (1) A person who commits an offence under section 12, 13 or 14, is liable, on conviction, to imprisonment not exceeding ten years or a fine not exceeding five hundred currency points, or both.

(2) Subject to this section, the court by or before which a person is convicted of an offence under section 12 (1) or 12 (2)(a) may order the forfeiture of any money or other property—

- (a) which, at the time of the offence, the accused person had in his or her possession or under his or her control; and

(b) which, at that time—

(i) in the case of an offence under subsection (1) of section 12, he or she intended should be applied or used, or had reasonable cause to suspect might be applied or used, as mentioned in that subsection;

(ii) in the case of an offence under subsection (2)(a) of section 12 he or she knew or had reasonable cause to suspect would or might be applied or used as mentioned in subsection (1) of that section.

(3) Subject to this section, the court by or before which a person is convicted of an offence under section 12(2)(b), 13 (c) or 14 may order the forfeiture of the money or other property to which the arrangement in question related and which, in the case of an offence under section 12 (2)(b), he or she knew or had reasonable cause to suspect would or might be applied or used as mentioned in section 12 (1).

(4) Subject to the provisions of this section, the court by or before which a person is convicted of an offence under section 13(a) or (b) may order the forfeiture of any money or other property which, at the time of the offence, he or she had in his or her possession or under his or her control for the use or benefit of a terrorist organisation.

(5) The court shall not under this section, make an order forfeiting any money or other property unless the court is satisfied that the money or property may, unless forfeited, be applied or used as mentioned in section 12 (1) of this Act.

(6) Where a person, other than the convicted person claims to be the owner of or otherwise interested in anything which can be forfeited by an order under this section, the court shall, before making an order in respect of it, give that person an opportunity to be heard.

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PART VI—TERRORIST INVESTIGATIONS.

terrorist
investi-
gation.

17. (1) The Third Schedule has effect for conferring powers to obtain information for the purposes of terrorist investigations namely, investigations into the commission, preparation or instigation of—

(a) acts of terrorism; or

(b) any other act which constitutes an offence under this Act.

(2) Where, in relation to a terrorist investigation, a warrant or order under the Third Schedule has been issued or made, or has been applied for and not refused, a person who, knowing or having reasonable cause to suspect that the investigation is taking place—

(a) makes any disclosure which is likely to prejudice the investigation; or

(b) destroys or otherwise disposes of, or causes or permits the falsification, concealment, destruction or disposal of, material which is or is likely to be relevant to the investigation,

commits an offence.

(3) In proceedings against a person for an offence under subsection (2) (b), it is a defence to prove that the accused person had no intention of concealing any information contained in the material in question from the person carrying out the investigation.

(4) A person who commits an offence under subsection (2) is liable, on conviction, to imprisonment not exceeding five years or a fine not exceeding two hundred and fifty currency points, or both.

PART VII—INTERCEPTION OF COMMUNICATIONS AND
SURVEILLANCE.

18. (1) The Minister may, by writing, designate a security officer as an authorised officer under this Part.

Minister to
designate
persons to
authorised
officers.

SEC.17 INSERTED A&B
SEE ACT 9/2015

(2) An order issued by the Minister in respect of an authorised officer shall be in force for ninety days from the date specified in the order, and shall then expire.

19. (1) Subject to this Act, an authorised officer shall have the right to intercept the communications of a person and otherwise conduct surveillance of a person under this Act.

Powers of
authorised
officer.

(2) The powers of an authorised officer shall be exercised in respect of a person or a group or category of persons suspected of committing any offence under this Act.

(3) The functions of an authorised officer shall be exercised only in respect of the person or group or category of persons described in the order.

(4) The purposes for which interception or surveillance may be conducted under this Part are—

(a) safeguarding the public interest;

(b) prevention of the violation of the fundamental and other human rights and freedoms of any person from terrorism;

(c) preventing or detecting the commission of any offence under this Act; or

(d) safeguarding the national economy from terrorism.

(5) The scope of the interception and surveillance allowed under this Part is limited to—

(a) the interception of letters and postal packages of any person;

(b) interception of the telephone calls, faxes, emails and other communications made or issued by or received by or addressed to a person;

(c) monitoring meetings of any group of persons;

- (d) surveillance of the movements and activities of any person;
- (e) electronic surveillance of any person;
- (f) access to bank accounts of any person; and
- (g) searching of the premises of any person.

(6) For the avoidance of doubt, power given to an authorised officer under subsection (5) includes—

- (a) the right to detain and make copies of any matter intercepted by the authorised officer;
- (b) the right to take photographs of the person being surveilled and any other person in the company of that person, whether at a meeting or otherwise; and
- (c) the power to do any other thing reasonably necessary for the purposes of this subsection.

Obstructing
authorised
officer.

20. Any person who knowingly obstructs an authorised officer in the carrying out of his or her functions under this Part commits an offence and is liable, on conviction, to imprisonment not exceeding two years or a fine not exceeding one hundred currency points, or both.

Offences by
authorised
officer.

21. Any authorised officer who—

- (a) demands or accepts any money or other benefit in consideration of his or her refraining from carrying out his or her functions under this Part; or
- (b) demands any money or other benefit from any person under threat to carry out any of his or her functions under this Part;
- (c) fails without reasonable excuse or neglects to carry out the requirements of the order;

(d) recklessly releases information which may prejudice the investigation;

(e) engages in torture, inhuman and degrading treatment, illegal detention or intentionally causes harm or loss to property,

commits an offence and is liable, on conviction, to imprisonment not exceeding five years or a fine not exceeding two hundred and fifty currency points, or both.

22. Any recording, document, photograph or other matter obtained in the exercise of the functions of an authorised officer under this Part is admissible in evidence in any proceedings for an offence under this Act.

Things obtained from interception or surveillance admissible in evidence.

PART VIII—ATTEMPTS, CONSPIRACIES AND ACCESSORIES, ETC.

23. (1) When a person intending to commit an offence under this Act, begins to put his or her intention into execution by means adapted to its fulfillment, and manifests his or her intention by some overt act, but does not fulfil his or her intention to such an extent as to commit the offence, he or she is deemed to attempt to commit the offence.

Attempts defined.

(2) It is immaterial—

(a) except so far as regards punishment, whether the offender does all that is necessary on his or her part for completing the commission of the offence, or whether the complete fulfillment of his or her intention is prevented by circumstances independent of his or her will, or whether he or she desists of his or own motion from the further prosecution of his or her intention;

(b) that by reason of circumstances not known to the offender, it is impossible in fact to commit the offence.

24. Any person who attempts to commit an offence under this Act commits an offence and is, unless otherwise provided in this Act—

Punishment for attempts to commit offences under this Act.

- (a) where the offence is punishable by death or imprisonment for fourteen years or upwards with or without any other punishment, liable, on conviction, to imprisonment not exceeding seven years or a fine not exceeding three hundred and fifty currency points or both; or
- (b) where paragraph (a) does not apply, liable, on conviction, to imprisonment not exceeding two years or a fine not exceeding one hundred currency points, or both.

Conspiracy
to commit
an offence.

25. Any person who conspires with another to commit an offence under this Act, or to do any act in any part of the world which if done in Uganda would be an offence under this Act and which is an offence under the laws in force in the place where it is proposed to be done, commits an offence and is liable, if no other punishment is provided, to imprisonment not exceeding seven years, or, if the greatest punishment to which a person convicted of the offence in question is liable is less than imprisonment for seven years, then to such lesser punishment.

Accessory
before the
fact.

26. A person who directly or indirectly counsels, procures or commands any person to commit any offence under this Act which is committed in consequence of such counselling, procuring or commandment is an accessory before the fact to the offence.

Punishment
for
accessory
before the
fact.

27. (1) An accessory before the fact in relation to an offence under this Act commits an offence and, unless otherwise provided by this Act, is liable, on conviction, to the same penalty as the main offence itself.

(2) Without prejudice to the general effect of subsection (1), an accessory before the fact includes a person who identifies targets in which or on which any act of terrorism or any other act which constitutes an offence under this Act is to be committed.

28. (1) A person who receives or assists another who, to his or her knowledge, has committed an offence, in order to enable him or her to escape punishment, is said to become an accessory after the fact to the offence.

Definition
of accessory
after the
fact.

(2) A spouse does not become an accessory after the fact to an offence which his or her spouse has committed by receiving or assisting the spouse in order to enable the spouse to escape punishment; or by receiving or assisting, in the spouse's presence and by his or her authority, another person who commits an offence in the commission of which the other spouse has taken part, in order to enable that other person to escape punishment; nor does a spouse become an accessory after the fact to an offence which his or her spouse commits by receiving or assisting that spouse in order to enable that spouse to escape punishment.

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29. Any person who becomes an accessory after the fact to an offence under this Act commits an offence and is liable, if no other punishment is provided, to imprisonment not exceeding three years or a fine not exceeding one hundred and fifty currency points, or both.

Punishment
of accessory
after the
fact of
offences
under this
Act.

PART IX—MISCELLANEOUS.

30. A police officer or other public officer or person may use reasonable force for the purpose of exercising any functions conferred or imposed on him or her under or by virtue of this Act.

Power to
use
reasonable
force.

31. The Minister may, by statutory instrument, with the approval of the Cabinet, amend the First Schedule.

Power of
Minister to
amend First
Schedule.

SEC. 32A INSERTED

SEE ACT 9/2015

32. No police officer or other public officer or person assisting such an officer is liable to any civil proceedings for any thing done by him or her, acting in good faith, in the exercise of any function conferred on that officer under this Act.

Protection
for persons
acting under
this Act.

Conse-
quential
amendment
of Penal
Code.

33. The Penal Code is amended—

(a) by repealing of section 28; and

(b) in subsection (2) of section 5, by deleting of the
reference to section 28.

SCHEDULES.

A currency point is equivalent to twenty thousand shillings.

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TERRORIST ORGANISATIONS

1. The Lords' Resistance Army.
2. The Lords' Resistance Movement.
3. Allied Democratic Forces.
4. Al-queda.

2nd SCHEDULE AMENDED
BY ACT 9/2015

INFORMATION AND INVESTIGATION RELATING TO
TERRORISM ETC.

1. In this Schedule—

“investigation officer” means a police officer not below the rank of Superintendent of Police or a public officer authorised in writing by the Director of Public Prosecutions;

“terrorist investigation” means any investigation to which section 17 of the Act applies;

“magistrate” means a Magistrate Grade I.

2. (1) Subject to subparagraph (2), in this Schedule, “items subject to legal privilege” means—

(a) communications between a professional legal adviser and his or her client or any person representing his or her client made in connection with the giving of legal advice to the client;

(b) communications between a professional legal adviser and his or her client or any person representing his or her client or between such an adviser or his or her client or any such representative and any other person made in connection with or in contemplation of legal proceedings and for the purposes of such proceedings; and

(c) items enclosed with or referred to in such communications and made—

(i) in connection with the giving of legal advice; or

(ii) in connection with or in contemplation of legal proceedings and for the purposes of such proceedings,

when they are in the possession of a person who is entitled to possession of them.

(2) Items held with the intention of furthering a criminal purpose are not items subject to legal privilege.

Inter-
pretation

Meaning
“Items
subject to
legal
privilege”

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Meaning of
"excluded
material".

3. (1) Subject to the following provisions of this paragraph, in this Schedule "excluded material" means—

- (a) personal records which a person has acquired or created in the course of any trade, business, profession or other occupation, or for the purposes of any paid or unpaid office and which he or she holds in confidence;
- (b) human tissue or tissue fluid which has been taken for the purposes of diagnosis or medical treatment and which a person holds in confidence;
- (c) journalistic material which a person holds in confidence and which consists—
 - (i) of documents; or
 - (ii) of records other than documents.

(2) A person holds material other than journalistic material in confidence, for the purposes of this paragraph if he or she holds it subject—

- (a) to an express or implied undertaking to hold it in confidence; or
- (b) to a restriction on disclosure or an obligation of secrecy contained in any enactment, including an enactment contained in an Act.

(3) A person holds journalistic material in confidence for the purposes of this paragraph if—

- (a) he or she holds it subject to such an undertaking, restriction or obligation; and—
- (b) one or more persons have continuously held it subject to such an undertaking, restriction or obligation since it was first acquired or created for the purposes of journalism.

Meaning of
"personal
records".

4. In this Schedule, "personal records" means documentary and other records concerning an individual (whether living or dead) who can be identified from them and relating—

- (a) to his or her physical or mental health;
- (b) to spiritual counselling or assistance given or to be given to him or her; or
- (c) to counselling or assistance given or to be given to him or her for the purposes of his or her personal welfare, by any voluntary organisation or by any individual who—
 - (i) by reason of his or her office or occupation has responsibilities for his or her personal welfare; or
 - (ii) by reason of an order of a court has responsibilities for his or her supervision.

5. (1) Subject to subparagraph (2) of this paragraph "journalistic material" means material acquired or created for the purposes of journalism.

Meaning of
"journalistic
material".

(2) Material is only journalistic material for the purposes of this Schedule if it is in the possession of a person who acquired or created it for the purposes of journalism.

(3) A person who receives material from someone who intends that the recipient shall use it for purposes of journalism is to be taken to have acquired it for those purposes.

6. (1) In this Schedule, "special procedure material" means—

Meaning of
"special
procedure
material".

(a) material to which subparagraph (2) applies; and

(b) journalistic material, other than excluded material.

(2) Subject to the following provisions of this paragraph, this paragraph applies to material, other than items subject to legal privilege and excluded material, in the possession of a person who—

(a) acquired or created it in the course of any trade, business, profession or other occupation or for the purpose of any paid or unpaid office; and

(b) holds it subject—

(i) to an express or implied undertaking to hold it in confidence; or

(ii) to a restriction or obligation such as is mentioned in paragraph 3(2)(b) of this Schedule .

(3) Where material is acquired—

(a) by an employee from his or her employer and in the course of his or her employment; or

(b) by a company from an associated company,

it is only special procedure material if it was special procedure material immediately before the acquisition.

(4) Where material is created by an employee in the course of his or her employment, it is only special procedure material if it would have been special procedure material had his or her employer created it.

(5) Where material is created by a company on behalf of an associated company, it is only special procedure material if it would have been special procedure material had the associated company created it.

(6) A company is to be treated as another's associated company for the purposes of this section if it would be so treated under section 4 of the Income Tax Act, 1997.

Act No. 11
of 1997.

Search for
material
other than
excluded or
special
procedure
material.

7. (1) A Magistrate may, on an application made by an investigation officer, issue a warrant under this paragraph if satisfied that a terrorist investigation is being carried out and that there are reasonable grounds for believing—

(a) that there is material on premises specified in the application, which is likely to be of substantial value (whether by itself or together with other material) to the investigation;

(b) that the material does not consist of or include items subject to legal privilege, excluded material or special procedure material; and

(c) that any of the conditions in subparagraph (2) are fulfilled.

(2) The conditions referred to in subparagraph (1)(c) are—

(a) that it is not practicable to communicate with any person entitled to grant entry to the premises;

(b) that it is practicable to communicate with a person entitled to grant entry to the premises but it is not practicable to communicate with any person entitled to grant access to the material;

(c) that entry to the premises will not be granted unless a warrant is produced;

(d) that the purpose of a search may be frustrated or seriously prejudiced unless an investigation officer arriving at the premises can secure immediate entry to them.

(3) A warrant under this paragraph shall authorise an investigation officer to enter the premises specified in the warrant and to search the premises and any person found there, and to seize and retain anything found there or on any such person, other than items subject to legal privilege, if he or she has reasonable grounds for believing—

(a) that it is likely to be of substantial value (whether by itself or together with other material) to the investigation; and

(b) that it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed.

8. (1) An investigation officer may, for the purposes of a terrorist investigation, apply to a Magistrate for an order under subparagraph (2) in relation to particular material or material of a particular description, being material consisting of excluded or special procedure material.

(2) If, on such an application, the Magistrate is satisfied that the material consists of or includes any material mentioned in subparagraph (1), that it does not include items subject to legal privilege and that the conditions in subparagraph (5) are fulfilled, he or she may make an order that the person who appears to him or her to be in possession of the material to which the application relates shall—

(a) produce it to an investigating officer for him or her to take away; or

(b) give an investigating officer access to it,

within such period as the order may specify and if the material is not in that person's possession (and will not come into his or her possession within that period) to state to the best of his or her knowledge and belief where it is.

(3) An order under subparagraph (2) may relate to material of a particular description which is expected to come into existence or become available to the person concerned in the period of twenty-eight days beginning with the date of the order, and an order made in relation to such material shall require that person to notify a named investigating officer as soon as possible after the material comes into existence or becomes available to that person.

(4) The period to be specified in an order under subparagraph (2) shall be seven days from the date of the order or, in the case of an order made by virtue of subparagraph (3), from the date of notification to the investigation officer, unless it appears to the Magistrate that a longer or shorter period would be appropriate in the particular circumstances of the application.

(5) The conditions referred to in subparagraph (2) are—

(a) that a terrorist investigation is being carried out and that there are reasonable grounds for believing that the material is likely to be of substantial value (whether by itself or together with other material) to the investigation for the purposes of which the application is made; and

(b) that there are reasonable grounds for believing that it is in the public interest, having regard—

(i) to the benefit likely to accrue to the investigation if the material is obtained; and

(ii) to the circumstances under which the person in possession of the material holds it,

that the material should be produced or that access to it should be given.

(6) Where the Magistrate makes an order under subparagraph (2)(b) in relation to material on any premises, he or she may, on the application of an investigation officer, order any person who appears to him or her to be entitled to grant entry to the premises, to allow an investigation officer to enter the premises to obtain access to the material.

9. (1) A Magistrate may, on his or her own motion or an application by any person aggrieved by the order, revoke or discharge an order made under this Schedule.

Revocation
or variation
of order.

(2) Before revoking an order under this paragraph, the Magistrate shall hear the investigation officer or the Director of Public Prosecutions on the matter.

(3) A Magistrate may, on the application of an investigation officer or a person aggrieved by the order or the Director of Public Prosecutions, vary an order made under this Schedule.

10. (1) An investigation officer may apply to a Magistrate for a warrant under this paragraph, in relation to specified premises.

Search for
excluded or
special
procedure
material.

(2) On an application under subparagraph (1), the Magistrate may issue a warrant under this paragraph if satisfied—

(a) that an order made under paragraph 8 in relation to material on the premises has not been complied with; or

(b) that there are reasonable grounds for believing that there is, on the premises, material consisting of or including excluded material or special procedure material, that it does not include items subject to legal privilege and that the conditions in subparagraph (5) of paragraph 8 and the condition in subparagraph (3) of this paragraph are fulfilled in respect of that material.

(3) The condition referred to in subparagraph (2)(b) is that it would not be appropriate to make an order under paragraph 8 in relation to the material because—

(a) it is not practicable to communicate with any person entitled to produce the material; or

(b) it is not practicable to communicate with any person entitled to grant access to the material or entitled to grant entry to the premises on which the material is situated; or

(c) the investigation for the purposes of which the application is made might be seriously prejudiced unless an investigation officer could secure immediate access to the material.

(4) A warrant under this paragraph shall authorise an investigation officer to enter the premises specified in the warrant and to search the premises and any person found there, and to seize and retain anything found there or on any such person, other than items subject to legal privilege, if he or she has reasonable grounds for believing that it is likely to be of substantial value (whether by itself or together with other material) to the investigation for the purposes of which the application was made.

Explanation
of seized or
produced
material.

11. (1) A Magistrate may, on an application made by an investigation officer, order any person specified in the order to provide an explanation of any material seized in pursuance of a warrant under paragraph 7 or 10, or produced or made available to an investigation officer under paragraph 8.

(2) A person shall not, under this paragraph, be required to disclose any information which he or she would be entitled to refuse to disclose on grounds of legal professional privilege in proceedings in any court, except that a lawyer may be required to furnish the name and address of his or her or client.

(3) A statement by a person in response to a requirement imposed by virtue of this paragraph may only be used in evidence against him or her—

(a) on a prosecution for an offence under subparagraph (4); or

(b) on a prosecution for some other offence, where in giving evidence, he or she makes a statement inconsistent with it.

(4) A person who, in purported compliance with a requirement under this paragraph—

(a) makes a statement which he or she knows to be false or misleading in a material particular; or

(b) recklessly makes a statement which is false or misleading in a material particular,
commits an offence.

(5) A person who commits an offence under subparagraph (4) is liable, on conviction, to imprisonment not exceeding two years or a fine not exceeding one hundred currency points, or both.

(6) Paragraph 9 of this Schedule shall apply to orders under that paragraph as it applies to orders made under paragraph 8.

12. (1) If an investigation officer has reasonable grounds for believing that the case is one of great emergency and that in the interest of the State, immediate action is necessary, he or she may, by a written order signed by him or her, give to any police officer the authority which may be given by a search warrant under paragraph 7 or 10.

Urgent
cases.

(2) Where an authority is given under this paragraph, particulars of the case shall be notified as soon as may be to the Director of Public Prosecutions.

(3) An order under this paragraph may not authorise a search for items subject to legal privilege.

(4) If the investigation officer mentioned in subparagraph (1) has reasonable grounds for believing that that case is such as is mentioned in that subparagraph, he or she may, by a notice in writing signed by him or her, require any person specified in the notice to provide an explanation of any material seized in pursuance of an order under this paragraph.

(5) Any person who, without reasonable excuse, fails to comply with a notice under subparagraph (4), commits an offence and is liable, on conviction, to imprisonment not exceeding six months or a fine not exceeding fifty currency points, or both.

(6) Subparagraphs (2) to (5) of paragraph 11 shall apply to a requirement imposed under subparagraph (4) as they apply to a requirement under that paragraph.

13. An investigation officer is not liable to any civil action in respect of anything done in good faith by him or her under the authority of an order issued under this Schedule.

Protection
of
investigation
officers.

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STATUTORY INSTRUMENTS
SUPPLEMENT No. 19

7th June, 2002

STATUTORY INSTRUMENTS SUPPLEMENT
to The Uganda Gazette No. 33 Volume XCV dated 7th June, 2002.

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STATUTORY INSTRUMENTS.

2002 No. 37.

THE UGANDA LAW REFORM COMMISSION (TERMS AND
CONDITIONS OF SERVICE FOR STAFF) RULES, 2002.

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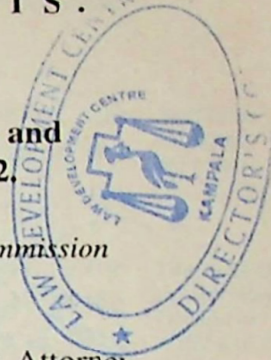
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STATUTORY INSTRUMENTS.

2002 No. 37.

The Uganda Law Reform Commission (Terms and Conditions of Service for Staff) Rules, 2002.

(Under section 17 (3) (c) of the Uganda Law Reform Commission Statute, Statute No. 7 of 1990).



IN EXERCISE of the powers conferred upon the Attorney General by section 17 (3) (c) of the Uganda Law Reform Commission Statute, 1990 these Rules are made this 31st day of May, 2002.

PART I—PRELIMINARY.

1. These Rules may be cited as the Uganda Law Reform Commission (Terms and Conditions of Service for Staff) Rules, 2002. Title.

2. In these Rules, unless the context otherwise requires— Definitions.

“board” means the appointments board established under rule 12 of these Rules;

“calendar month” means any one month of the twelve months of the year;

“Chairperson” means the chairperson of the Commission appointed under section 3 of the Statute;

“child” means a person who is an off-spring of an employee or legally adopted by the employee, and is under eighteen years of age;

“Commission” means the Uganda Law Reform Commission established by section 2 of the Statute and article 248 of the Constitution;

“contract” means an agreement in which a specific period of employment and terminal gratuity are expressed;

“department” means a division in the structure of the Commission under a designated head directly responsible to the secretary;

“employee”, “officer” or “member of staff” means a member of staff of the Commission appointed under section 17 of the Statute;

“head of department” means an officer heading a department;

“home destination” means a place which the employee declares in writing at the time of recruitment as his or her permanent place of residence for the purpose of claiming allowances on assumption of duty, and on leaving the employment with the Commission;

“long-term training” means training for six months or more;

“management” means the chairperson, secretary and heads of department;

“member of the Commission” means member of the Commission appointed under section 3 of the Statute;

“medical practitioner” means a qualified doctor duly registered and approved according to the Medical and Dental Practitioners Statute, 1996;

“Secretary” means the secretary of the Commission appointed under section 15 of the Statute;

“Statute” means the Uganda Law Reform Commission Statute, 1990;

“support staff” means members of staff who are in (SS 1—SS3) salary scale;

Statute No.
11 of 1996.

Statute No.
7 of 1990.

“year” means a period of twelve complete months, calculated from any month.

3. All members of staff hold office by virtue of the Constitution and all arrangements for their employment in the Commission are subject to the laws of Uganda.

Staff to be subject to the laws.

4. The functions of the Attorney General in relation to the staff of the Commission shall be as specified in section 17 of the Statute.

Functions of the Attorney General in relation to staff.

5. The main purpose of these Rules is to define the relationship between the Commission and its employees and to provide explanations relating to that relationship.

Purpose of the Rules.

6. The objectives of these Rules are—

Objectives.

- (a) to provide and define the rights, obligations, roles and responsibilities of the Commission as the employer;
- (b) to provide and define the rights, obligations, privileges, roles and responsibilities of the management and members of staff of the Commission;
- (c) to ensure a systematic approach to the administration of personnel policies, systems, procedures and practices with the aim of achieving a harmonious relationship between the Commission and its staff;
- (d) to ensure continued effort of attracting, rewarding, retaining and satisfying high quality staff; and
- (e) to provide and promote the effective and efficient operation of the Commission.

7. Except as otherwise expressly provided in these Rules, these Rules shall—

Applicability of the Rules.

- (a) apply to all employees of the Commission; and

(b) replace and cancel all previous notices, regulations, rules and standing instructions in conflict with these Rules, if any, pertaining to terms and conditions of employment with the Commission.

Applicability
of
Government
Standing
Orders and
regulations,
etc.

8. Where these Rules do not provide for a particular circumstance, the Uganda Government Standing Orders, the Treasury Accounting Instructions and any other Government regulations governing the public service shall apply to the Commission.

Implement-
ation of the
Rules.

9. Unless otherwise specified, the responsibility for implementing these Rules vests in the Secretary.

PART II—APPOINTMENT AND TERMS OF SERVICE.

Personnel
policy.

10. (1) Every member of staff shall have the right to equal treatment as well as to equal opportunity subject to these Rules.

(2) Appointments will be based on merit and staff performance appraisal will be open and transparent.

(3) Each member of staff is employed in his or her own right as an individual and is entitled to or eligible for the benefits and privileges specified in the letter of his or her appointment.

Recruitment
policy.

11. (1) The power to create, review and grade posts in the Commission shall be in accordance with the structure of the Commission determined by the Attorney General and approved by the Minister responsible for the public service.

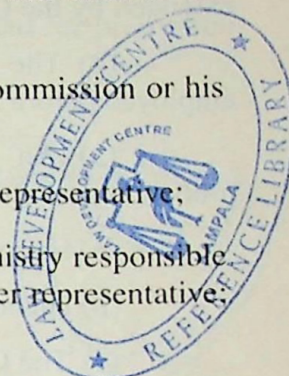
(2) All vacant positions shall be advertised either within the Commission, the press or the electronic media and must be filled on merit in relation to job requirements.

(3) The appointment, confirmation and promotion of employees of the Commission and the discipline and removal of those employees from office shall be in accordance with these Rules.

12. The Commission shall have an appointments board consisting of—

Appoint-
ments
board.

- (a) the Chairperson of the Commission who shall be the chairperson of the board;
- (b) a member of the Public Service Commission or his or her representative;
- (c) the Solicitor General or his or her representative;
- (d) the Permanent Secretary of the Ministry responsible for the public service or his or her representative;
- (e) two members of the Commission;
- (f) not more than two persons with requisite professional or technical qualifications co-opted by the Commission; and
- (g) the Secretary who shall be the secretary to the board.



13. The functions of the board are to make proposals and recommendations to the Attorney General on—

Functions of
the board.

- (a) the appointment, confirmation and promotion of the staff of the Commission;
- (b) the establishment of a salary structure of the Commission;
- (c) the determination of allowances and other benefits payable to members of staff of the Commission;
- (d) the discipline of the staff of the Commission where the disciplinary committee has recommended to the board that a disciplinary offence under these Rules warrants dismissal of a member of staff; and
- (e) the termination of the services of a member of staff of the Commission.

appointment on probation.

14. (1) On appointment except where otherwise specifically stated, all employees of the Commission shall be subject to a probationary period of twenty four months which may be extended by the Commission by not more than twelve months.

(2) The board may terminate the appointment of an employee before the expiry of the probationary period.

(3) An employee on probation shall not until the probation period is over—

(a) be considered for promotion; or

(b) attend a long-term training course.

(4) The Commission reserves the right to waive part or the whole of the probationary period for special cases.

confirmation of appointment.

15. (1) Every employee of the Commission shall be confirmed on satisfactory completion of a probationary period in accordance with rule 14 of these Rules.

(2) When an employee is appointed in a post of a higher grade or in another post of the same grade, and that employee was prior to that appointment in the employment of the Commission on permanent terms, the Commission shall not require the employee to serve another probationary period.

(3) One month before the expiry of the probationary period, the head of department under whom the employee serves shall, on the basis of performance appraisals, recommend to the secretary the course of action to be taken.

(4) If the employee fails to achieve satisfactory performance during the period of probation including the extended period, his or her appointment shall be terminated.

(5) An employee whose services have been terminated under subrule (4) of this rule shall be entitled to 30 days notice or payment in lieu of the notice and to his or her own contribution to the pension scheme.

16. (1) Appointment on promotion shall take effect when an employee already serving in the Commission in a lower rank is appointed to a higher post.

Appointmen
on
promotion.

(2) No employee shall be recommended for promotion when he or she—

(a) is on probation;

(b) has not served a minimum of two years in the substantive post;

(c) is absent on long-term training; or

(d) is absent on unpaid leave.

(3) Without prejudice to subrule (2) (b) and (c) of this rule, special consideration may be given for exceptional performance.

17. The board may determine the categories and terms and conditions of officers and staff to be employed by the Commission on contract.

Appointmen
on contract.

18. (1) An officer shall be regarded to be acting in a post when he or she has been appointed by the Commission in writing to act.

Acting
appointment

(2) An officer appointed to act in a post shall receive an acting allowance which shall be the full difference between his or her basic salary and that of the post in which he or she is acting, provided that he or she acts for a period of not less than thirty continuous days.

(3) An officer shall be appointed to act only in a vacant post and shall sign as "Acting" for the purpose of internal communication.

(4) The officer acting in the post of secretary is the only officer authorized to sign as "Acting" for the purpose of external communication.

(5) All requests below the post of Secretary for acting appointments shall be submitted to the board by the Secretary.

(6) In the case of the post of the Secretary, the Chairperson shall recommend one of the next senior officers for appointment by the Attorney General as acting Secretary of the Commission.

(7) An acting appointment shall not exceed a period of six consecutive months without review; and arrangements must be made in the course of that period to have the post filled substantively.

(8) Where the substantive holder of a post is temporarily absent from office, another officer shall be requested by the secretary to perform the duties of that higher post on the recommendation of the head of department.

(9) The officer to whom functions of another officer are delegated under subrule (8) of this rule shall receive duty allowance calculated according to the provisions of the Uganda Government Standing Orders.

(10) Where an officer acting in a post competes for it and earns a promotion to it the effective date of his or her appointment on promotion shall be the date when the Commission appoints him or her substantively on promotion and not the date he or she assumed duty on acting basis.

Legal
protection.

19. (1) Where legal proceedings are instituted against an employee of the Commission as a result of his or her official position or because of an act done or omitted to be done in the course of his or her official duties, the Commission shall request the Attorney General to represent the employee.

(2) No employee is permitted to institute legal proceedings against any person for any wrong he or she suffers in the course of his or her official duties without prior consent and approval of the secretary.

PART II—SALARIES, ALLOWANCES AND BENEFITS.

20. (1) The Attorney General shall establish a salary ^{Salaries.} structure of the Commission.

(2) All members of staff shall be paid salaries which shall be fixed at an annual rate and paid in twelve equal instalments; each instalment becoming payable at the end of the month in which it is due.

(3) The Commission may make compulsory deductions to make good advances or loans unaccounted for or willful or negligent damage or loss of the Commission property and other causes that may justify deductions from an employee's salary, if the employee is informed in advance about the deductions.

(4) The Attorney General shall review pay levels from time to time.

(5) An employee who is not on contract appointment shall receive a salary increment each year as indicated in the salary structure unless he or she reaches the maximum of his or her scale.

(6) The incremental date shall be the first day of the month in which the employee started duty.

(7) Where an employee who has been in the employment of the Commission receives another appointment within the Commission the effective date of appointment shall be the date that employee assumes duty in the new post.

(8) The incremental date shall also change to the first day of the month in which he or she assumed duty of the new post.

(9) The Attorney General may raise the salary scale of an employee on the basis of his or her experience and responsibility without promoting the employee to a higher position.

(10) An employee may be appointed to a position at a salary personal to holder at the discretion of the Commission under the following circumstances—

- (a) when the post has been regraded;
- (b) when an employee is appointed to a post lower than the one he or she was holding after the abolition of his or her post;
- (c) when an employee appointed to the post in the Commission was receiving a higher salary in another organization but due to the need for his or her service, the Commission employs him or her at the previous salary; or
- (d) in such other circumstances as the Attorney General thinks fit.

(11) Where an employee has reached the top of his or her salary scale the Attorney General may raise his or her salary to the next salary scale on the basis of personal to holder.

Salary
advance.

21. (1) An employee may apply for a salary advance not exceeding one month's salary subject to approval by the secretary.

(2) The advance shall be recovered in four equal consecutive months following the month in which it is given.

(3) In case of death of an employee or where an employee leaves the service of the Commission the unpaid balance or the whole amount of the advance shall be recovered from the employee's gratuity or any other monies that may be due to him or her.

Allowances
and
benefits.

22. The Attorney General shall determine allowances and benefits payable to the employees of the Commission specified in this Part of these Rules.

Allowances
for a newly
recruited
employee.

23. (1) On first appointment, an employee shall be provided with money to transport his or her family and household property from his or her place of current abode to his or her new place of abode.

(2) A newly recruited employee shall also be paid a non-accountable once for all settling-in allowance of 50 percent of his or her monthly basic salary.

(3) In addition, the Commission may pay a salary advance of 50 percent of his or her monthly salary which will be recovered in three equal parts in three consecutive months following the month in which it is given.

(4) If an employee has received the settling-in allowance as provided in subrule (2) of this rule and leaves the Commission service within less than six months, he or she shall repay the 50 percent settling-in allowance in full.

24. Any employee who is not entitled to a motor vehicle shall be paid a monthly transport allowance at a rate determined by the Attorney General.

Transport allowance.

25. Each employee shall be paid housing allowance at the rate determined by the Attorney General.

Housing allowance.

26. (1) Subsistence allowance shall be paid to an employee of the Commission while he or she is outside his or her duty station on official duty within Uganda at the rates determined by the Attorney General.

Subsistence allowance within Uganda.

(2) Subsistence allowance does not cover a spouse.

27. Every employee who travels outside Uganda on official duty shall be paid subsistence allowance according to the rates determined by the Attorney General.

Subsistence allowance outside Uganda.

28. (1) Safari day allowance shall be paid when an employee travels for duty from his or her duty station in Uganda for a period of 6 hours or more and returns to his or her duty station on the same day.

Safari day allowance.

(2) An employee shall qualify for payment of safari day allowance when he or she has travelled for a distance of 16 or more kilometres from his or her duty station by the most direct route.

(3) Safari day allowance shall be paid according to the rates determined by the Attorney General.

Duty allowance.

29. Duty allowance shall be paid according to rule 18 (9).

Training allowance.

30. An employee sponsored by the Commission or through an offer by any organization to the Commission may receive a training allowance and other benefits in accordance with the programme depending on the availability of funds.

Lunch allowance.

31. The Commission shall pay a monthly lunch allowance to each employee as shall be determined by the Attorney General.

Responsibility allowance.

32. Each employee of the Commission shall be paid a responsibility allowance at the rates determined by the Attorney General.

Warm clothing allowance.

33. (1) An employee travelling on duty overseas to a temperate or cold climate shall be paid a warm clothing allowance.

(2) Warm clothing allowance shall be paid once in any period of three consecutive years but shall not be paid where the employee has received that allowance from another source.

Health, safety and welfare.

34. The Commission shall, within the resources and means available to it, endeavour to create a healthy and safe working environment and provide welfare services to its employees.

Provision of transport.

35. (1) The Secretary is entitled to a chauffeur driven Commission motor vehicle for official use.

(2) Similar benefits shall apply to any other officer who is entitled to a vehicle as provided in his or her terms of employment with the Commission.

(3) A head of department is entitled to a Commission motor vehicle.

(4) Where none is available and he or she uses his or her own vehicle he or she shall be refunded money in the form of mileage.

(5) Mileage rates for official duties shall be determined by the board and shall be reviewed from time to time by the Attorney General.

36. The Commission shall pay a monthly medical allowance to each of its employees, to cater for the member of staff and his or her family, according to the rates determined by the Attorney General.

37. (1) Medical treatment outside Uganda may be paid for by the Commission on the recommendation of the medical board set up by the Director of Medical Services.

(2) The Commission may pay for the medical treatment, transport costs and subsistence for an employee or pay for medical treatment only while the employee meets all other costs, as the Commission may determine in each case.

38. In the event of physical or mental incapacitation or death by accident attributed to the execution of the Commission duties, a member of staff or his or her nominated beneficiaries or next of kin shall receive compensation in accordance with the provisions of the Workers Compensation Act, 2000.

39. The Commission shall provide a coffin, transport and burial materials in respect of the deceased member of staff or his or her spouse and children.

40. (1) An employee who by virtue of his or her duties requires a uniform or protective clothing shall be provided with the uniform or the protective clothing by the Commission.

(2) The categories of employees eligible to uniforms or protective clothing shall include office attendants, messengers, drivers and security staff.

(3) Two sets of clothing shall be provided once in every financial year and the employee required to wear a uniform shall wear it at all times.

Benefits and allowances not pensionable.

41. Benefits and allowances do not attract pension or gratuity.

Approval of the Attorney General.

42. In establishing a salary structure and determining allowances and benefits payable under this Part of these Rules the Attorney General shall act in consultation with the Minister responsible for the public service.

Merit awards.

43. (1) The Commission may give merit awards to any member of staff in recognition of his or her outstanding service, initiative, innovation and contribution to the reputation of the Commission.

(2) The type of the award granted under subrule (1) of this rule shall be determined by the Commission.

PART IV—LEAVE.

Annual leave.

44. (1) Every employee of the Commission shall be entitled to an annual leave in accordance with his or her terms of employment.

(2) Officers in scale U2 and above are entitled to 36 days per year and officers between U3 and U5 are entitled to 30 days per year.

(3) When taken, leave shall include Saturdays and Sundays.

(4) An employee shall take his or her leave due in each calendar year in accordance with the leave roster prepared by the Secretary.

(5) An employee proceeding on any type of leave must hand-over properly to the employee appointed to perform his or her duties in his or her absence.

(6) The Secretary may request an employee to carry forward his or her leave where the workload of the Commission warrants; but the leave carried forward shall not be allowed to accumulate for more than two years.

(7) Leave may be interrupted at any time in the interest of the work of the Commission; and in those circumstances the balance may be deferred and taken at a later date.

(8) Unjustifiable delay in resumption of duty on expiry of leave shall be treated as absence from duty without permission and shall attract disciplinary action.

45. (1) Sick leave shall be granted by the secretary to an employee on production of a medical certificate from a Government medical officer or any other medical practitioner registered under the Medical and Dental Practitioners Statute, 1996.

Sick leave.

Statute No.
11 of 1996.

(2) Any employee of the Commission who is hospitalised or who needs a period of convalescence subject to conditions stipulated in subrule (1) of this rule may be granted sick leave with full pay of up to a period of six months in any period of twelve months.

(3) Any employee of the Commission who exhausts his or her sick leave but has not fully recovered may be granted an extended sick leave with half pay for another six months subject to recommendation by a Government medical officer or a medical officer from a hospital recognized by the Commission that he or she needs further sick leave.

(4) If at the end of the extended period of sick leave on half pay the employee has not recovered, he or she may be retired on medical grounds.

46. (1) Study leave shall be granted to an employee only if the programme of study has been approved by the Commission and if the period of study does not exceed eighteen months.

Study
leave.

(2) Employees on study leave shall be required to achieve satisfactory progress in the programme of study and to prepare end of training reports.

(3) The Commission may stop the study leave if there is no hope of the employee achieving satisfactory progress.

(4) An employee who undertakes a long-term course of study sponsored by the Commission shall sign an agreement bonding him or her for a specified period, the breach of which shall attract compensation of the full amount as has been paid by the Commission for his or her sponsorship.

Leave of
absence.

47. (1) Leave of absence is short leave granted to an employee to attend to personal affairs.

(2) Application for leave of absence shall be made to the Secretary through the employee's head of department.

(3) Leave of absence shall be granted at the discretion of the Secretary and shall, in any case, not exceed fourteen working days in any one year.

Compassion
ate leave.

48. (1) Compassionate leave shall be leave granted to any employee under special circumstances such as death or illness of any member of the employee's family.

(2) Compassionate leave shall be granted by the Secretary on the recommendation of the head of department.

Maternity
leave.

49. (1) A female employee of any rank shall be granted maternity leave of sixty days on full pay.

(2) Maternity leave may commence from the thirty sixth week of the pregnancy if a medical practitioner so recommends or upon giving birth.

(3) Application for maternity leave must be approved by the Secretary.

(4) An expectant female employee may accumulate one year's annual leave which may be taken immediately after the expiry of maternity leave subject to approval by the Secretary.

(5) An additional period of absence from duty may be granted on the recommendation of the medical practitioner if it is applied for as sick leave or unpaid leave as the case may be.

50. (1) Unpaid leave may be granted by the Commission on the recommendation of the Secretary to an employee on permanent terms of employment. Unpaid leave.

(2) The Commission may, under special circumstances, grant unpaid leave to an employee on contract terms of service.

(3) The period of unpaid leave shall be limited to twelve months but may be extended beyond twelve months under special circumstances.

(4) After the period of unpaid leave granted under subrule (3) of this rule the employee may retire from the service of the Commission if he or she so wishes.

(5) Unpaid leave shall be taken after all outstanding leave has been taken.

(6) All benefits shall cease during the period of unpaid leave.

(7) Prior to commencement of unpaid leave the employee shall be required to handover his or her duties and facilities of the Commission to another employee as may be authorised by the head of department.

51. (1) Any public holiday announced by the Government shall be observed by the Commission. Public holidays.

(2) An employee will enjoy public holidays on full pay but if the employee is required to serve on a public holiday the Secretary shall make arrangements for the employee to take another day off in compensation.

PART V—PERFORMANCE EVALUATION.

Performance
evaluation.

52. (1) The Commission shall operate an open and developmental performance evaluation system.

(2) The words "evaluation", "appraisal" and "assessment" shall be used interchangeably.

(3) The purpose of performance evaluation shall be—

(a) to assess the current level of performance judged against pre-determined and agreed targets or outputs within a specified time-frame;

(b) to identify the strength and weaknesses of an employee with a view to assisting him or her to improve;

(c) to reward an employee for outstanding performance;

(d) to guide the disciplinary committee on disciplinary actions;

(e) to identify training and development needs; and

(f) to provide information about personnel potential for the purpose of continuity of the work planning.

Training
and staff
develop-
ment.

53. The Commission shall endeavour to increase the capacity of its employees through systematic and planned training programmes.

PART VI—CODE OF CONDUCT AND DISCIPLINARY MATTERS.

Duty
performance
and
conduct.

54. (1) An employee of the Commission shall at all times conduct himself or herself in a proper manner and shall not do anything that will damage the reputation of the Commission.

(2) An employee shall show exemplary behaviour in his or her conduct and shall always act with integrity and devotion to duty.

(3) An employee shall obey, observe and uphold all the Rules of the Commission.

(4) An employee shall observe the official working hours.

(5) An employee may be called upon to work outside working hours if circumstances necessitate.

(6) An employee shall comply with the public service code of conduct and the professional code of ethics.

55. (1) An employee must take utmost care and economical utilisation of the Commission's property entrusted with him or her.

Use of and
care for
Commission
property.

(2) An employee shall be provided with an identity card which shall be the property of the Commission.

(3) The identity card must be kept securely, surrendered upon termination of employment and in case of loss, the loss shall be reported immediately to the Secretary.

(4) All defective or inadequate equipment must be reported by the employee to the supervisor and ultimately to the secretary.

(5) No employee shall remove any movable property of the Commission from its appropriate place or position without permission.

(6) No employee shall use any movable or real property of the Commission to his or her personal advantage or gain for commercial, social or political purposes.

56. (1) Except as otherwise provided in this rule, the board shall be the disciplinary authority over the staff of the Commission.

Discipline.

(2) There shall be a disciplinary committee of the Commission comprising the Secretary of the Commission who shall be the chairperson of the committee and heads of department as members of the committee .

(3) Cases of indiscipline of the staff shall be first handled by the disciplinary committee which shall forward its findings and recommendations to the board for action.

(4) Where the offence calls for dismissal the board shall refer the matter to the Attorney General for final decision.

(5) The head of the personnel section shall be the Secretary of the disciplinary committee.

(6) A member of staff appearing before the disciplinary committee or board shall have the right to be heard before a decision is made in his or her case.

Offences.

57. The following shall constitute disciplinary offences—

- (a) persistent lateness to work;
- (b) negligence or omission of duty;
- (c) persistent absence from duty;
- (d) incompetence or inefficiency;
- (e) sexual harassment of a fellow employee;
- (f) misuse of the Commission's equipment or property;
- (g) untidy appearance;
- (h) insubordination or deliberate refusal to obey lawful orders;
- (i) drunkenness and disorderly behaviour;
- (j) smoking within the Commission's premises;
- (k) fighting on the Commission's premises;

(l) theft, misappropriation of funds, forgery or dishonesty;

(m) abuse of office, including accepting bribes or collecting money from the public using the Commission's name; and

(n) any other behaviour that the Commission shall consider a disciplinary offence.

58. Disciplinary measures shall include the following—

Punishments.

(a) verbal warning for minor offences;

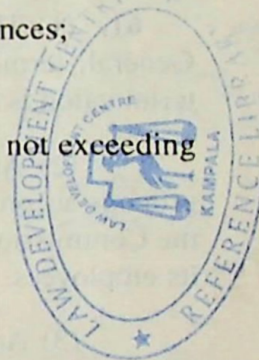
(b) written warning for more serious offences;

(c) demotion;

(d) suspension with half pay for a period not exceeding twelve months;

(e) interdiction; or

(f) dismissal.



PART VII—RETIREMENT, RESIGNATION, TERMINATION AND
TRANSFER OF SERVICE.

59. (1) The compulsory retirement age shall be sixty years for all employees of the Commission. Retirement.

(2) An employee qualifies for voluntary retirement from the service of the Commission after service of fifteen years with the Commission or on reaching the age of forty five years and having been in the service of the Commission continuously for at least ten years.

(3) The service of current serving officers appointed in the public service shall be taken as qualifying service in the Commission for purposes of pension.

Resignation.

60. (1) Any employee on permanent terms of employment wishing to terminate his or her service by resignation shall be required to give the Commission two months' notice in writing or to forfeit two months' salary in lieu of the notice.

(2) An employee who resigns during his or her probation shall not be entitled to any benefit.

(3) A confirmed employee who resigns his or her appointment shall be entitled to the appropriate benefits provided in the pension scheme determined by the board and approved by the Attorney General.

Termination.

61. (1) The board may with the approval of the Attorney General, terminate the services of an employee if his or her termination is for a good cause.

(2) An employee may also be terminated on medical grounds according to the procedures laid down in the manual of the Commission governing the terms and conditions of service of its employees.

(3) An application for retirement shall be made to the board and approved by the Attorney General.

(4) An employee who retires from the service of the Commission shall be paid retirement benefits in the pension scheme determined by the board and approved by the Attorney General.

Termination
due to
abscond-
ment.

62. (1) An employee shall be presumed to have absconded from duty if he or she absents himself or herself from office for fifteen continuous days without permission.

(2) An employee who absconds from duty shall have his or her salary stopped.

(3) Failure by the supervisor to report the absence of an employee shall attract disciplinary action against the supervisor.

(4) An employee who absconds from duty and who has been declared by the board to have absconded from duty shall be regarded as having resigned his or her office.

(5) Any monies owed to the Commission by an employee who has absconded including the amount in lieu of notice of resignation shall be deducted from monies that are due to him or her.

63. Upon the coming into operation of these Rules, employees of the Commission who were appointed by the Public Service Commission shall be treated in accordance with Public Service regulations in regard to transfer of staff to other organisations.

Transfer of
Service.

PART VIII—CONTRIBUTORY PENSION SCHEME.

64. (1) The Commission shall operate a contributory pension scheme to which all employees on permanent appointment shall contribute.

Pension.

(2) The employee shall contribute 5 percent of his or her monthly salary towards the scheme and the Commission shall contribute 10 percent to the scheme.

(3) The pension scheme shall be arranged with an insurance company or any other body which deals with pension schemes approved by the Commission.

65. An employee of the Commission who ceases to be in the service of the Commission either by retirement, resignation, end of contract or dismissal shall be required to discharge the following obligations before receiving his or her entitlements-

Obligations
on cessation
of service.

- (a) to prepare and submit to his or her head of department a handover report;
- (b) to account for all advances drawn from the Commission for official duty;

(c) to surrender all the Commission's property that may be in his or her possession or custody; and

(d) to pay all outstanding advance.

F.J. AYUME,
Attorney General.

