1962 No. 405

EAST AFRICA

The Uganda (Constitution) Order in Council, 1962

Made - - - -	*26th February*, 1962
Laid before Parliament	*28th February*, 1962
Coming into Operation Sections 7 and 8 of the Order - -	*1st March*, 1962
Remainder - -	*On a day to be appointed by the Governor under section* 1 (2).

At the Court at Buckingham Palace, the 26th day of February, 1962

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(a), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

Citation, commencement and construction.

1.—(1) This Order may be cited as the Uganda (Constitution) Order in Council, 1962.

(2) This Order shall come into operation on such day as the Governor, acting in his discretion, may, by Proclamation published in the Gazette, appoint (hereinafter referred to as " the appointed day "), which day shall not be earlier than the day after the day upon which this Order shall have been laid before both Houses of Parliament:

Provided that sections 7 and 8 of this Order shall come into operation on the first day of March, 1962.

(3) Save where the context otherwise requires, expressions used in sections 1 to 18 (inclusive) of this Order and in the Third Schedule thereto have the same meaning as in the Constitution of Uganda set out in the Second Schedule to this Order and the provisions of section 106 of that Constitution shall apply for the purposes of interpreting those sections and the Third Schedule as they apply for the purposes of interpreting that Constitution.

Revocation and amendment.

2.—(1) The Orders specified in Part I of the First Schedule to this Order (hereinafter referred to as " the existing Orders "), other than the provisions of the Uganda Order in Council, 1902(b), set out in the first column of Part II of that Schedule, are revoked with effect from the appointed day.

(a) 53 & 54 Vict. c. 37. (b) S.R. & O. 1902/662 (Rev. VIII, p. 288: 1902, p. 145).

(2) The provisions of the Uganda Order in Council, 1902, set out in Part II of the First Schedule to this Order are amended to the extent provided in the second column of that Part with effect from the appointed day.

Establishment of Constitution.

3. Subject to the provisions of this Order, the Constitution of Uganda set out in the Second Schedule to this Order shall come into effect in Uganda on the appointed day.

Existing laws.

4.—(1) Subject to the provisions of this section, the existing laws shall, notwithstanding the revocation of the existing Orders, have effect from the appointed day as if they had been made in pursuance of this Order and shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Order.

(2) The Governor may by order made at any time before the first day of September, 1962, make such amendments to any existing law as may appear to him to be necessary or expedient for bringing that law into conformity with the provisions of this Order or otherwise for giving effect or enabling effect to be given to those provisions.

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

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

(5) For the purposes of this section, the expression " the existing laws " means all Ordinances, laws, rules, regulations, orders and other instruments made or having effect as if they had been made in pursuance of the existing Orders and having effect as part of the law of Uganda or any part thereof immediately before the appointed day.

Existing officers.

5.—(1) Where any office has been established by or under the existing Orders or any existing law and the Constitution of Uganda establishes a similar or an equivalent office (not being the office of the Prime Minister or other Minister, the Attorney-General of Uganda or a Parliamentary Secretary), any person who, immediately before the appointed day, holds or is acting in the former office shall, so far as is consistent with the provisions of this Order, be deemed to have been appointed as from the appointed day to hold or to act in the latter office in accordance with the provisions of this Order and to have taken any necessary oath under this Order:

Provided that, unless the Legislature of Uganda otherwise provides, any person who under the existing Orders or any existing law would have been required to vacate his office at the expiration of any period or on the attainment of any age shall vacate his office at the expiration of that period or upon the attainment of that age.

(2) The provisions of this section shall be without prejudice to—

(*a*) the provisions of section 6 of this Order; and

(*b*) any powers conferred by or under this Order upon any person or authority to make provision for the abolition of offices and the removal of persons holding or acting in any office.

(3) In this section "existing law" means such a law as is referred to in subsection (5) of section 4 of this Order.

Membership and dissolution of National Assembly.

6.—(1) This section shall have effect if the Legislative Council constituted by the existing Orders is not dissolved before the appointed day but shall not otherwise have effect.

(2) In this section "the interim period" means the period beginning with the appointed day and ending with the first dissolution of the National Assembly thereafter.

(3) During the interim period the provisions of the Constitution of Uganda specified in Part I of the Third Schedule to this Order shall not have effect and the provisions set out in Part II of that Schedule shall have effect in lieu thereof:

Provided that nothing in this subsection shall prevent the Legislature of Uganda or any other person or authority from making such provision or doing such other thing during the interim period as is necessary or expedient for the holding of elections to the National Assembly after the expiration of the interim period.

(4) Any person who, immediately before the appointed day, held office as the Speaker, a Nominated Member, a Representative Member or a Specially Elected Member of the Legislative Council of Uganda shall be deemed to have been appointed or elected as the Speaker, a Nominated Member, a Representative Member or a Specially Elected Member of the National Assembly, as the case may be, as from the appointed day in accordance with the provisions of Part II of the Third Schedule to this Order.

(5) A vacancy among the Representative Members of the National Assembly existing at the commencement of this Order or occurring at any time before the expiration of the interim period shall not be filled.

First general election of Elected Members of National Assembly.

7.—(1) The first general election of Elected Members of the National Assembly may be held at any time after the coming into operation of this section:

Provided that such an election shall not be held unless the Legislative Council constituted by the existing Orders or, if section 6 of this Order has effect, the National Assembly, is first dissolved.

(2) Where a general election of the Elected Members of the National Assembly is held before the appointed day the following provisions shall apply in relation to that election—

(*a*) the Elected Members shall be elected in the same manner as if sections 29, 30, 31, 32, 33, 34, 35 and 73 and the Fourth Schedule of the Constitution of Uganda had come into operation:
Provided that—

(i) where any matter that falls to be prescribed or otherwise provided for under the provisions of those sections by the Legislature of Uganda is prescribed or provided for by or

under any law in force in Uganda immediately before the coming into operation of this section (including any amendment to any such law made under this section) that prescription or provision shall have effect as if it had been made under the provisions of those sections and those sections had come into operation;

(ii) Uganda shall be divided into constituencies having the same boundaries as the boundaries of the electoral districts into which it is divided immediately before the coming into operation of this section for the purposes of elections of Representative Members of the Legislative Council constituted by the existing Orders, and those constituencies shall be deemed to have been established under section 35 of the Constitution of Uganda;

(iii) references in section 32 of the Constitution of Uganda to the dissolution of the National Assembly shall be construed as references to the dissolution of the Legislative Council constituted by the existing Orders and references in the Fourth Schedule to the Constitution of Uganda to a general election shall be construed as references to an election held under this subsection;

(*b*) a person elected as an Elected Member of the National Assembly in accordance with the provisions of this subsection shall be deemed, as from the appointed day, to have been elected as an Elected Member of the National Assembly in accordance with the provisions of Chapter IV of the Constitution of Uganda, without prejudice, however, to the jurisdiction of the High Court of Uganda to determine whether such a person has been validly elected in accordance with the provisions of this subsection.

(3) The Governor may by order made at any time before the appointed day make such amendments to any Ordinance, law, rule, regulation, order or other instrument made in pursuance of the existing Orders and in force immediately before the coming into operation of this section as appear to him necessary or expedient for giving effect or enabling effect to be given to the provisions of subsection (2) of this section.

(4) No law enacted by the Legislature of Uganda for the purposes of section 33 of the Constitution of Uganda shall have effect until after the first general election of the Elected Members of the National Assembly has been held.

(5) The provisions of this section shall have effect notwithstanding anything in the Uganda (Electoral Provisions) Order in Council, 1961(a).

Governors powers in relation to elections.

8.—(1) The Governor, acting in his discretion, may give to any electoral officer such directions with respect to the supervision or conduct of an election of an Elected Member of the National Assembly as appear to him to be necessary to ensure the impartial discharge of the functions of that officer and any such officer shall comply with any such directions or cause them to be complied with.

(2) Where any power is conferred on the Governor to appoint a person to or remove a person from an office the functions of which

(a) S.I. 1961/2038 (1961 III, p. 3723).

are the general supervision of electoral officers that power shall be exercisable by the Governor acting in his discretion.

(3) In this section "electoral officer" means a person holding or acting in an office the functions of which involve the supervision or conduct of elections of Elected Members of the National Assembly.

(4) This section shall cease to have effect on the day upon which the National Assembly first meets after the first general election of the Elected Members of the Assembly.

Constituencies.

9. Subject to any provision made by the Electoral Boundaries Commission under section 35 of the Constitution of Uganda, Uganda shall, for the purposes of elections to the National Assembly after the appointed day, be divided into constituencies having the same boundaries as the electoral districts into which it is divided immediately before the appointed day for the purposes of elections of Representative Members of the Legislative Council constituted by the existing Orders.

Procedure of National Assembly.

10.—(1) Subject to the provisions of this section, the rules and orders regulating the procedure of the Legislative Council as in force immediately before the appointed day (including any rules and orders relating to the procedure for the performance of the functions of any Members of the Council under the East African Common Services Organisation Agreement(a)) shall, except as may be otherwise provided by the National Assembly, continue to be the rules and orders regulating the procedure of the National Assembly after the appointed day but shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Order.

(2) The Governor may by order made at any time before the first sitting of the National Assembly after the first general election of the Elected Members of the Assembly make such amendments to the rules and orders of the Legislative Council as appear to him to be necessary for the purpose of facilitating the conduct of the business of the Assembly at that sitting.

Remuneration of certain officers.

11. Until such time as other provision is made in that behalf by the Legislature of Uganda, there shall be paid to the holders of the offices to which section 92 of the Constitution of Uganda applies salaries and allowances calculated at the same rate as the salaries and allowances paid immediately before the appointed day to the holders of the offices corresponding thereto.

Councils of Districts.

12.—(1) Any District Council established for a District under the African Local Governments Ordinance(b) or the District Administration (District Councils) Ordinance, 1955(c), as amended, and existing immediately before the appointed day shall be deemed to have been established as from the appointed day under section 74 of the Constitution of Uganda as the Council for that District.

(2) Any such Council shall, for the period beginning on the appointed day and ending on the 1st day of September 1963 or on such earlier date as may be prescribed in relation to that

(a) *See* S.I. 1961/2315 (1961 III, p. 4142). (b) Revised Laws of Uganda, Chapter 74.
(c) Ordinance No. 1 of 1955.

Council by the Legislature of Uganda, be deemed (except for the purposes of section 13 of this Order and section 75 of the Constitution of Uganda) to be duly constituted in accordance with the provisions of section 74 of the Constitution of Uganda notwithstanding that its membership may not accord with the requirements of that section, and, during that period—

(*a*) the Council shall have such membership as may be so prescribed;

(*b*) subsection (4) of section 74 of the Constitution of Uganda shall not have effect in relation to that Council;

(*c*) a resolution of the Council for the purposes of the said section shall not have effect unless it is approved by the Governor.

(3) Nothing in this section shall apply in relation to a council established for the Kingdom of Ankole, the Kingdom of Bunyoro or the Kingdom of Toro.

Constitutional heads of Districts.

13.—(1) The office of Kyabazinga of Busoga as established immediately before the appointed day shall be deemed to have been established as from the appointed day as the office of constitutional head of the District of Busoga under section 75 of the Constitution of Uganda.

(2) The office of Won Nyaci of Lango as established immediately before the appointed day shall be deemed to have been established as from the appointed day as the office of constitutional head of the District of Lango under section 75 of the Constitution of Uganda.

(3) Any person who, immediately before the appointed day, holds an office referred to in subsection (1) or subsection (2) of this section shall be deemed to have been appointed as from the appointed day to that office:

Provided that any such person shall vacate that office when the Council of the District for which the office is established first meets after it has been duly constituted in accordance with the requirements of section 74 of the Constitution of Uganda.

High Court.

14.—(1) Any proceedings pending immediately before the appointed day before Her Majesty's High Court of Uganda established by the existing Orders may be continued after the appointed day before the High Court of Uganda established by the Constitution of Uganda.

(2) The number of puisne judges of the High Court of Uganda shall, until the Legislature of Uganda otherwise prescribes under subsection (2) of section 77 of the Constitution of Uganda, be six.

Attorney General of Uganda.

15. The following provisions shall apply in relation to a person holding office immediately before the appointed day as Attorney General of Uganda—

(*a*) leave of absence from his duties shall be granted to that person from the appointed day for such period as the Governor, acting in his discretion, may direct, and that period may be extended from time to time at the direction of the Governor, acting in his discretion;

(*b*) the provisions of section 58 of the Constitution of Uganda shall not apply in relation to that person;

(*c*) there shall be paid to that person a salary and allowances at the same rate as the salary and allowances payable to him immediately before the appointed day which shall be a charge on the revenues of Uganda, and the other conditions of service of the Attorney General shall not be altered to his disadvantage during his continuance in office;

(*d*) notwithstanding that that person is holding the office of Attorney General, Uganda, another person may be appointed to the office in pursuance of section 58 and for the purposes of any function conferred upon the holder of the office the person so appointed to the office shall be deemed to be the sole holder of the office.

Transitional provisions relating to existing Commissions.

16. Any power that, immediately before the appointed day, is vested in a Commission established by the existing Orders (in this section referred to as "an existing Commission") and that, under the existing Orders, is then delegated to some other person or authority shall, as from the appointed day, be deemed to have been delegated to such person or authority in accordance with the provisions of the Constitution of Uganda.

Continuance of service of certain public officers.

17.—(1) Where any public office is abolished, the Governor, acting in his discretion, may direct that the person holding that office immediately before its abolition, shall continue to be a member of the public service for such period as the Governor may think fit.

(2) Any person who, upon the abolition of his office, continues to be a member of the public service by virtue of a direction under this section shall during such continuance—

(*a*) be paid a salary and allowances at the same rate as the salary and allowances payable to him in respect of that office immediately before it was abolished, which shall be a charge on the revenue of Uganda;

(*b*) if he held the office on pensionable terms be deemed, for the purposes of the law applicable to him in accordance with the provisions of section 101 of the Constitution of Uganda to be the holder of a pensionable office to which is attached the same pensionable emoluments as the pensionable emoluments attached to the office held by him immediately before it was abolished.

Appeals Board.

18.—(1) If any Commission established by the Constitution of Uganda decides to give such concurrence as is required under subsection (1) or subsection (2) of section 102 of the Constitution of Uganda in respect of any benefits to which that section applies that may be granted or that have been granted to or in respect of an entitled officer, or if any such Commission makes any other decision the effect of which is that any such benefits may not be granted to or in respect of an entitled officer, the Commission shall cause to be delivered to the officer concerned (or to his personal representatives) a written notice of its decision, stating the time, not being less than fourteen days from the date on which the notice is delivered, within which he (or his personal representatives) may apply to the Commission for the case to be referred to an Appeals Board.

(2) Any such decision of a Commission shall not have effect until the expiry of the time stated in the notice, and if application is duly made within that time for the case to be referred to an Appeals Board,

the decision shall not have effect until the final determination of the case under this section and except to the extent authorised by such determination :

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

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

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

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

(*a*) one member selected by the Governor, acting after consultation with the Prime Minister ;

(*b*) one member selected by an association representative of public officers or a professional body, nominated in either case by the applicant ; and

(*c*) one member selected by the two other members jointly or, in default of agreement between those members, by the Judicial Service Commission, who shall be the chairman of the Board.

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

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

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

(7) In this section "entitled officer" means any officer whom the Governor, acting in his discretion, declares to be an entitled officer either specifically or by virtue of his belonging to a class of officer so declared.

W. G. Agnew.

Section 2. THE FIRST SCHEDULE TO THE ORDER

PART I

EXISTING ORDERS REVOKED BY THIS ORDER

The Uganda Order in Council, 1902(a).

The Uganda Order in Council, 1911(b).

The Uganda Order in Council, 1912(c).

The Uganda Order in Council, 1920(d).

The Uganda Order in Council, 1939(e).

The Uganda Order in Council, 1952(f).

The Uganda (Amendment) Order in Council, 1953(g).

The Uganda (Amendment) Order in Council, 1954(h).

The Uganda (Public Office) Order in Council, 1955(i).

The Buganda Agreement, 1955, Order in Council, 1955(j).

The Uganda (Amendment) Order in Council, 1955(k).

The Uganda (Public Service Commission) Order in Council, 1957(l).

The Uganda (Electoral Provisions) Order in Council, 1957(m).

The Uganda (Public Service Commission) (Amendment) Order in Council 1957(n).

The Uganda (Police Service Commission) Order in Council, 1957(o).

The Uganda (Amendment) Order in Council, 1958(p).

The Uganda (Amendment) Order in Council, 1961(q).

The Uganda (Amendment No. 2) Order in Council, 1961(r).

The Uganda (Electoral Provisions) Order in Council, 1961(s).

The Buganda Agreement, 1961, Order in Council, 1961(t).

(a) S.R. & O. 1902/662 (Rev. VIII, p. 288: 1902, p. 145).
(b) S.R. & O. 1911/237 (Rev. VIII, p. 288: 1911, p. 104).
(c) S.R. & O. 1912/85 (Rev. VIII, p. 288: 1912, I, p. 164).
(d) S.R. & O. 1920/884 (Rev. VIII, p. 296: 1920 I, p. 699).
(e) S.R. & O. 1939/520 (Rev. VIII, p. 288: 1939 II p. 1699).
(f) S.I. 1952/752 (1952 III, p. 3493).
(g) S.I. 1953/1908 (1953 II, p. 2307).
(h) S.I. 1954/1568 (1954 I, p. 716).
(i) S.I. 1955/245 (1955 I, p. 706).
(j) S.I. 1955/1221 (1955 I, p. 700).
(k) S.I. 1955/705 (1955 I, p. 704).
(l) S.I. 1957/862 (1957 I, p. 675).
(m) S.I. 1957/1528 (1957 I, p. 668).
(n) S.I. 1957/1748 (1957 I, p. 678).
(o) S.I. 1957/2168 (1957 I, p. 671).
(p) S.I. 1958/1516 (1958 I, p. 997).
(q) S.I. 1961/62 (1961 I, p. 124).
(r) S.I. 1961/1193 (1961 II, p. 2327).
(s) S.I. 1961/2038 (1961 III, p. 3723).
(t) S.I. 1961/2034 (1961 III, p. 3703).

PART II

PROVISIONS OF UGANDA ORDER IN COUNCIL, 1902, NOT REVOKED BY THIS ORDER AND AMENDMENTS TO THOSE PROVISIONS

Column 1	*Column 2*
Section 2	Insert after the definition of "Gazette" the following definition— "" the High Court " means the High Court of Uganda established by the Uganda (Constitution) Order in Council, 1962; ".
Section 3 (1) and (2).	
Section 7	Insert after subsection (4) the following subsection— "(5) Nothing in this section shall preclude the Legislature of Uganda from making provision vesting any rights of Her Majesty in or in relation to any Crown land in a person or authority other than Her Majesty or the Governor."
Section 13.	
Section 14.	
Section 15 (2).	
Section 16.	
Section 23A.	

Section 3. THE SECOND SCHEDULE TO THE ORDER

THE CONSTITUTION OF UGANDA

ARRANGEMENT OF SECTIONS

CHAPTER I

THE TERRITORIES OF UGANDA

Section

1. The territories of Uganda.
2. Boundaries of territories.
3. Constitution of Buganda.
4. Provisions relating to Kingdoms of Ankole, Bunyoro and Toro.
5. Provisions relating to Kampala and certain towns.

CHAPTER II

PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL

6. Fundamental rights and freedoms of the individual.
7. Protection of right to life.
8. Protection of right to personal liberty.
9. Protection from slavery and forced labour.
10. Protection from inhuman treatment.
11. Protection from deprivation of property.
12. Protection for privacy of home and other property.
13. Provisions to secure protection of law.
14. Protection of freedom of conscience.
15. Protection of freedom of expression.
16. Protection of freedom of assembly and association.
17. Protection of freedom of movement.
18. Protection from discrimination on the grounds of race etc.
19. Enforcement of protective provisions.
20. Provisions for periods of public emergency.
21. Interpretation and savings.

CHAPTER III

THE GOVERNOR AND THE DEPUTY GOVERNOR

22. Establishment of office of Governor.
23. Oaths to be taken by Governor.
24. Powers and duties of Governor.
25. Establishment of office of Deputy Governor.
26. Succession to government.
27. Discharge of Governor's functions by Deputy Governor.

CHAPTER IV

THE LEGISLATURES

PART 1

Composition of the Legislature of Uganda

28. Establishment of Legislature of Uganda.
29. Composition of National Assembly.
30. Qualifications for election.
31. Disqualifications for election.
32. Election of Elected Members.

Section

33. Qualifications of voters.
34. Electoral Boundary Commission.
35. Constituencies.
36. Election of Specially Elected Members.
37. Tenure of office of members of National Assembly.
38. Determination of questions as to membership of National Assembly.
39. Clerk to National Assembly and his staff.
40. Speaker and Deputy Speaker.

PART 2

Procedure in National Assembly

41. Oath to be taken by members of National Assembly.
42. Presiding in National Assembly.
43. Quorum in National Assembly.
44. Voting in National Assembly.
45. Unqualified person sitting or voting.
46. Mode of exercising legislative power.
47. Restrictions with regard to certain financial measures.
48. Disallowance of laws.
49. Regulation of procedure in National Assembly.

PART 3

Summoning, Prorogation and Dissolution of National Assembly

50. Sessions of National Assembly.
51. Prorogation and dissolution of National Assembly.

PART 4

Powers of Legislatures of Uganda and Buganda

52. Legislative power.

CHAPTER V

EXECUTIVE POWERS

53. Executive authority of Uganda.
54. Extent of executive authority of Uganda and Buganda.
55. Delegation of executive authority of Uganda.
56. Ministers of Government of Uganda.
57. Cabinet.
58. Attorney-General of Uganda.
59. Allocation of portfolios to Ministers.
60. Governor's special responsibilities.
61. Performance of functions of Prime Minister during absence or illness.
62. Exercise of Governor's functions.
63. Governor to be informed concerning matters of government.
64. Parliamentary Secretaries.
65. Oaths to be taken by Ministers etc.
66. Permanent secretaries.
67. Secretary to Cabinet.
68. Director of Public Prosecutions.
69. Constitution of offices.

Section

70. Prerogative of mercy.
71. Kabaka's powers of commutation and remission.
72. Uganda Police Force.
73. Official language.

CHAPTER VI

LOCAL ADMINISTRATIONS

74. Councils for Kingdoms and Districts.
75. Constitutional heads for Districts.
76. Privileges and immunities of members of Lukiiko and Councils.

CHAPTER VII

THE JUDICATURE

PART 1

The High Courts of Uganda and Buganda

77. Establishment of High Court of Uganda.
78. Appointment of judges of High Court of Uganda.
79. Tenure of office of judges of High Court of Uganda.
80. Oaths to be taken by judges of High Court of Uganda.
81. High Court of Buganda.

PART 2

Jurisdiction with respect to constitutional matters

82. Determination of disputes.
83. Questions of interpretation of Constitution.
84. Right of appeal to H.M. in Council.

PART 3

Judicial Service Commission

85. Judicial Service Commission.
86. Appointment etc. of judicial officers.

CHAPTER VIII

FINANCE

87. Withdrawal from public funds.
88. Authorization of expenditure.
89. Authorization of expenditure in advance of appropriation.
90. Contingencies Fund.
91. Remuneration of certain officers.
92. Public debt.
93. Auditor-General.
94. Moneys payable to Buganda.
95. Interpretation.

CHAPTER IX

THE PUBLIC SERVICE

96. Public Service Commission.
97. Appointment etc. of public officers.
98. Qualifications of Director of Public Prosecutions.

Section
99. Tenure of office of Director of Public Prosecutions etc.
100. Appointment of permanent secretaries etc.
101. Protection of pension rights.
102. Powers of Commissions in relation to pensions etc.

CHAPTER X

MISCELLANEOUS

103. Performance of functions of Commissions.
104. Resignations.
105. Re-appointments and concurrent appointments.
106. Interpretation.

The First Schedule to the Constitution of Uganda—Boundaries of Kingdoms and Districts.
The Second Schedule to the Constitution of Uganda—The Constitution of Buganda.
The Third Schedule to the Constitution of Uganda—Towns to which the provisions of Section 5 apply.
The Fourth Schedule to the Constitution of Uganda—Procedure for election of Elected Members by Lukiiko.
The Fifth Schedule to the Constitution of Uganda—Procedure for election of Specially Elected Members.
The Sixth Schedule to the Constitution of Uganda—The Legislative Lists.

CHAPTER I

THE TERRITORIES OF UGANDA

The territories of Uganda.

1.—(1) The Uganda Protectorate (hereinafter called "Uganda") shall consist of the Kingdom of Buganda, the Districts and the territory of Mbale.

(2) The Districts shall be the Kingdoms of Ankole, Bunyoro and Toro and the Districts of Acholi, Bugisu, Bukedi, Busoga, Karamoja, Kigezi, Lango, Madi, Sebei, Teso and West Nile.

Boundaries of territories.

2.—(1) Subject to the provisions of this section, the boundaries of the Kingdom of Buganda and the Districts shall be those set out in the First Schedule to this Constitution.

(2) If the National Assembly passes a resolution requesting that the boundary between any two Districts shall be reviewed, the Governor shall appoint a Commission for that purpose, which shall consist of a chairman and such other persons as he shall think fit.

(3) If any Commission appointed under this section recommends to the Governor that the boundary between any two Districts should be altered, the Governor shall cause the recommendation to be submitted to the National Assembly; and if the Assembly by resolution approves the recommendation, the Governor shall by Proclamation make such alterations to the boundaries of those Districts as is necessary to give effect to the recommendation; and the boundaries of those Districts shall be altered accordingly with effect from such date as may be specified in the Proclamation:

Provided that a Proclamation altering the boundaries of the Kingdom of Ankole, the Kingdom of Bunyoro or the Kingdom of Toro shall not have effect unless the Ruler of the Kingdom has consented to its having effect.

(4) Subject to the provisions of this section, the boundaries of the territory of Mbale shall be the boundaries of the Mbale township district as delimited under the provisions of any law immediately before the commencement of this Constitution.

(5) If the Legislature of Uganda makes provision for the alteration of the boundaries between any District and the territory of Mbale by the transfer of any part of Uganda comprised in the territory of Mbale to that District the boundaries of the territory of Mbale and of the District shall be altered accordingly with effect from such date as may be so provided.

Constitution of Buganda.

3.—(1) There shall be a Constitution for Buganda, which, subject to the provisions of this section, shall be in the terms set out in the Second Schedule to this Constitution (which terms have been agreed between Her Majesty and the Kabaka, Chiefs and people of Buganda).

(2) If the Legislature of Buganda makes provision altering the Constitution of Buganda as set out in the Second Schedule to this Constitution, the provisions of that Constitution shall, subject to the provisions of this section, be altered accordingly with effect from such date as may be prescribed by that Legislature:

Provided that—

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

(*b*) no law enacted by that Legislature for that purpose to the extent that it alters the provisions of articles 20, 21, 22, 23, 24, 25, 32, 33 or 34 of the Constitution of Buganda shall have effect unless the consent of Her Majesty's Government in the United Kingdom to its having effect has been signified by the Governor by Proclamation published in the Gazette.

(3) Subject to the provisions of this Constitution, the provisions of the Constitution of Buganda, as from time to time altered in accordance with the provisions of this section, shall have the force of law.

Provisions relating to Kingdoms of Ankole, Bunyoro and Toro.

4.—(1) The Governor, acting in his discretion, may by order declare that any provision of an agreement for the time being in force between Her Majesty and the Ruler of the Kingdom of Ankole, the Ruler of the Kingdom of Bunyoro or the Ruler of the Kingdom of Toro shall have the force of law and any such provision shall, subject to the provisions of this section, have the same force and effect as if it formed part of this Constitution.

(2) If the council of a Kingdom makes provision by resolution for altering any provisions having effect in relation to that Kingdom and having the force of law under this section those provisions shall, subject to the provisions of this Constitution, have effect accordingly on such date as may be prescribed in the resolution:

Provided that a resolution of the council of the Kingdom for that purpose shall not be passed unless it has been supported by the votes

of not less than two-thirds of all the members of that council and shall not have effect unless it is approved by the Governor, acting in his discretion.

(3) References in this section to the council of a Kingdom are references to a council established for that Kingdom by a provision of an agreement upon which the force of law is conferred under this section.

Provisions relating to Kampala and certain towns.

5.—(1) The Capital of Uganda shall be Kampala.

(2) The authorities established by law for the local administration of the Municipality of Kampala or of a town specified in the Third Schedule to this Constitution shall not, in the case of the Municipality of Kampala or a town situated in the Kingdom of Buganda, be subject to the direction or control of the Kabaka's Government, and, in the case of a town situated in a District, shall not be subject to the direction or control of any authority established for the local administration of that District by or under the provisions of this Constitution or any law:

Provided that the provisions of this subsection shall not apply in relation to the town of Entebbe, the town of Njeru or the town of Mubende to the extent that it may be so agreed between the Government of Uganda and the Kabaka's Government.

CHAPTER II

PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL

Fundamental rights and freedoms of the individual.

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

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

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

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

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

Protection of right to life.

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

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

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

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

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

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

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

Protection of right to personal liberty.

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

(*a*) in execution of the sentence or order of a court, whether in Uganda or elsewhere, in respect of a criminal offence of which he has been convicted;

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

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

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

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

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

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

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

(*i*) for the purpose of preventing the unlawful entry of that person into Uganda, or for the purpose of effecting the expulsion, extradition or other lawful removal of that person from Uganda or the taking of proceedings relating thereto; or

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

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

(3) Any person who is arrested or detained—

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

(*b*) upon reasonable suspicion of his having committed, or being about to commit, a criminal offence,

and who is not released, shall be brought without undue delay before a court; and if any person arrested or detained as mentioned in

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

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

Protection from slavery and forced labour.

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

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

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

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

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

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

(*d*) any labour required during a period of public emergency or in the event of any other emergency or calamity that threatens the life or well-being of the community.

Protection from inhuman treatment.

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

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

Protection from deprivation of property.

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

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

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

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

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

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

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

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

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

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

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

(*e*) in the execution of judgments or orders of courts:

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

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

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

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

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

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

Protection for privacy of home and other property.

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

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

(*a*) in the interests of defence, public safety, public order, public morality, public health, or town and country planning, the

development and utilization of mineral resources, or the development and utilization of any other property in such a manner as to promote the public benefit;

(*b*) for the purpose of protecting the rights or freedoms of other persons; or

(*c*) to enable an officer or agent of the Government of Uganda, the Kabaka's Government, the East Africa Common Services Organisation or a local government authority, or a body corporate established by law for a public purpose, to enter on the premises of any person in order to value those premises for the purpose of any tax, rate or due, or in order to carry out work connected with any property that is lawfully on those premises and that belongs to that Government, that authority, or that body corporate, as the case may be;

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

Provisions to secure protection of law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Chapter 76 of the Revised Laws of Uganda.
(b) Chapter 77 of the Revised Laws of Uganda. (c) Ordinance No. 1 of 1957.

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

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

(12) In this section "legal representative" means a person entitled to practise in Uganda as an advocate.

Protection of freedom of conscience.

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

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

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

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

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

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

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

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

Protection of freedom of expression.

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

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

(*a*) that is reasonably required—

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

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

(*b*) that imposes restrictions upon public officers,

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

Protection of freedom of assembly and association.

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

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

(*a*) that is reasonably required—

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

(ii) for the purpose of protecting the rights or freedoms of other persons; or

(*b*) that imposes restrictions upon public officers,

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

Protection of freedom of movement.

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

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

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

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

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

(*c*) for the imposition of restrictions on the movement or residence within Uganda of any person who does not belong to Uganda or the exclusion or expulsion from Uganda of any such person;

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

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

(*f*) for the removal of a person from Uganda to be tried outside Uganda for a criminal offence or to undergo imprisonment outside Uganda in execution of the sentence of a court in respect of a criminal offence of which he has been convicted.

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

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

Protection from discrimination on the grounds of race etc.

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

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

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

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

(*a*) for the appropriation of revenues or other funds of Uganda or Buganda; or

(*b*) with respect to persons who do not belong to Uganda ; or

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

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

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

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

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

(7) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision whereby persons of any such description as is mentioned in subsection (3) of this section may be subjected to any restriction on the rights and freedoms guaranteed by sections 12, 14, 15, 16 and 17 of this Constitution, being such a restriction as is authorised by subsection (2) of section 12, subsection (5) of section 14, subsection (2) of section 15, subsection (2) of section 16 or subsection (3) of section 17, as the case may be.

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

Enforcement of protective provisions.

19.—(1) Subject to the provisions of subsection (5) of this section, if any person alleges that any of the provisions of sections 6 to 18 (inclusive) of this Constitution has been, is being or is likely to be contravened in relation to him, then, without prejudice to any other action with respect to the same matter that is lawfully available, that person may apply to the High Court of Uganda for redress.

(2) The High Court of Uganda shall have original jurisdiction to hear and determine any application made by any person in pursuance of subsection (1) of this section, and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing, or securing the enforcement of, any of the provisions of the said sections 6 to 18 (inclusive) to the protection of which the person concerned is entitled:

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

(3) Any person aggrieved by any determination of the High Court of Uganda under this section may appeal therefrom to Her Majesty's Court of Appeal for Eastern Africa.

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

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

(6) During the period of one year beginning with the commencement of this Constitution, nothing contained in any law made before that commencement shall be held to be inconsistent with any of the said sections 6 to 18 (inclusive); and nothing done during that period under the authority of any such law shall be held to be done in contravention of any of those sections.

Provisions for periods of public emergency.

20.—(1) Nothing contained in or done under the authority of any regulation made under the Emergency Powers Order in Council, (1939(a)), as amended, shall be held to be inconsistent with or in contravention of section 8, subsection (2) of section 9, any provision of section 13 other than subsection (4) thereof, or any provision of sections 12, 14, 15, 16, 17 or 18 of this Constitution to the extent that the regulation in question makes in relation to any period of public emergency provision, or authorizes the doing during any such period of anything, that is reasonably justifiable in the circumstances of any situation arising or existing during that period for the purpose of dealing with that situation.

(2) Where any person who is lawfully detained in pursuance only of such a regulation as is referred to in subsection (1) of this section so requests at any time during the period of that detention not earlier than six months after he last made such a request during that period, his case shall be reviewed by an independent and impartial tribunal established by law and presided over by a person appointed by the Chief Justice.

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

Interpretation and savings.

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

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

(a) See 1952 I, at p. 621.

"court" means any court of law in Uganda, other than a court established by a disciplinary law, and includes Her Majesty in Council, Her Majesty's Court of Appeal for Eastern Africa and in sections 7 or 8 of this Constitution a court established by a disciplinary law;

"disciplinary law" means a law regulating the discipline—

(*a*) of any disciplined force; or

(*b*) of persons serving prison sentences;

"disciplined force" means—

(*a*) a naval, military or air force;

(*b*) the Uganda Police Force;

(*c*) a police force established by law enacted by the Legislature of Uganda; or

(*d*) the Uganda Government Prison Service;

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

(2) In this Chapter "a period of public emergency" means any period during which—

(*a*) Her Majesty is at war; or

(*b*) there is in force a Proclamation made by the Governor under the provisions of section 3 of the Emergency Powers Order in Council, 1939, and published in the Gazette declaring that a state of public emergency exists.

(3) References in this Chapter to public officers include references to officers and employees in the service of the Kabaka's Government and officers and employees in the service of the East African Common Services Organisation.

(4) For the purposes of this Chapter a person shall be deemed to belong to Uganda if he is a British subject or a British protected person and—

(*a*) was born in Uganda or of parents who at the time of his birth were ordinarily resident in Uganda; or

(*b*) has been ordinarily resident in Uganda continuously for a period of seven years or more and since the completion of such period of residence has not been ordinarily resident continuously for a period of seven years or more in any other part of the Commonwealth; or

(*c*) has obtained the status of a British subject by reason of the grant by the Governor of Uganda of a certificate of naturalization under the British Nationality and Status of Aliens Act, 1914(a), or the British Nationality Act, 1948(b); or

(*d*) is the wife of a person to whom any of foregoing paragraphs applies not living apart from such person under a decree of court or a deed of separation; or

(*e*) is the child, stepchild, or child adopted in a manner recognised by law under the age of eighteen years of a person to whom any of the foregoing paragraphs applies.

(a) 4 & 5 Geo. 5. c. 17. (b) 11 & 12 Geo. 6. c. 56.

(5) In relation to any person who is a member of a disciplined force raised under a law enacted by the Legislature of Uganda, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Chapter other than sections 7, 8 and 10.

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

CHAPTER III

THE GOVERNOR AND THE DEPUTY GOVERNOR

Establishment of office of Governor.

22. There shall be a Governor and Commander-in-Chief, who shall be appointed by Her Majesty and shall hold office during Her Majesty's pleasure and who shall be Her Majesty's representative in Uganda.

Oaths to be taken by Governor.

23. A person appointed to the office of Governor shall, before entering upon that office, take and subscribe the oath of allegiance and such oath for the due execution of his office as may be prescribed by law.

Powers and duties of Governor.

24. The Governor shall have such functions as may be conferred upon him by or under this Constitution or any other law and such other functions as Her Majesty may be pleased to assign to him and, subject to the provisions of this Constitution and any law by which any such functions are conferred, shall do or execute all things that belong to his office (including the exercise of any functions that are expressed to be exercisable by him in his discretion) according to such instructions, if any, as Her Majesty may see fit to give him:

Provided that the question whether or not the Governor has in any matter complied with such instructions shall not be called in question in any court of law.

Establishment of office of Deputy Governor.

25.—(1) There shall be a Deputy Governor who shall be appointed by the Governor in pursuance of instructions given by Her Majesty through a Secretary of State and shall hold office during Her Majesty's pleasure.

(2) If the office of Deputy Governor is vacant or the Deputy Governor is administering the government of Uganda or is for any reason unable to perform the functions of his office, then the Governor, acting in his discretion, may appoint a person to act as Deputy Governor and any such person shall continue to act until his appointment is revoked by the Governor, acting in his discretion.

Succession to government.

26.—(1) Whenever the office of Governor is vacant or the Governor is absent from Uganda or is for any other cause prevented from or incapable of discharging the functions of his office—

(*a*) the Deputy Governor; or

(*b*) if the office of Deputy Governor is vacant or the Deputy Governor is absent from Uganda or is for any reason unable to discharge the functions of his office, such person as Her

Majesty may designate by Instructions given under Her Sign Manual and Signet or through a Secretary of State,

shall, during Her Majesty's pleasure, discharge the functions of the office of Governor and administer the government of Uganda accordingly.

(2) Before assuming the administration of the government of Uganda, the Deputy Governor or any such person as aforesaid shall take and subscribe the oath of allegiance and such oath for the due execution of the office of Governor as may be prescribed by law.

(3) The Deputy Governor shall not continue to administer the government after the Governor has notified him that he is about to assume or resume the administration of the government and the person designated under paragraph (*b*) of subsection (1) of this section shall not continue to administer the government after the Governor or the Deputy Governor has so notified him.

(4) The Governor, or, if the Deputy Governor has entered upon the discharge of the functions of the Governor under subsection (1) of this section, the Deputy Governor may, if he has occasion to be absent from Uganda for a period which in his opinion will be of short duration, direct by notice published in the Gazette that, notwithstanding his absence from Uganda, he will continue to administer the government of Uganda.

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

(*a*) the Governor or the Deputy Governor shall not be regarded as absent from Uganda or as unable to discharge the functions of the office of Governor by reason of the fact that he is in passage from one part of Uganda to another;

(*b*) the Governor shall not be regarded as absent from Uganda so long as any direction given by the Governor under subsection (4) of this section is in force;

(*c*) when the Deputy Governor has entered upon the discharge of the functions of the office of Governor under subsection (1) of this section he shall not be regarded as absent from Uganda so long as any direction given by the Deputy Governor under subsection (4) of this section is in force.

(6) In this section "the Governor" means the person holding the office of Governor and "the Deputy Governor" means the person holding the office of Deputy Governor.

Discharge of Governor's functions by Deputy Governor.

27.—(1) The Governor may, by writing under his hand, authorize the Deputy Governor to exercise for and on behalf of the Governor, subject to such exceptions and conditions as the Governor may from time to time specify, any or all of the functions of the office of Governor.

(2) The powers and authority of the Governor shall not be affected by any authority of the Deputy Governor under subsection (1) of this section otherwise than as Her Majesty may from time to time think proper to direct and the Deputy Governor shall conform to and observe such instructions relating to the discharge by him of any of the functions of the office of Governor as the Governor may from time to time address to him for his guidance.

(3) Any authority given under subsection (1) of this section may at any time be varied or revoked by Her Majesty by instructions through a Secretary of State or by the Governor by writing under his hand.

(4) For the purposes of this section "the Governor" means the person holding the office of Governor and includes any person discharging the functions of that office under section 26 of this Constitution and "the Deputy Governor" means the person holding the office of Deputy Governor and includes any person appointed to act as Deputy Governor.

(5) In subsection (1) of this section the reference to any functions of the office of Governor does not include a reference to any functions conferred upon the Governor by any Act of Parliament or by any Order of Her Majesty in Council or other instrument made under any Act of Parliament other than this Order, the Emergency Powers Order in Council, 1939, or any Order amending or replacing those Orders.

CHAPTER IV

THE LEGISLATURES

PART 1

Composition of the Legislature of Uganda

Establishment of Legislature of Uganda.

28. There shall be a Legislature for Uganda, which shall consist of Her Majesty and a National Assembly.

Composition of National Assembly.

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

(*a*) eighty-two Elected Members; and

(*b*) nine Specially Elected members.

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

Qualifications for election.

30. Subject to the provisions of section 31 of this Constitution, a person shall be qualified to be elected as an Elected Member or a Specially Elected Member of the National Assembly if, and shall not be qualified to be so elected unless, he—

(*a*) is a British subject or a British protected person who has attained the age of twenty-one years; and

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

Disqualifications for election.

31.—(1) No person shall be qualified to be elected as an Elected Member or a Specially Elected Member of the National Assembly who—

(*a*) is, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to a foreign power or state:

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

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

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

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

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

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

shall not be qualified for election to the Assembly.

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

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

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

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

(*c*) his belonging to any police force.

(5) For the purpose of this section—

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

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

Election of Elected Members.

32.—(1) Of the Elected Members of the National Assembly, three members shall be elected within the Municipality of Kampala and twenty-one members (hereinafter in this section called "the twenty-one members") shall be elected within Buganda, exclusive of that Municipality.

(2) Subject to the provisions of this section, the Elected Members of the National Assembly shall be directly elected in such manner as may be prescribed by the Legislature of Uganda to represent constituencies established under section 35 of this Constitution.

(3) If the Lukiiko declares by resolution after any dissolution of the National Assembly and not less than fourteen days before the date

fixed for the nomination of candidates for election of Elected Members at the next general election to the Assembly that it so desires, the twenty-one members shall, until the next dissolution of the Assembly, be elected by the Lukiiko in accordance with the provisions of the Fourth Schedule to this Constitution:

Provided that—

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

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

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

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

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

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

Qualifications of voters.

33.—(1) A person who—

(*a*) has attained the qualifying age;

(*b*) who is a British subject or a British protected person or, not being a British subject or a British protected person, has been resident in Uganda for five years out of the eight years immediately preceding the date on which he applies for registration as a voter; and

(*c*) who has been resident in Uganda for six months immediately preceding the date on which he applies for registration as a voter,

shall, unless he is disqualified for registration as a voter under any law, be entitled, upon his making application in that behalf at such time and in such manner as may be prescribed by any law, to be registered as a voter for the purposes of elections of Elected Members of the National Assembly.

(2) The qualifying age for the purposes of this section shall be such age (not being less than eighteen or more than twenty-one years) as the Legislature of Uganda may prescribe and until that Legislature so prescribes shall be the age of twenty-one years.

Electoral Boundary Commission.

34.—(1) There shall be an Electoral Boundary Commission, which shall consist of a chairman and not less than two other members appointed by the Governor, acting after consultation with the Prime Minister and the Leader of the Opposition.

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

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

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

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

(4) A member of the Electoral Boundary Commission may be removed from office by the Governor, acting after consultation with the Prime Minister and the Leader of the Opposition, but he may be removed only for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

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

(6) In this section "Leader of the Opposition" means the member of the National Assembly who in the opinion of the Governor, acting in his discretion, is the person that commands the support of the largest number of members of the Assembly in opposition to the Government.

Constituencies.

35.—(1) Uganda shall be divided into as many constituencies as there are Elected Members of the National Assembly in such manner as the Electoral Boundary Commission may prescribe.

(2) The boundaries of each constituency shall be such that the number of inhabitants thereof is as nearly equal to the population quota as is reasonably practicable:

Provided that the number of inhabitants of a constituency may be greater or less than the population quota in order to take account of means of communication, geographical features, density of population and the boundaries of Kingdoms, Districts and other administrative areas.

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

Provided that the Commission may at any time carry out such a review and alter the constituencies in accordance with the provisions

of this section to such extent as it considers necessary by reason of the holding of a census of the population of Uganda.

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

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

Election of Specially Elected Members.

36. The Specially Elected Members of the National Assembly shall be elected by the Elected Members of the Assembly in accordance with the provisions of the Fifth Schedule to this Constitution.

Tenure of office of members of National Assembly.

37.—(1) Every Elected Member or Specially Elected Member of the National Assembly shall vacate his seat in the Assembly upon a dissolution of the Assembly.

(2) An Elected Member or Specially Elected Member of the National Assembly shall vacate his seat in the Assembly—

(*a*) if he ceases to be a British subject or ceases to be a British protected person without becoming a British subject;

(*b*) if he is absent from the sittings of the Assembly for such period and in such circumstances as may be prescribed in the rules of procedure of the Assembly; or

(*c*) subject to the provisions of subsection (3) of this section, if any circumstances arise that, if he were not a member of the Assembly, would cause him to be disqualified for election as such under subsection (1), (3) or (4) of section 31 of this Consitution.

(3) The Legislature of Uganda may, in order to permit any Elected Member or Specially Elected Member of the National Assembly who has been adjudged or declared bankrupt or of unsound mind or sentenced to death or imprisonment to appeal against the decision, provided that, subject to such conditions as may be prescribed, the decision shall not have effect for the purpose of this section until such time as may be prescribed.

Determination of questions as to membership of National Assembly.

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

(*a*) any person has been validly elected as an Elected Member or a Specially Elected Member of the National Assembly or the seat of any such member has become vacant;

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

(2) The Legislature of Uganda may make provision with respect to—

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

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

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

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

Clerk to National Assembly and his staff.

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

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

Speaker and Deputy Speaker.

40.—(1) When the National Assembly first meets after any general election of the Elected Members of the Assembly and before it proceeds to the despatch of any other business the Elected Members of the Assembly shall elect a person to be the Speaker of the Assembly; and, if the office of Speaker falls vacant at any time before the next dissolution of the Assembly, the Elected Members of the Assembly shall, as soon as is practicable, elect a person to that office.

(2) The Speaker may be elected either from among the Elected Members of the National Assembly who do not hold the office of a Minister, the Attorney-General of Uganda or a Parliamentary Secretary or from among persons who are not members of the Assembly and are qualified for election as such.

(3) When the National Assembly first meets after any general election of the Specially Elected Members of the Assembly the Assembly shall elect a member of the Assembly who is not a Minister, the Attorney-General of Uganda or a Parliamentary Secretary to be the Deputy Speaker of the Assembly; and, if the office of Deputy Speaker falls vacant at any time before the next dissolution of the Assembly, the Assembly shall, as soon as is practicable, elect a person to that office.

(4) A person shall vacate the office of Speaker or Deputy Speaker of the National Assembly—

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

(*b*) if, having been elected from among persons who were not members of the Assembly, any circumstances arise (other than a dissolution of the Assembly) that, if he were a member of the Assembly, would cause him to vacate his seat as such;

(*c*) when the Assembly first sits after any general election;

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

(*e*) if he is removed from office by resolution of the Assembly supported by the votes of two-thirds of all the members of the Assembly.

PART 2

Procedure in National Assembly

Oath to be taken by members of National Assembly.

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

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

Presiding in National Assembly.

42. There shall preside at any sitting of the National Assembly—

(*a*) the Speaker; or

(*b*) in the absence of the Speaker, the Deputy Speaker; or

(*c*) in the absence of the Speaker and of the Deputy Speaker, such member of the Assembly (not being a Minister, the Attorney-General of Uganda or a Parliamentary Secretary) as the Assembly may elect for that purpose.

Quorum in National Assembly.

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

Voting in National Assembly.

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

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

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

(4) A person who is a member of the National Assembly by virtue only of his tenure of the office of Attorney-General of Uganda shall not be entitled to vote therein.

Unqualified person sitting or voting.

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

Mode of exercising legislative power.

46.—(1) The power of the Legislature of Uganda to make laws shall be exercised by bills passed by the National Assembly and assented to by Her Majesty or by the Governor on behalf of Her Majesty.

(2) When a bill is presented to the Governor for assent, he shall signify that he assents or that he withholds assent or that he reserves the bill for the signification of Her Majesty's pleasure:

Provided that, unless he has been authorized by a Secretary of State to assent thereto, the Governor shall reserve for the signification of Her Majesty's pleasure any bill that appears to the Governor, acting in his discretion—

(*a*) to be inconsistent with any obligation imposed on Her Majesty by any treaty, convention or agreement with or arrangement

relating to any country or international or similar organization outside Uganda or any agreement between Her Majesty and the Ruler of a Kingdom ; or

(*b*) to be likely to prejudice the Royal prerogative.

(3) The Governor, after a bill has been assented to, shall cause it to be published as a law.

(4) A bill duly passed shall become law on being assented to in accordance with this Constitution but no law shall come into force until it has been published, without prejudice, however, to the power of the Legislature of Uganda to postpone the operation of any law or to make laws with retrospective effect.

Restriction with regard to certain financial measures.

47. Except upon the recommendation of the Governor signified by a Minister, the National Assembly shall not—

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

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

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

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

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

(*b*) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding, would be to make provision for any of those purposes ; or

(*c*) receive any petition that, in the opinion of the person presiding, requests that provision be made for any of those purposes.

Disallowance of laws.

48.—(1) Any law enacted by the Legislature of Uganda that has been assented to by the Governor and that appears to Her Majesty to alter, to the injury of the stockholders, any provision relating to stock to which this section applies or to involve a departure from the original contract in respect of any such stock may be disallowed by Her Majesty through a Secretary of State.

(2) Whenever such a law has been disallowed by Her Majesty the Governor shall cause notice of such disallowance to be published in the Gazette and the law shall be annulled with effect from the date of publication of that notice.

(3) On the annulment of any law under this section any enactment repealed or amended by or in pursuance of that law shall have effect as from the date of the annulment as if that law had not been made ; but save as provided in the foregoing provisions of this subsection the provisions of subsection (2) of section 38 of the Interpretation Act, 1889(a), shall apply to that annulment as they apply to the repeal of an Act of Parliament.

(a) 52 & 53 Vict. c. 63.

(4) The stock to which this section applies is stock forming the whole or part of the public debt of Uganda—

(*a*) in which a trustee might at any time have invested by virtue of section 2 of the Colonial Stock Act, 1900(a); or

(*b*) by the conditions of issue of which it is provided that this Section shall apply to it.

Regulation of procedure in National Assembly.

49.—(1) Subject to the provisions of this Constitution, the National Assembly may regulate its own procedure (including the procedure for the election of the Speaker or for the performance of any functions of members of the Assembly under the East African Common Services Organization Agreement).

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

PART 3

Summoning, prorogation and dissolution of National Assembly

Sessions of National Assembly.

50. Each session of the National Assembly shall be held at such place within Uganda and shall begin at such time (not being later than twelve months from the end of the preceding session if the Assembly has been prorogued or three months from the end of that session if the Assembly has been dissolved) as the Governor may appoint.

Prorogation and dissolution of National Assembly.

51.—(1) The Governor may at any time prorogue the National Assembly.

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

Provided that—

(*a*) if the Prime Minister recommends a dissolution and the Governor considers that the Government of Uganda can be carried on without a dissolution and that a dissolution would not be in the interests of Uganda, the Governor, acting in his discretion, may refuse to dissolve the Assembly;

(*b*) if the Assembly passes a resolution that it has no confidence in the Government of Uganda and the Prime Minister does not within three days either resign from his office or advise a dissolution, the Governor, acting in his discretion, may dissolve the Assembly; and

(*c*) if the office of Prime Minister is vacant and the Governor considers that there is no prospect of his being able within a reasonable time to appoint to that office a person who can command the support of a majority of the members of the Assembly, the Governor, acting in his discretion, may dissolve the Assembly.

(3) The National Assembly, unless sooner dissolved, shall continue for five years from the date of its first sitting after any dissolution and shall then stand dissolved.

(a) 63 & 64 Vict. c. 62.

PART 4

Powers of Legislatures of Uganda and Buganda

Legislative power.

52.—(1) Subject to the provisions of this Constitution, the Legislature of Uganda shall have power to make laws for the peace, order and good government of Uganda, other than Buganda, with respect to any matter.

(2) Subject to the provisions of this Constitution, the Legislature of Uganda and the Legislature of Buganda shall each have power to make laws for the peace, order and good government of Buganda with respect to any matter:

Provided that—

(*a*) the Legislature of Uganda shall not have power to make laws with respect to the matters specified in Part I of the Sixth Schedule to this Constitution; and

(*b*) the Legislature of Buganda shall not have power to make laws with respect to the matters specified in Part II of that Schedule.

(3) If any law enacted by the Legislature of Buganda is inconsistent with any law validly enacted by the Legislature of Uganda, the law enacted by the Legislature of Uganda shall prevail and the law enacted by the Legislature of Buganda shall, to the extent of the inconsistency, be void.

CHAPTER V

EXECUTIVE POWERS

Executive authority of Uganda.

53.—(1) The executive authority of Uganda shall vest in Her Majesty.

(2) Subject to the provisions of this Constitution, the executive authority of Uganda may be exercised on behalf of Her Majesty by the Governor, either directly or through officers subordinate to him.

(3) Nothing in this section shall prevent the Legislature of Uganda from conferring functions on persons or authorities other than the Governor.

Extent of executive authority of Uganda and Buganda.

54.—(1) The executive authority of Uganda shall extend to the maintenance and execution of the Constitution of Uganda and to all matters with respect to which the Legislature of Uganda has power to make laws.

(2) The executive authority of Buganda shall extend to the maintenance and execution of the Constitution of Buganda and to all matters with respect to which the Legislature of Buganda has power to make laws but shall be so exercised as not to impede or prejudice the exercise of the executive authority of Uganda.

Delegation of executive authority of Uganda.

55.—(1) The Governor may, with the consent of the Kabaka's Government, entrust either conditionally or unconditionally to any officer or authority of that Government functions in relation to any matter to which the executive authority of Uganda extends falling to be performed within Buganda.

(2) The Legislature of Uganda may make provision conferring powers or imposing duties, or authorizing the conferring of powers or the imposition of duties, upon any officer or authority of the Kabaka's Government:

Provided that no such provision shall have effect unless the Kabaka's Government consents to its having effect.

Ministers of Government of Uganda.

56.—(1) There shall be a Prime Minister who shall be appointed by the Governor.

(2) There shall be, in addition to the office of Prime Minister, such other offices of Minister of the Government of Uganda as may be established by the Legislature of Uganda or, subject to the provisions of any law enacted by that Legislature, by the Governor, acting in accordance with the advice of the Prime Minister.

(3) The Governor, acting in his discretion, shall appoint as Prime Minister a member of the National Assembly who appears to him likely to command the support of the majority of the members of the Assembly, and shall, acting in accordance with the advice of the Prime Minister, appoint the other Ministers from among the members of the Assembly:

Provided that, if occasion arises for making an appointment to the office of Prime Minister or any other Minister while the Assembly is dissolved, a person who was a member of the Assembly immediately before the dissolution may be appointed as Prime Minister or any other Minister.

(4) The Governor, acting in his discretion, may remove the Prime Minister from office—

(*a*) if a vote of no confidence in the Government of Uganda is passed by the National Assembly and the Prime Minister does not within three days either resign from his office or advise a dissolution of the Assembly; or

(*b*) if at any time between the holding of a general election and the first sitting of the Assembly thereafter the Governor considers that, in consequence of changes in the membership of the Assembly resulting from that election, the Prime Minister will not be able to command the support of a majority of the members of the Assembly.

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

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

(*b*) if, at the first sitting of the Assembly after a general election, the holder of the office is not a member of the Assembly.

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

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

(*b*) if the Prime Minister resigns from office within three days after the passage by the National Assembly of a resolution of no confidence in the Government or is removed from office under subsection (4) of this section; or

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

Cabinet.

57.—(1) There shall be a Cabinet of Ministers, consisting of the Prime Minister and the other Ministers.

(2) The Cabinet shall be collectively responsible to the National Assembly for any advice given to the Governor by or under the general authority of the Cabinet and for all things done by or under the authority of any Minister in the execution of his office.

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

(*a*) the appointment and removal from office of Ministers, the Attorney-General of Uganda and Parliamentary Secretaries, the assigning of responsibility to any Minister under section 59 of this Constitution or the authorization of another Minister to perform the functions of the Prime Minister during absence or illness;

(*b*) the dissolution of the National Assembly.

Attorney-General of Uganda.

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

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

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

(*b*) if the Prime Minister resigns from office within three days after the passage of a resolution of no confidence in the Government of Uganda or is removed from office under subsection (4) of section 56 of this Constitution; or

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

Allocation of portfolios to Ministers.

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

Provided that, except for the purpose of conducting business in the National Assembly and subject to the provisions of section 60 of this Constitution, a Minister shall not be given responsibility for any matter for which under that section the Governor, acting in his discretion, is responsible.

Governor's special responsibilities.

60. The Governor, acting in his discretion, shall be responsible for the following matters—

(*a*) external matters, that is to say, such matters relating to external affairs as may be specified in any Instructions given by Her Majesty under Her Majesty's Sign Manual and Signet or through a Secretary of State;

(*b*) defence, including the armed forces;

(*c*) internal security; and

(*d*) operational control of the police forces:

Provided that the Governor, acting in his discretion, may assign to a Minister such responsibility with respect to internal security or the operational control of the police as he may think fit upon such conditions as he may think fit.

Performance of functions of Prime Minister during absence or illness.

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

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

Provided that if the Governor considers that it is impracticable to obtain the advice of the Prime Minister owing to his absence or illness he may exercise those powers in his discretion.

Exercise of Governor's functions.

62.—(1) In the exercise of his functions under this Constitution or any other law the Governor shall act in accordance with the advice of the Cabinet or a Minister acting under the general authority of the Cabinet.

(2) The provisions of subsection (1) of this section shall not apply in relation to the exercise by the Governor of—

(*a*) any function conferred upon him by this Constitution that is expressed to be exercisable by him in his discretion or in accordance with the advice of or after consultation with any person or authority other than the Cabinet; or

(*b*) any function conferred upon him by any other law that is expressed to be exercisable by him in his discretion or that he is otherwise authorized by such law to exercise without obtaining the advice of the Cabinet.

(3) Where the Governor is directed by this Constitution to exercise any function after consultation with any person or authority other than the Cabinet, he shall not be obliged to exercise that function in accordance with the advice of that person or authority.

(4) Where the Governor has obtained the advice of the Cabinet or a Minister for the purposes of subsection (1) of this section, he may act otherwise than in accordance with that advice if in his judgment it is necessary or expedient so to act—

(*a*) for the purposes of a matter for which the Governor is responsible under section 60 of this Constitution; or

(*b*) in order that the obligations of Her Majesty or the Government of Uganda in respect of a Kingdom under any agreement may be duly discharged.

(5) Where the Governor is required by this Constitution to act in accordance with the advice of or after consultation with any person or authority the question whether he has in any matter so acted shall not be called in question in any court of law.

Governor to be informed concerning matters of government.

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

Parliamentary Secretaries.

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

Provided that, if occasion arises for making appointments while the Assembly is dissolved, a person who was a member of the Assembly

immediately before the dissolution may be appointed as a Parliamentary Secretary.

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

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

(*b*) if the Prime Minister resigns from office within three days after the passage by the National Assembly of a resolution of no confidence in the Government of Uganda or is removed from office under subsection (4) of section 56 of this Constitution;

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

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

(*e*) if, at the first sitting of the Assembly after a general election, the holder of the office is not a member of the Assembly.

Oaths to be taken by Ministers etc.

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

Permanent secretaries.

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

Secretary to Cabinet.

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

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

Director of Public Prosecutions.

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

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

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

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

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

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

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

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

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

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

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

Constitution of offices.

69. Subject to the provisions of this Constitution and of any other law, the Governor may constitute offices for Uganda, make appointments to any such office and terminate any such appointment.

Prerogative of mercy.

70.—(1) The Governor, acting in his discretion, may, in Her Majesty's name and on Her Majesty's behalf—

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

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

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

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

(2) There may be established by or in pursuance of any Instructions under Her Majesty's Sign Manual and Signet and subject to the provisions of any such Instructions, a Committee of the Cabinet to exercise such functions in relation to the powers conferred upon the Governor by this section as may be prescribed by such Instructions.

Kabaka's powers of commutation and remission.

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

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

(a) Chapter 77 of the Revised Laws of Uganda.

(*b*) remit the whole or any part of that sentence

in such cases and subject to such conditions as may be prescribed by the Governor, acting in his discretion.

Uganda Police Force.

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

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

(3) The Inspector-General of Police shall have power to give directions with respect to the use and operational control of any police force in Uganda other than the Uganda Police Force and the officer in charge of any such force shall comply with any such directions or cause them to be complied with.

Official language.

73. The official language of the Government of Uganda shall be English.

CHAPTER VI

Local Administrations

Councils for Districts.

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

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

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

(3) Those members of the Council of a District that are required by this section to be elected shall be elected in accordance with the laws that apply in relation to the election of Elected Members of the National Assembly (which for that purpose shall have effect with such modifications, if any, as the Governor may by order prescribe) at elections—

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

(*b*) at which any person who is qualified for election to the Assembly is qualified to be elected to the Council :

Provided that a Council may by resolution make provision—

(i) under which persons who have attained the age of eighteen years and who, but for the fact that they have not attained the qualifying age, would be entitled to be registered as voters in the District for which the Council is established for the purposes of elections to the Assembly are also entitled to vote at elections of elected members of the Council ;

(ii) under which persons who are not qualified for election to the Assembly are also qualified to be elected as members of the Council ;

(iii) for the division of the District into electoral areas for the purpose of returning elected members to the Council.

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

(5) References in this section to persons who are qualified for election to the Assembly are references to persons who are qualified for election as an Elected Member of the National Assembly in accordance with the provisions of paragraph (*a*) of section 30 of this Constitution and are not disqualified for election as such by the provisions of subsection (1) of section 31 of this Constitution.

(6) Nothing in this section shall apply in relation to the Kingdom of Ankole, the Kingdom of Bunyoro or the Kingdom of Toro.

Constitutional heads for Districts.

75.—(1) The Council of a District may by resolution make provision for establishing the office of constitutional head of that District, for the appointment of persons to that office, their tenure of office and their ceremonial functions:

Provided that a resolution establishing the office of constitutional head shall not be passed unless it has been supported by the votes of not less than two-thirds of all the members of the Council and shall not have effect unless it is approved by the Governor, acting in his discretion.

(2) The constitutional head of a District shall take precedence over all persons therein save Her Majesty or Her Majesty's representative and shall assent to all legislative resolutions passed by the Council of the District and make such appointments to the office of any Chief or other officer of the District, as the Appointments Board of the District may recommend.

(3) If the office of the constitutional head of a District is vacant or if the constitutional head is for any reason unable to perform the functions of his office, the Council of the District may by resolution appoint a person to act as constitutional head and any person appointed to act shall continue to act for the period of his appointment or, if no such period is appointed, until his appointment is revoked by the Council by resolution.

(4) Nothing in this section shall apply in relation to the Kingdom of Ankole, the Kingdom of Bunyoro or the Kingdom of Toro.

Privileges and immunities of members of Lukiiko and Councils.

76. The laws that apply in relation to the privileges and immunities of the members of the National Assembly while taking part in the proceedings of the Assembly shall apply in relation to the members of the Lukiiko and the members of the Council of a District while taking part in the proceedings of the Lukiiko or that Council, as the case may be, and for that purpose shall have effect with such modifications, if any, as may be prescribed by the Legislature of Uganda.

CHAPTER VII

THE JUDICATURE

PART 1

The High Courts of Uganda and Buganda

Establishment of High Court of Uganda.

77.—(1) There shall be a High Court for Uganda, which shall have unlimited original jurisdiction in civil and criminal matters throughout Uganda and such other jurisdiction as may be conferred on it by this Constitution or any other law.

(2) The judges of the High Court of Uganda shall be the Chief Justice and such number of other judges, not being less than six,

(hereinafter referred to as "the puisne judges") as may be prescribed by the Legislature of Uganda:

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

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

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

(5) The High Court of Uganda shall administer justice in Her Majesty's name:

Provided that, when sitting in the Kingdom of Ankole, the Kingdom of Bunyoro or the Kingdom of Toro, the High Court shall administer justice in the name of the Ruler of that Kingdom.

Appointment of judges of High Court of Uganda.

78.—(1) The Chief Justice shall be appointed by the Governor, acting after consultation with the Prime Minister and the President of Her Majesty's Court of Appeal for Eastern Africa.

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

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

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

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

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

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

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

(4) If the office of Chief Justice is vacant or if the Chief Justice is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of that office or until the person holding that office has resumed those functions, as the case may be, those functions shall be performed by such one of the puisne judges as may be designated in that behalf by the Governor, acting in his discretion.

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

Provided that a person may act as a judge notwithstanding that he has attained the age prescribed for the purposes of subsection (1) of section 79 of this Constitution.

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

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

Tenure of office of judges of High Court of Uganda.

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

(2) Notwithstanding that he has attained the age at which he is required by the provisions of this section to vacate his office, a person holding the office of a judge of the High Court of Uganda may continue in office for so long after attaining that age as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him before he attained that age.

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

(4) A judge of the High Court of Uganda shall be removed from office by the Governor if the question of his removal has, at the request of the Governor, made in pursuance of subsection (5) of this section, been referred by Her Majesty to the Judicial Committee of Her Majesty's Privy Council under any enactment enabling Her Majesty in that behalf and the Judicial Committee has advised Her Majesty that the judge ought to be removed from office for inability as aforesaid or for misbehaviour.

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

(*a*) the Governor shall appoint a tribunal, which shall consist of a Chairman and not less than two other members, selected by the Governor, acting in his discretion, from among persons who hold or have held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from any such court;

(*b*) the tribunal shall enquire into the matter and report on the facts thereof to the Governor and recommend to the Governor whether he should request that the question of the removal of that judge from office should be referred by Her Majesty to the Judicial Committee; and

(*c*) if the tribunal so recommends, the Governor shall request that the question should be referred accordingly.

(6) If the question of removing a judge from office has been referred to a tribunal under subsection (5) of this section, the Governor, acting in his discretion, may suspend the judge from performing the functions of his office, and any such suspension may at any time be revoked by the Governor, acting in his discretion, and shall in any case cease to have effect—

(*a*) if the tribunal recommends to the Governor that he should not request that the question of the removal of the judge from office should be referred by Her Majesty to the Judicial Committee; or

(*b*) if the Judicial Committee advises Her Majesty that the judge ought not to be removed from office.

(7) The provisions of sections 6 and 8, section 9 (other than the words "not inconsistent with their commission" and "subject only to the terms of their commission"), sections 10 to 15 inclusive and section 17 of the Commission of Inquiry Ordinance(a), as in force immediately before the commencement of this Constitution, shall apply in relation to a tribunal appointed under this section as they apply in relation to Commissioners appointed under that Ordinance, and for that purpose those provisions shall have effect as if they formed part of this Constitution.

(8) The provisions of this section shall be without prejudice to the provisions of subsection (6) of section 78 of this Constitution.

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

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

High Court of Buganda.

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

Provided that the High Court of Buganda shall not have jurisdiction to determine any application or question falling to be determined by the High Court of Uganda under section 19, 38, 45, 82 or 83 of this Constitution.

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

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

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

(a) Revised Laws of Uganda, Chapter 37.

or matter from the High Court of Buganda to the High Court of Uganda or from the High Court of Uganda to the High Court of Buganda.

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

PART 2

Jurisdiction with respect to constitutional matters

Determination of disputes.

82.—(1) The Governor, acting in his discretion, may refer to the High Court of Uganda any justiciable issue that is in dispute between Her Majesty's Government in the United Kingdom or the Government of Uganda, on the one part, and the Kabaka's Government or the Ruler of the Kingdom of Ankole, the Kingdom of Bunyoro or the Kingdom of Toro, on the other part, arising out of the provisions of any agreement in writing:

Provided that the Governor shall refer any such issue to the High Court if he is so requested by the Kabaka's Government (or the Kabaka, in respect of any matter affecting his personal position or functions) or the Ruler, as the case may be.

(2) The High Court of Uganda shall determine any question referred to it under this section in accordance with such procedure as the Chief Justice may direct.

Questions of interpretation of Constitution.

83.—(1) Where any question as to the interpretation of this Constitution arises in any proceedings in any court of law in Uganda (other than the High Court of Uganda or Her Majesty's Court of Appeal for Eastern Africa or a court-martial) and the court is of opinion that the question involves a substantial question of law the court may, and shall if any party to the proceedings so requests, refer the question to the High Court of Uganda.

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

Right of appeal to H.M. in Council.

84.—(1) An appeal shall lie as of right direct to Her Majesty in Council from final decisions of the High Court of Uganda—

(*a*) on any question as to the interpretation of this Constitution; or

(*b*) on any question referred to the High Court in pursuance of section 82 of this Constitution.

(2) The provisions of this section shall be subject to the provisions of subsection (3) of section 38 of this Constitution.

PART 3

Judicial Service Commission

Judicial Service Commission.

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

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

(*b*) the Chairman of the Public Service Commission of Uganda or such other member of that Commission as may for the time being be designated in that behalf by the Chairman of that Commission;

(*c*) such puisne judge as may for the time being be designated in that behalf by the Governor, acting after consultation with the Chief Justice; and

(*d*) one other member who shall be appointed by the Governor, acting after consultation with the Chief Justice.

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

(*a*) a person shall not be qualified for appointment as such unless he has the qualifications prescribed in subsection (3) of section 78 of this Constitution;

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

(*c*) a person appointed as such may be removed from office by the Governor, acting after consultation with the Chief Justice, but he may be removed only for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

Appointment, etc. of judicial officers.

86.—(1) Power to appoint persons to hold or act in offices to which this section applies (including power to confirm appointments), to exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office shall vest in the Judicial Service Commission:

Provided that if the Legislature of Uganda so provides, power to appoint persons to hold or to act in an office to which this section applies (other than an office referred to in paragraph (*a*) or (*c*) of subsection (3) of this section) shall vest in the Kabaka, the Ruler of the Kingdom of Ankole, the Kingdom of Bunyoro or the Kingdom of Toro, as the case may be, acting in accordance with the advice of the Judicial Service Commission.

(2) The Judicial Service Commission may, subject to such conditions as it thinks fit, delegate any of its powers under this section by directions in writing to any member of the Commission, any judge of the High Court of Uganda or to any person holding or acting in any office to which this section applies.

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

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

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

(*c*) the office of Senior Resident Magistrate, Resident Magistrate, Senior Courts Adviser or Courts Adviser;

(*d*) the office of any officer empowered to preside in any court of law (not being the High Court of Uganda, the High Court of Buganda or a court whose jurisdiction is limited to a specified race);

(*e*) such other offices of president or members of any court of law or connected with any court of law (including a court whose jurisdiction is limited to persons of a specified race) as may be prescribed by the Legislature of Uganda.

(4) References in this section to a court of law do not include references to a court-martial.

CHAPTER VIII

FINANCE

Withdrawal from public funds.

87.—(1) No money shall be withdrawn from the public funds of Uganda except upon the authority of a warrant under the hand of the Governor or the Minister responsible for finance.

(2) No such warrant shall be issued for the purpose of meeting any expenditure other than statutory expenditure unless—

(*a*) the expenditure has been authorised for the financial year during which the withdrawal is to take place—

(i) by an Appropriation law; or

(ii) by a supplementary estimate approved by resolution of the National Assembly; or

(*b*) the expenditure has been authorised in accordance with the provisions of section 89 or 90 of this Constitution.

Authorization of expenditure.

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

(2) The heads of expenditure contained in the estimates (other than statutory expenditure) shall be included in a bill to be known as an Appropriation bill which shall be introduced into the Assembly to provide for the issue from the public funds of Uganda of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.

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

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

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

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

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

Authorization of expenditure in advance of appropriation.

89. The Legislature of Uganda may make provision under which, if the Appropriation law in respect of any financial year has not come into operation by the beginning of that financial year, the Minister responsible for finance may authorise the withdrawal of monies from the public funds of Uganda for the purpose of meeting expenditure necessary to carry on the services of the Government

until the expiration of four months from the beginning of that financial year or the coming into operation of the Appropriation law, whichever is the earlier.

Contingencies Fund.

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

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

Remuneration of certain officers.

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

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

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

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

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

Public debt.

92.—(1) The public debt of Uganda shall be a charge upon the revenues and other public funds of Uganda.

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

Auditor-General.

93.—(1) There shall be an Auditor-General for Uganda, whose office shall be a public office.

(2) The public accounts of Uganda and of all officers, courts and authorities of the Government of Uganda shall be audited and reported on by the Auditor-General and for that purpose the Auditor-General or any person authorized by him in that behalf shall have access to all books, records, returns and other documents relating to those accounts.

(3) The Auditor-General shall submit his reports to the Minister responsible for finance, who shall cause them to be laid before the National Assembly.

(4) In the exercise of his functions under this Constitution the Auditor-General shall not be subject to the direction or control of any other person or authority.

94. Any grant of money payable by the Government of Uganda to the Kabaka's Government in pursuance of any agreement between Her Majesty and the Kabaka, Chiefs and people of Buganda shall be a charge on the revenues of Uganda. Moneys payable to Buganda.

95. In this Chapter— Interpretation.

"financial year" means the period of twelve months ending on the thirtieth day of June in any year or such other day as the Legislature of Uganda may prescribe;

"statutory expenditure" means expenditure charged on the revenues or public funds of Uganda by any provision of this Constitution or of any other law.

CHAPTER IX

THE PUBLIC SERVICE

96.—(1) There shall be a Public Service Commission for Uganda, which shall consist of a chairman and not less than three nor more than seven other members. Public Service Commission.

(2) The members of the Public Service Commission of Uganda shall be appointed by the Governor, acting after consultation with the Prime Minister.

(3) A person shall not be qualified for appointment as a member of the Public Service Commission of Uganda if he is a member of the National Assembly, a member of the Lukiiko, a member of the Council of a District or if he is a public officer.

(4) Subject to the provisions of this section, the office of a member of the Public Service Commission of Uganda shall become vacant—

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

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

(5) The Governor, acting after consultation with the Prime Minister, may designate any member of the Public Service Commission of Uganda, other than the Chairman, as a Deputy Chairman of the Commission:

Provided that the number of members of the Commission so designated shall not at any time exceed two.

(6) A member of the Public Service Commission of Uganda may be removed from office by the Governor, acting after consultation with the Prime Minister, but he may be removed only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

(7) If the office of Chairman of the Public Service Commission of Uganda is vacant or if the person holding that office is for any reason unable to perform the functions of his office, then until a person has been appointed to and has assumed the functions of that office or until the person holding that office has resumed those functions, as the case may be, those functions shall be performed by such Deputy Chairman, or, if there is no member so designated and able to

perform the function of that office by such one of the other members of the Commission, as may be designated in that behalf by the Governor, acting after consultation with the Prime Minister.

(8) If at any time there are less than three members of the Public Service Commission of Uganda besides the Chairman or if any such member is appointed to act as Chairman or is for any reason unable to perform the functions of his office, the Governor, acting after consultation with the Prime Minister, may appoint a person who is qualified for appointment as a member of the Commission to act as a member, and any person so appointed shall, subject to the provisions of subsection (4) of this section, continue to act until the office in which he is acting is filled or, as the case may be, until the holder thereof resumes his functions or until his appointment to act is revoked by the Governor acting after consultation with the Prime Minister.

Appointment etc. of public officers.

97.—(1) Subject to the provisions of this Constitution, power to appoint persons to hold or act in any offices in the public service of Uganda (including power to confirm appointments), to exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office shall vest in the Public Service Commission of Uganda.

(2) The Public Service Commission may, subject to such conditions as it thinks fit, delegate any of its powers under this section by directions in writing to any member of the Commission or to any public officer.

(3) The provisions of this section shall not apply in relation to any of the following offices :—

(*a*) the office of any judge of the High Court of Uganda ;

(*b*) except for the purpose of making appointments thereto or to act therein, the office of the Director of Public Prosecutions, Auditor-General or Inspector-General of Police ;

(*c*) any office to which section 86 of this Constitution (which relates to appointments to judicial offices) applies ;

(*d*) so far only as concerns the appointment of persons thereto or to act therein, the offices of permanent secretaries and the office of the Secretary to the Cabinet ; or

(*e*) any offices in the Uganda Police Force, not being above the rank of Inspector, to the extent that the Inspector-General of Police or some other officer of the Uganda Police Force is empowered by any law to exercise powers of appointment, disciplinary control or removal in respect of persons holding or acting in those offices.

(4) No person shall be appointed under this section to or to act in any office on the personal staff of the Governor except with the concurrence of the Governor, acting in his discretion.

(5) Before exercising any of its powers in relation to the Clerk or a Clerk Assistant of the National Assembly, the Public Service Commission of Uganda shall consult the Speaker of the Assembly.

(6) Before the Public Service Commission of Uganda appoints to or to act in any public office any person holding or acting in any office the power to make appointments to which is vested by this Constitution in the Judicial Service Commission, it shall consult that Commission.

(7) The offices that are to constitute the personal staff of the Governor for the purposes of this section shall be such offices in the public service as the Governor, acting after consultation with the Prime Minister, may by order prescribe.

Qualifications of Director of Public Prosecutions.

98.—(1) A person shall not be qualified for appointment to hold or act in the office of Director of Public Prosecutions unless he is entitled to practise as an advocate or solicitor in a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in the Republic of Ireland or a court having jurisdiction in appeals from any such court, and has been entitled for not less than ten years to practise as an advocate or solicitor in such a court.

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

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

(*b*) he does not hold a practising certificate or has not satisfied any other like condition.

Tenure of office of Director of Public Prosecutions etc.

99.—(1) The provisions of this section shall apply in relation to persons holding the office of Director of Public Prosecutions, Auditor-General or Inspector-General of Police.

(2) Subject to the provisions of this section, a person to whom this section applies shall vacate his office when he attains the age of fifty-five or such other age as may be prescribed by the Legislature of Uganda.

(3) A person to whom this section applies may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of this section.

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

(5) If the Prime Minister or the Public Service Commission represents to the Governor that the question of removing a person to whom this section applies ought to be investigated, then—

(*a*) the Governor, acting in his discretion, shall appoint a tribunal, which shall consist of a chairman and not less than two other members, being persons who hold or have held office as a judge of a court having unlimited jurisdiction in civil or criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from such a court; and

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

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

(7) The provisions of sections 6 and 8, section 9 (other than the words "not inconsistent with their commission" and "subject only to the terms of their commission"), sections 10 to 15 inclusive and section 17 of the Commissions of Inquiry Ordinance(a), as in force immediately before the commencement of this Constitution, shall apply in relation to a tribunal appointed under this section as they apply in relation to Commissioners appointed under that Ordinance, and for that purpose those provisions shall have effect as if they formed part of this Constitution.

Appointment of permanent secretaries, etc.

100.—(1) Power to appoint persons to hold or act in the offices to which this section applies shall vest in the Governor, acting after consultation with the Prime Minister and the Public Service Commission of Uganda:

Provided that appointments to any such office upon transfer from any other such office carrying the same emoluments shall be made by the Governor in accordance with the advice of the Prime Minister.

(2) The offices to which this section applies are the office of any permanent secretary or the Secretary to the Cabinet.

Protection of pension rights.

101.—(1) The law applicable to any benefits to which this section applies shall, in relation to any person who has been granted or is eligible for the grant of such benefits, be that in force at the relevant date or any later law that is not less favourable to that person.

(2) In this section "the relevant date" means—

(*a*) in relation to benefits granted before this Constitution comes into operation, the date on which those benefits were granted;

(*b*) in relation to benefits granted or that may be granted after this Constitution comes into operation, to or in respect of a person who was a public officer before that date, the day before this Constitution comes into operation; and

(*c*) in relation to any benefits granted or that may be granted in respect of any person who becomes a public officer after this Constitution comes into operation, the date on which he becomes a public officer.

(3) Where a person is entitled to exercise an option as to which of two or more laws shall apply in his case, the law for which he opts shall, for the purposes of this section, be deemed to be more favourable to him than the other law or laws.

(4) Any benefits to which this section applies (not being benefits that are charged upon some other public fund) shall be a charge on the revenues of Uganda.

(a) Revised Laws of Uganda, Chapter 37.

(5) The benefits to which this section applies are any benefits payable under any law providing for the grant of any pensions, compensation, gratuities or other like allowances to persons in respect of their service as public officers or to the widows, children, dependants or personal representatives of such persons in respect of such service.

(6) References to the law applicable to any benefits to which this section applies include (without prejudice to their generality) references to any law regulating, for the purpose of determining whether any person is eligible for the grant of such benefits on his retirement from the public service of Uganda, the circumstances in which he is required or permitted to retire.

Power of Commissions in relation to pensions, etc.

102.—(1) Where under any law any person or authority has a discretion—

(*a*) to decide whether or not any benefits to which this section applies shall be granted; or

(*b*) to withhold, reduce in amount or suspend any such benefits that have been granted,

those benefits shall be granted and may not be withheld, reduced in amount or suspended unless the appropriate Commission concurs in the refusal to grant the benefits or, as the case may be, in the decision to withhold them, reduce them in amount or suspend them.

(2) Where the amount of any benefits to which this section applies that may be granted to any person is not fixed by law, the amount of the benefits to be granted to him shall be the greatest amount for which he is eligible unless the appropriate Commission concurs in his being granted benefits of a smaller amount.

(3) The appropriate Commission shall not concur under subsection (1) or subsection (2) of this section in action taken on the ground that any person who holds or has held the office of a judge of the High Court of Uganda, the Director of Public Prosecutions, the Auditor-General or the Inspector-General of Police has been guilty of misbehaviour unless he has been removed from office by reason of such misbehaviour.

(4) In this section "the appropriate Commission" means—

(*a*) in the case of benefits for which any person may be eligible in respect of the service in the public service of a person who, immediately before he ceased, to be a public officer, was subject to the disciplinary control of the Judicial Service Commission or that have been granted in respect of such service, the Judicial Service Commission; and

(*b*) in any other case, the Public Service Commission of Uganda.

(5) This section applies to any benefits payable under any law providing for the grant of pensions, compensation, gratuities or other like allowances to persons in respect of their service as public officers or to the widows, children, dependants or personal representatives of such persons in respect of such service.

CHAPTER X

MISCELLANEOUS

Performance of functions of Commissions.

103.—(1) The Governor, acting after consultation with any Commission established by this Constitution, may by regulation make provision for regulating and facilitating the performance by the Commission of its functions under this Constitution.

(2) Any decision of any Commission established by this Constitution shall require the concurrence of a majority of all the members thereof and, subject as aforesaid, the Commission may act notwithstanding the absence of any member or, in the case of the Judicial Service Commission, any vacancy in the office of the appointed member.

(3) Subject to the provisions of this section, any Commission established by this Constitution may regulate its own procedure.

Resignations.

104.—(1) Any person who is appointed or elected to any office established by this Constitution may resign from that office by writing under his hand addressed to the person or authority by whom he was appointed or elected:

Provided that in the case of a person who holds office as Speaker or Deputy Speaker of the National Assembly his resignation from that office shall be addressed to the Assembly, and in the case of a member of the Assembly his resignation shall be addressed to the Speaker.

(2) The resignation of any person from any office established by this Constitution shall take effect when the writing signifying the resignation is received by the person or authority to whom it is addressed or by any person authorized by that person or authority to receive it.

Re-appointments and concurrent appointments.

105.—(1) Where any person has vacated any office established by this Constitution, he may, if qualified, again be appointed or elected to hold that office in accordance with the provisions of this Constitution.

(2) Where a power is conferred by this Constitution upon any person to make any appointment to any office, a person may be appointed to that office notwithstanding that some other person may be holding that office, when that other person is on leave of absence pending the relinquishment of the office; and where two or more persons are holding the same office by reason of an appointment made in pursuance of this subsection, then, for the purposes of any function conferred upon the holder of that office, the person last appointed shall be deemed to be the sole holder of the office.

Interpretation.

106.—(1) In this Constitution, unless the context otherwise requires—

"the Commonwealth" means the United Kingdom, Canada, Australia, New Zealand, India, Pakistan, Ceylon, Ghana, the Federation of Malaya, the Federation of Nigeria, the Republic of Cyprus, Sierra Leone, the Federation of Rhodesia and Nyasaland, Tanganyika, the State of Singapore and any dependency of any such country;

"oath" includes affirmation;

"the oath of allegiance" means such oath of allegiance as may be prescribed by law;

"Minister" means a Minister of the Government of Uganda;

"public office" means an office of emolument in the public service;

"public officer" means a person holding or acting in any public office;

"the public service" means, subject to the provisions of subsections (2) and (3) of this section, the service of the Crown in a civil capacity in respect of the government of Uganda;

"session" means the sittings of the National Assembly beginning when it first meets after the commencement of this Constitution or after its prorogation or dissolution at any time and ending when it is prorogued or is dissolved without having been prorogued;

"sitting" means a period during which the National Assembly is sitting continuously without adjournment and includes any period during which it is in committee;

"the Uganda Protectorate" means the territory that, immediately before the commencement of this Constitution, was comprised in the Uganda Protectorate.

(2) In this Constitution, unless the context otherwise requires, references to offices in the public service shall be construed as including references to the offices of judges of the High Court of Uganda and references to the offices of members of all other courts of law established by the Legislature of Uganda (other than courts-martial), being offices the emoluments attaching to which are paid directly out of monies provided by the Legislature of Uganda, and references to the offices of members of the Uganda Police Force.

(3) In this Constitution references to an office in the public service shall not be construed as including references to the office of the Speaker or Deputy Speaker of the National Assembly, the Prime Minister or other Minister, the Attorney-General of Uganda, Parliamentary Secretary, a member of the Assembly or a member of any Commission established by this Constitution.

(4) References in this Constitution to the Municipality of Kampala, the town of Entebbe, the town of Mubende or the town of Njeru are references to the area comprised within the Municipality or that town, as delimited under the provisions of any law immediately before the commencement of this Constitution or as delimited by an order made by the Governor with the consent of the Kabaka's Government.

(5) For the purposes of this Constitution, a person shall not be considered as holding a public office by reason only of the fact that he is in receipt of a pension or other like allowance in respect of service under the Crown.

(6) In this Constitution, unless the context otherwise requires, a reference to the holder of an office by the term designating his office shall be construed as including a reference to any person for the time being lawfully acting in or performing the functions of that office.

(7) References in this Constitution to the power to remove a public officer from his office shall be construed as including references to any power conferred by any law to require or permit that officer to retire from the public service:

Provided that—

(*a*) nothing in this subsection shall be construed as conferring on any person or authority power to require a judge of the High Court of Uganda, the Director of Public Prosecutions, the Auditor-General or the Inspector-General of Police to retire from the public service; and

(*b*) any power conferred by any law to permit a person to retire from the public service shall, in the case of any public officer who may be removed from office by some person or authority other than a Commission established by this Constitution, vest in the Public Service Commission.

(8) Any provision in this Constitution that vests in any person or authority power to remove any public officer from his office shall be without prejudice to the power of any person or authority to abolish any office or to any law providing for the compulsory retirement of public officers generally or any class of public officer on attaining an age specified therein.

(9) Where power is vested by this Constitution in any person or authority to appoint any person to act in or perform the functions of any office if the holder thereof is himself unable to perform those functions, no such appointment shall be called in question on the ground that the holder of the office was not unable to perform those functions.

(10) No provision of this Constitution that any person or authority shall not be subject to the direction or control of any other person or authority in the exercise of any functions under this Constitution shall be construed as precluding a court of law from exercising jurisdiction in relation to any question whether that person or authority has performed those functions in accordance with this Constitution or any other law.

(11) Where any power is conferred by this Constitution to make any Order or rule, pass any resolution or give any direction, the power shall be construed as including the power, exercisable in like manner, to amend or revoke any such Order, rule, resolution or direction.

(12) The Interpretation Act, 1889, shall apply, with the necessary adaptations, for the purpose of interpreting this Constitution and otherwise in relation thereto as it applies for the purpose of interpreting and in relation to Acts of the Parliament of the United Kingdom.

Section 1. THE FIRST SCHEDULE TO THE CONSTITUTION OF UGANDA

THE BOUNDARIES OF THE KINGDOM OF BUGANDA AND OF THE DISTRICTS

THE KINGDOM OF BUGANDA

Commencing on the west bank of the River Nile at the Ripon Falls, the boundary shall follow the west bank of the river into Lake Kyoga and thence be continued along the centre of the Lake Kyoga and again along the centre of the River Nile as far as its confluence with the River Kafu; from this point the boundary shall be continued along the east bank of the River Kafu and thence into the River Nkusi; it shall then follow the south bank of the River Nkusi to its entry into Lake Albert; the boundary shall then follow the coast of Lake Albert south-westwards to the mouth of the River Muzizi; thence following the north bank of the River

Muzizi to its junction with the River Kanena; thence following the thalweg of the River Kanena until it reaches F.C.17164 whose western boundary shall be followed; thence in a westerly direction following the northern boundary of F.C.18624; thence following the northern boundary of F.C.11895 to its junction with the River Kaja, close to its source; thence following the thalweg of the River Kaja (Kaija) to its confluence with the River Lubale; thence following the thalweg of the River Lubale to its source; thence following the western boundary of F.C.11898 to the source of the River Kakinga; thence following the thalweg of the River Kakinga into the River Mukekemya whose thalweg is followed to the north-west corner of F.C.13971; thence following the boundary of F.C.13971 south-westwards to the north-east corner of S.E.895; thence following the boundary of S.E.895 south-westwards to its meeting with the River Kakoko; thence following the thalweg of River Kakoko to its junction with the River Katonga; thence following the thalweg of the River Katonga upstream (westwards) to its junction with the River Kakinga (Kagaga); thence following the thalweg of the River Kakinga (Kagaga) upstream (southwards) to its junction with the River Bugologolo; thence following the thalweg of the River Bugologolo to the most western corner of C.L. 1703; thence following the western boundaries of C.L. 1703 and F.C. 30045, the southern boundaries of C.L. 1703 and F.C. 30044, the southern boundary of F.C. 30048 and the south-eastern boundaries of F.C. 30048 and C.L. 1704 to meet the River Kakinga (Kagaga) again; thence following the thalweg of the River Kakinga (Kagaga) to its source near the southern corner of C.L. 1763; thence following the south-west boundary of S.E. 2335 to the source of the River Kalinega; thence following the thalweg of the River Kalinega to the north-west corner of F.C. 27584; thence along the western boundaries of the following estates—F.C.s 27584, 27586, 27576, 27554 (northern portion), 27566, 27554 (southern portion), 27572, 27534, 27553, 27525, C.L. 1574 and F.C. 27456 to the southern-western corner of the last-mentioned estate; thence along the thalweg of the River Kalinega again (here it is now called the Kalunyiga) into the northern end of Lake Kachera (Kachira); thence following the centre of Lake Kachera into Lake Kijanebalola and along the centre of that lake into Lake Kalunga; thence along the centre of that lake; thence following the thalweg of the River Kijonjo (Chijonjo) to the north-west corner of C.L. 1388; thence following the boundary of C.L. 1388 southwards, then south-westwards and then south-eastwards to its junction with F.C. 24880; thence following the boundary of the latter estate for a short distance to join the boundary of C.L. 1388 again; thence along the boundary of C.L. 1388 south-eastwards and then southwards along the western boundary of C.L. 1436 to the Tanganyika border; the boundary shall then follow the Uganda/Tanganyika boundary to a point whose longitude is 33° 25′ east; thence it shall run due north to latitude 0 degrees, 10 minutes, north, and thence in a northerly direction to the east of Lufu Island and Yubwe Island into Hannington Bay; thence generally north-westwards to the north of Buvuma and Lingira Islands to the south of Kaivali, Maundu and Samoka Islands and into Napoleon Gulf; thence along the centre of the gulf to the point of commencement at the Ripon Falls.

The Kingdom of Ankole

Commencing at the mouth of the Kazinga Channel in Lake Edward; thence following the Toro District boundary eastwards to its junction with the boundary of the Kingdom of Buganda; thence following the boundary of the Kingdom of Buganda southwards to its junction with the Uganda/Tanganyika boundary, thence following the Uganda/Tanganyika boundary westwards to its junction with the Ruanda-Urundi boundary; thence following the Uganda-Ruanda-Urundi boundary to its junction with the River Batoko; thence due westwards to the crest of the Burama Hills; thence following the crest of the Burama Hills and the crest of the Rugongo

Hills, to Kyiteizhura (close to Lutobo); thence in a north-westerly direction following the crest of the ridge leading up to the Nyarubare Hills to the highest point known as Nyaruwari; thence due northwards to meet the River Rwamutungo; thence following the thalweg of the River Rwamutungo into the River Ikona; thence following the River Ikona into the River Nyarurambi; thence following the thalweg of that river into the River Omurkango; thence following the thalweg of that river to its junction with the River Kahengye; thence following the thalweg of the River Kahengye into the River Mugoya; and thence to its confluence with the River Nyamugoya; thence following the thalweg of the River Nyamugoya upstream to its source (near Rwanzha); thence in a straight line northwards to the source of the River Nyachera; thence following the thalweg of the River Nyachera to its junction with the River Rushaya; thence following the thalweg of the River Rushaya to the southernmost corner of the Maramagambo forest (at the confluence of the Rushaya and Kyomela rivers); thence following the eastern edge of the Maramagambo Forest to the point on the north-eastern edge of which the River Kaizi enters the forest; thence following the thalweg of the River Kaizi to its mouth in Lake Edward; thence in a straight line to the point on the Uganda/Congo boundary of which the latitude is 0° 20′ south; thence following the Uganda/Congo boundary northwards to its junction with the Toro boundary; thence following the Toro boundary eastwards to the point of commencement.

The Kingdom of Bunyoro

Commencing at the turning point opposite Mahagi Port on the Uganda/Congo boundary where that boundary turns from a due north to a north-westerly direction in Lake Albert; thence in a straight line to the most northerly mouth of the Victoria Nile in Lake Albert (known as the Pearson Channel); thence following the thalweg of the Victoria Nile in a, first, easterly and then southerly, direction to its confluence with the River Kafu; from this point the boundary shall be continued along the east bank of the River Kafu and thence into the River Nkusi; it shall then follow the south bank of the River Nkusi to its entry into Lake Albert; the boundary shall then follow the coast of Lake Albert south-westwards to the point on the mouth of the River Muzizi of which the longitude is 30° 33′ east; thence due north to meet the Uganda/Congo boundary; thence following the Uganda/Congo boundary in a general north-easterly direction to the point of commencement.

The Kingdom of Toro

Commencing at the highest summit of the Ruwenzori range (Margherita Peak); thence following the Uganda/Congo boundary in a north and north-easterly direction to its junction with the boundary of the Kingdom of Bunyoro; thence following the boundary of Bunyoro due south to its junction with the boundary of the Kingdom of Buganda; thence following the boundary of Buganda in a general south-easterly and then southerly direction to its junction with the River Katonga; thence following the thalweg of the River Katonga upstream to its source in the swamp Nyetanga; thence following the centre of the said swamp to its junction with the River Rusangwe; thence following the thalweg of the River Rusangwe to its junction with the River Mpanga; thence following the thalweg of the River Mpanga to its junction with the River Bigera; thence following the thalweg of the River Bigera upstream to its junction with the River Kyebonikiri; thence following the thalweg of the River Kyebonikiri or Kyarutunga to its source; thence in a straight line in a south-easterly direction for one half-mile to the edge of a swamp known as the River Katahe; thence following the centre of that swamp to its junction with the River Karimirira; thence following the thalweg of the River Karimirira into the River Kalombi and following that river into the River

Mulugenyi; thence following that river to its source; thence in a straight line south-westwards to a point on the River Nyakihanga one half-mile upstream of its junction with the River Mbisa; thence following the thalweg of the River Nyakihanga into the River Kitomi; thence following the thalweg of the River Kitomi to its junction with the River Buhindagi; thence following the thalweg of that river to its mouth in Lake George; thence following the southern shore of Lake George to the point of egress of the Kazinga Channel; thence following the centre of the Kazinga Channel to its entry into Lake Edward; thence in a straight line due west to meet the Uganda/Congo boundary; thence following the Uganda/Congo boundary generally northwards to the point of commencement.

ACHOLI DISTRICT

Commencing at the point opposite to Mahagi Port where the boundary of the Kingdom of Bunyoro meets the Uganda/Congo boundary; thence following the West Nile District boundary northwards along the River Nile to the mouth of the River Choro; thence following the Madi District boundary eastwards and northwards to the Uganda/Sudan boundary; thence following the Uganda/Sudan boundary eastwards to the summit of Mount Lonyili; thence in a straight line south-eastwards to the summit of Mount Kaleri; thence in a straight line south-eastwards to the source of the River Logelat (the approximate position of which is latitude 3° 33′ north and longitude 33° 39′ east); thence following the thalweg of the Rivers Logelat, Chapeth and Chapedi downstream to a point due north of the summit of the hill Obworo; thence in a straight line to the summit of the hill Obworo; thence in a straight line southwards to the most northerly point of the Napono range of hills (the approximate position of which is latitude 3° 00′ north and longitude 33° 34′ east); thence following the crest of the said range to its most southerly point (the approximate position of which is latitude 2° 51′ north and longitude 33° 36′ east); thence due south to the River Awach; thence following the thalweg of the River Awach downstream to its junction with the River Agago; thence following the thalweg of that river downstream to its junction with the Orama River; thence following the latter to its source marked by a cairn; thence in a straight line to the source of the River Loker at a waterhole named *Ceke* marked by a cairn; thence downstream to its junction with the Atababaa River marked by a cairn; thence in a straight line to the junction of the Ayika and Ongaro rivers marked by a cairn; thence in a straight line to the waterhole *Acolpi* marked by a cairn; thence following the River Lauma downstream to the River Moroto (Aswa); thence following the thalweg of the River Moroto downstream to its junction with the River Oromo; thence following the thalweg of the River Oromo upstream to its source; thence in a westerly direction in a straight line to the source of the River Akoyo; thence in a straight line to the source of the River Laminalenga; thence in a straight line to the source of the River Gorduru; thence in a straight line to the source of the River Amon; thence in a straight line to the source of the river *Laminoduru;* thence in a straight line to the summit of the hill Opit; thence in a straight line to the source of the River Onekogwok; thence following the thalweg of the River Onekogwok downstream to its confluence with the River Minakulu; thence following the River Minakulu upstream in a westerly direction to its junction with the River Abuta; thence following the thalweg of the River Abuta to its source; thence in a straight line in a south-westerly direction to the source of the River Juma; thence following the thalweg of the River Juma to its junction with the Victoria Nile; thence following the boundary of the Kingdom of Bunyoro westwards to the point of commencement.

BUGISU DISTRICT

Commencing at the point where the River Siroko enters Lake Okolitorom; thence following the Teso District boundary southwards and then westwards to the junction of the rivers Lwere and Kolonyi; thence following the

thalweg of the River Kolonyi to its source; thence in a straight line southwards to the source of the River Kawejani; thence following the thalweg of the River Kawejani to its junction with the Rivers Namatala and Nambale; thence following the thalweg of the Nambale River upstream as far as the track which was the old Mbale-Mazimasa road; thence along that track to the point where it crosses the Kakekere River; thence in a straight line southwards to the railway bridge crossing the Manafwa River; thence following the railway line southwards to a bend where it is crossed by a track from Busiu to Kangalaba school; thence in a straight line south-westwards to the junction of the River Kimutu and the Kidoko and Nangipa swamp rivers; thence following the thalweg of the Kidoko upstream to its source; thence in a straight line to the source of the River Kochili: thence following that river southwards to its junction with the River Osenya; thence following the Osenya and Aderema Rivers eastwards upstream to its source; thence in a straight line to the water hole on the Akaniningata River about 700 yards upstream of its junction with the Derema River; thence in a straight line to the source of the Komiria River; thence following that river to meet the Uganda/Kenya boundary; thence following the Uganda/Kenya boundary north-eastwards to its junction with the Sebei District boundary; thence following the Sebei District boundary north-westwards to its junction with the Karamoja District boundary; thence following the Karamoja District boundary westwards to its junction with the Teso District boundary; thence following the Teso District boundary southwards to the point of commencement.

There shall be excluded from the area comprised within the boundaries of the Bugisu District above described the territory of Mbale and the boundaries between the Bugisu District and that territory shall be the boundaries referred to in subsection (4) of Section 2 of the Constitution of Uganda.

Busoga District

Commencing at the trijunctional point of Uganda, Kenya and Tanganyika in Lake Victoria; thence eastwards following the Uganda/Tanganyika boundary to its junction with the boundary of the Kingdom of Buganda; thence northwards following the boundary of the Kingdom of Buganda to its junction with the boundary of Lango District; thence eastwards following the Lango District boundary to its junction with the boundary of Teso District; thence eastwards following the boundary of Teso District to its junction with the boundary of the District of Bukedi; thence south-eastwards following the boundary of Bukedi District to its junction with the Uganda/Kenya boundary; thence southwards following the Uganda/Kenya boundary to the point of commencement.

Bukedi District

Commencing at a point where the Bugisu District boundary meets the Uganda/Kenya boundary; thence following the Uganda/Kenya boundary southwards into Berkeley Bay to a point the latitude of which is 0° 11′ 30″ north; thence north-westwards to the centre of the mouth of the Nalioba River; thence following the thalweg of the Nalioba River upstream to its source; thence in a straight line to the source of the River Namaingo; thence following the thalweg of the River Namaingo north-eastwards to its junction with the Maingo River; thence following the thalweg of that river northwards into the River Lumbuku; thence following the thalweg of that river to where it meets the Sitambogo Local Forest Reserve; thence following the western boundary of that forest reserve; thence following the western boundary of the West Bugwe Local Forest Reserve to its junction with the River Malaba; thence following the thalweg of the River Malaba into the River Mpologoma; thence following the thalweg of the River Mpologoma into Lake Namasajeri (leaving Namasajeri Island to the

west); thence across the lake northwards to meet the Teso District boundary; thence following the Teso district boundary eastwards to its junction with the Bugisu District boundary; thence following the Bugisu District boundary southwards and south-westwards to the point of commencement.

KARAMOJA DISTRICT

Commencing at the trijunctional point of the boundaries of Uganda, Sudan and Kenya; thence following the Uganda/Kenya boundary southwards to the source of the Kanyarus River, thence in a straight line to the summit of Kanyarus Hill below Mount Riwa; thence in a straight line to Lokales Hill; thence in a south-western direction until it meets the Alalam River; thence following the thalweg of the Alalam River to its junction with the Siti or Kiriki or Greek River; thence along the thalweg of the Greek River to a point due south of Kukumai Hill; thence in a straight line in a north-westerly direction to the junction of the Lokomo and Lororocho Rivers with the Kelim River; thence following the thalweg of the Kelim River to its point of entry into Lake Okolitorom; thence due westwards to a point the longitude of which is 34° 13′ 30″ east (in Lake Okolitorom), thence due north to a point the latitude of which is 1° 38′ north; thence due west to a point which is due south of Ising (Thithing) rock; thence due north to Ising rock; thence in a straight line to Akisim Hill; thence in a straight line north-westwards in the direction of the summit of Otukei Hill until it crosses the River Kodokodoi; thence following the thalweg of that river south-westwards until it meets the Lango District boundary; thence following the Lango District boundary northwards until it meets the Acholi District boundary; thence following the Acholi District boundary northwards until it meets the Uganda/Sudan boundary; thence following the Uganda/Sudan boundary to the point of commencement.

KIGEZI DISTRICT

Commencing at the point on the Uganda/Congo boundary the latitude of which is 0° 20′ south; thence following the boundary of the Kingdom of Ankole south-eastwards to the Uganda/Ruanda-Urundi boundary; thence following the Uganda/Ruanda-Urundi boundary westwards to the summit of Mount Sabinio; thence following the Uganda/Congo boundary northwards to the point of commencement.

LANGO DISTRICT

Commencing at the junction of the River Juma with the Victoria Nile; thence in a northerly and then in an easterly direction following the boundary of Acholi District to the junction of the Rivers Agago and Awach; thence in a straight line to the summit of the hill Kanyalima; thence in a southerly direction to the most northerly point of the Otukei Ridge (the approximate position of which is latitude 2° 34′ north longitude 33° 33′ east); thence following the crest of the Otukei Ridge to its summit; thence in a south-easterly direction to a point marked by a cairn on the northern end of the *Alir* Ridge; thence in a south-westerly direction to a point immediately to the west of the water hole in the Amone reach of the Moroto River; thence following the thalweg of that river to the junction of the *Ogongo* reach of the Moroto River; thence following the thalweg of the said river to its junction with the River Abero (Abota); thence following the thalweg of the River Abero to its source; thence in a straight line to the source of the River Odike; thence following the thalweg of the River Odike to its junction with the River Awelo; thence following the thalweg of the River Awelo to its junction with the River Apiyo; thence following the thalweg of the River Apiyo to its junction with the River *Anyangubuku*; thence following the thalweg of the River *Anyangubuku* to its source; thence in a straight line south-westwards

to the junction of the Rivers Pilach and Adakuno; thence following the thalweg of the River Pilach to the junction of the River Nyakabuko; thence following the thalweg of the River Nyakabuko upstream to its source; thence in a straight line south-westwards to the source of the River Aminidere; thence following the thalweg of the River Aminidere to its junction with the Aligoi River; thence following the Aligoi River upstream to its junction with the River Akuna; thence in a straight line to the junction of the River Ongolotok with the River Oyutabena; thence following the Ongolotok to its source; thence in a straight line to the source of the River Abalang; thence following the thalweg of the River Abalang downstream to a point at which it is crossed by the embankment of the Kangai-Agaa Road; thence in a southerly direction following the eastern edge of the said road to a cairn situated approximately 400 yards south of the end of the said embankment; thence in a westerly direction following a line of cairns to the River Abiya; thence following the thalweg of the River Abiya upstream to a point at which it is crossed by the Agaa-Muntu Road; thence following the southern edge of the said road to the River Owicha; thence following the thalweg of the River Owicha to its source; thence in a straight line to the source of the River Paipai; thence following the thalweg of the River Paipai to its mouth in Lake Kyoga; thence in a straight line due south to the centre of Lake Kyoga (at an approximate latitude of 1° 29′ north); thence westwards following the centre of Lake Kyoga to the north-east corner of the boundary of the Kingdom of Buganda; thence following the boundary of the Kingdom of Buganda to its junction with the boundary of the Kingdom of Bunyoro; thence northwards following the boundary of the Kingdom of Bunyoro to the point of commencement.

Madi District

Commencing at the point where the River Choro enters the Albert Nile; thence following the thalweg of the River Choro upstream to its source; thence in a straight line in an easterly direction to the source of the River Apa; thence in a straight line in a north-easterly direction to the source of the River Ceri; thence following the thalweg of the River Ceri downstream to its confluence with the River Aiyuge; thence following the thalweg of that river northwards to the junction with the River Nyeguta (Adidi); thence due eastwards to a point one mile to the west of the Atiak-Nimule Road; thence in a northerly direction following a line parallel to and one mile west of the Atiak-Nimule Road to the point of intersection with the Uganda/Sudan boundary; thence following the Uganda/Sudan boundary westwards to the point where it crosses the Moyo-Kajo-Kaji Road; thence following the West Nile District boundary southwards to the point of commencement.

Sebei District

Commencing at the junction of the Karamoja boundary with the Uganda/Kenya boundary at the source of the Kanyarus River; thence following the Karamoja boundary westwards to a point on the Kelim or Greek River the longitude of which is 34° 25′ 30″ east; thence due south to meet the River Atari; thence following the thalweg of the River Atari upstream to the bottom of the foothills of Mount Elgon; thence following the bottom of the foothills south-westwards to the River Muyembe; thence following the River Muyembe upstream to its source; thence in a straight line to the summit of Mount Elgon (Wagagai); thence in the same straight line to meet the Uganda/Kenya boundary; thence following the Uganda/Kenya boundary north-westwards and then northwards to the point of commencement.

TESO DISTRICT

Commencing at the point in Lake Kyoga due west of Namalimoka Island where the boundary of Lango District starts to run northwards; thence following the boundary of Lango District northwards and north-eastwards to its junction with the Karamoja District boundary; thence following the Karamoja District boundary east and south-eastwards to the point the longitude of which is 34° 13′ 30″ east in Lake Okolitorom; thence in a straight line southwards across the lake to the point of entry of the Siroko River into Lake Okolitorom; thence upstream along the thalweg of the River Siroko to a point the latitude of which is 1° 18′ north; thence in a straight line to a point on the River Nabwisa where it is crossed by the Siroko-Koliri Road; thence following the thalweg of the Nabwisa River upstream to its source; thence in a straight line to a point on the Walanga River ¼ mile due west of the Mbale Sebei bridge crossing that river; thence in a straight line due south for a distance of 2¼ miles to meet a tributary of the River Lwere; thence following the thalweg of that tributary to join the River Lwere; thence following the thalweg of the River Lwere to its entry into Lake Nyaguo; thence across the centre of Lake Nyaguo into Lake Nyasala; thence across the centre of Lake Nyasala to Lake Meito; thence in a north-westerly direction across that lake into Lake Adois; thence in a north-westerly, then south-westerly direction across the lake into Lake Kadiko; thence in a westerly direction following a channel and passing north of Namaranda Island into Lake Namasajeri; thence across the centre of that lake into Lake Kyoga; thence to the point of commencement.

WEST NILE DISTRICT

Commencing at the point on the Uganda/Congo boundary opposite to Mahagi Port where it is met by the boundary of the Kingdom of Bunyoro; thence following the Uganda/Congo boundary west and northwards to the trijunctional point of the Uganda/Congo/Sudan boundaries; thence following the Uganda/Sudan boundary to the point where it crosses the Moyo to Kajo-Kaji Road; thence in a straight line south-westwards to a point of the Moyo-Arua Road which is 2500 yards south-east of the Nyawa River bridge (and is 3200 yards west, (along the road), of the Ee River bridge); thence in a straight line to a point the latitude of which is 3° 27′ north and the longitude of which is 31° 27′ east; thence in a straight line to a point the latitude of which is 3° 16′ 10″ north and the longitude of which is 31° 25′ 40″ east situated in the Gangu swamp; thence following the centre of the swamp south-eastwards into the Albert Nile; thence following the thalweg of the Albert Nile to its egress from Lake Albert; thence in a straight line to the point of commencement.

Section 3.

THE SECOND SCHEDULE TO THE CONSTITUTION OF UGANDA

THE CONSTITUTION OF BUGANDA

ARRANGEMENT OF ARTICLES

Article

1. Interpretation.
2. The Kabaka.
3. Regents.
4. The Ministry.
5. Conduct of Kabaka's Government.
6. Kabaka to be kept informed.
7. Procedure when Lukiiko meets after dissolution.
8. Election of Katikkiro-designate.
9. Election of candidates for Ministerial offices.
10. Appointment of Ministers.
11. Transfer of Ministers.
12. Vacancies among the Ministers.
13. Vote of no confidence in Ministry.
14. Special procedure for financial measures.
15. Tenure of office of Ministers.
16. Termination of appointment of Minister for misconduct or incapacity.
17. Termination of appointment of Minister for failure to carry out policy of Ministry.
18. The Attorney-General of Buganda.
19. Permanent Secretaries to Ministries and divisional administrative officers.
20. Constitution of the Lukiiko.
21. Qualifications for elected membership.
22. Electoral Boundary Commissioner.
23. Delimitation of constituencies.
24. Elections.
25. Determination of questions as to membership of Lukiiko.
26. Prorogation and dissolution of the Lukiiko.
27. Speaker and Deputy Speaker.
28. Presiding in Lukiiko.
29. Standing Orders for Lukiiko.
30. Determination of questions in Lukiiko.
31. Legislature of Buganda.
32. Authorisation of expenditure.
33. Audit of accounts.
34. Public Accounts Committee.
35. Committees of Lukiiko.
36. Buganda Public Service Commission.
37. Appointment of officers of Kabaka's Government.
38. Tenure of office and disciplinary control of officers of Kabaka's Government.
39. Staff regulations.
40. Chiefs in Buganda.
41. Transitional provisions.

Interpretation.

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

"Lukiiko" means the Lukiiko of Buganda;

"Minister" means a member of the Ministry constituted by article 4 of this Constitution;

"minor" means, in relation to the Kabaka, a person under the age of eighteen years.

(2) Any reference in this Constitution to an officer in the service of the Government of Uganda or the Kabaka's Government by the term designating his office shall be construed as a reference to the officer for the time being lawfully performing the functions of the office.

The Kabaka.

2.—(1) The Kabaka (King) who is the Ruler of Buganda shall be elected, as has been done in the case of the present Kabaka, by a majority of votes in the Lukiiko.

(2) The range of election shall be limited to the Royal Family of Buganda, that is to say, the descendants of Kabaka Mutesa I.

(3) The Kabaka shall enjoy all the titles, dignities and pre-eminence that attach to the office of Kabaka under the law and custom of Buganda and the Namasole, the Nalinya Lubuga and the other members of the Royal Family of Buganda shall enjoy all such titles and precedence as they have heretofore enjoyed.

(4) The Kabaka will take precedence over all persons in Buganda except Her Majesty and Her Majesty's representative (except when the latter is taking part in functions relating solely to Buganda).

Regents.

3.—(1) (*a*) If at any time the Kabaka is a minor or is unable, other than by reason only of his absence from Buganda, to perform his functions under this Constitution, the Lukiiko shall elect three persons to be Regents.

(*b*) A Regent elected under sub-paragraph (*a*) of this paragraph shall cease to hold office—

(i) when the Kabaka becomes able to perform his functions under this Constitution;

(ii) if he resigns by writing under his hand addressed to the Speaker; or

(iii) if his appointment is terminated by resolution of the Lukiiko upon a motion proposed by not less than twenty members of the Lukiiko and in favour of which there are cast the votes of not less than two-thirds of all the members of the Lukiiko.

(*c*) The Lukiiko may elect a person to any office of Regent if at any time during the subsistence of a Regency under this paragraph that office has become vacant.

(2) (*a*) Whenever the Kabaka has occasion to be absent from Buganda, he may by writing under his hand appoint three persons to be Regents during such absence.

(*b*) A Regent appointed under sub-paragraph (*a*) of this paragraph shall cease to hold office—

(i) upon the return of the Kabaka to Buganda;

(ii) if he resigns by writing under his hand addressed to the Kabaka;

(iii) if his appointment is terminated by the Kabaka; or

(iv) if the Kabaka ceases to be able to perform his functions under this Constitution otherwise than by reason of absence from Buganda.

(*c*) The Kabaka may appoint a person to any office of Regent if at any time during the subsistence of a Regency under this paragraph that office has become vacant.

(*d*) The powers referred to in this paragraph shall not be exercisable during any period in which the Kabaka is a minor or is for any other cause other than absence from Buganda unable to perform his functions under this Constitution.

(3) During the subsistence of a Regency under paragraph (1) or paragraph (2) of this article, the Regents shall, so long as they observe the terms of this Constitution, and subject to the provisions of paragraph (4) of this article, have full authority to perform the functions of the Kabaka under this Constitution.

(4) A Regent shall not assume the functions of the office of Regent unless he has first taken an oath for the due performance of the office in the form following:—

"I, ..., do hereby swear that I will be loyal to the Kabaka of Buganda, his heirs and successors, and will well and truly perform the functions of the office of Regent of Buganda according to law and will uphold the peace, order and good government of Buganda, and will do right to all manner of people, according to the Constitution, the laws, and the customs of Buganda, without fear or favour, affection or ill-will. So help me God."

(5) (*a*) Any function of the Kabaka under this Constitution shall be performed by the Regents in the same manner, so far as custom allows, as that in which the functions would be performed by the Kabaka save that the signature of two Regents shall be a sufficient signification of the will of the Regents.

(*b*) Where any matter is dependent on the decision of the Regents, any decision shall be regarded as the decision of the Regents if two of the Regents are in favour thereof.

(*c*) If any Regent is absent from Buganda or for any other reason unable to perform the functions of a Regent or if the office of one of the Regents is vacant, it shall be sufficient if the functions of the Regents are performed by two Regents.

The Ministry.

4.—(1) There shall be a Ministry for Buganda, which shall be called "the Kabaka's Council of Ministers" and is hereinafter sometimes for brevity referred to as "the Ministry".

(2) The Kabaka's Council of Ministers shall consist of—

(*a*) the Katikkiro;

(*b*) the Omulamuzi;

(*c*) the Omuwanika;

(*d*) the Minister of Health and Works;

(*e*) the Minister of Education;

(*f*) the Minister of Natural Resources;

(*g*) the Minister of Local Government;

Provided that the number and designation of members of the Ministry other than the Katikkiro, the Omulamuzi and the Omuwanika may be varied from time to time by resolution passed by the Lukiiko.

(3) When there is occasion for the resignation of the Ministry to be tendered, the Katikkiro shall tender the resignation of the Ministers collectively to the Kabaka through the Speaker, and the Kabaka shall thereupon accept the resignation:

Provided that where the resignation is tendered in accordance with the provisions of article 7 of this Constitution, the Kabaka shall not accept the resignation until the Katikkiro-designate submits to him the names of persons selected for the ministerial offices in accordance with paragraph (6) of article 9 of this Constitution.

(4) Each member of the Ministry shall have such responsibilities as may be determined by the Katikkiro.

Conduct of Kabaka's Government.

5.—(1) The Kabaka's Council of Ministers as a whole shall be charged with the conduct of the Kabaka's Government, and each Minister shall be individually responsible for such departments of the Kabaka's Government as may be placed in his charge.

(2) All acts of the Kabaka's Government shall, save in so far as law and custom otherwise require, be done in the name of the Kabaka.

(3) Where any function under this Constitution is exercisable by the Kabaka, that function shall, unless a contrary intention appears, be exercised by him by means of a written instrument signed by him in the presence of a Minister, who shall sign the same as witness.

(4) (*a*) Where it is provided in this Constitution that the Kabaka may exercise a power upon the recommendation of any person or authority he shall exercise that power in accordance with the recommendation.

(*b*) (i) A statement in writing signed by the Katikkiro that the Kabaka has exercised any power that is required to be exercised upon the recommendation of the Katikkiro or of the Ministry in accordance with the recommendation shall be conclusive evidence of that fact.

(ii) A certified true copy of a minute of the Buganda Public Service Commission or of any committee appointed by the Kabaka under this Constitution recording that the Kabaka has exercised any power that is required to be exercised upon the recommendation of the Commission or committee in accordance with the recommendation shall be the conclusive evidence of that fact.

Kabaka to be kept informed.

6. The Katikkiro shall keep the Kabaka fully informed on all important matters concerning the Kabaka's Government.

Procedure when Lukiiko meets after dissolution.

7.—(1) When the Lukiiko meets for the first time after any dissolution thereof, the resignation of the Kabaka's Council of Ministers then in office shall be tendered.

(2) When the resignation of the Ministry has been tendered in accordance with paragraph (1) of this article, a Katikkiro-designate shall be elected in accordance with the procedure laid down in article 8 of this Constitution and candidates for the ministerial offices shall be elected in accordance with the procedure laid down in article 9 of this Constitution.

Election of Katikkiro-designate.

8.—(1) The Speaker shall fix a day by which nominations of candidates for the office of Katikkiro shall be submitted to him.

(2) (*a*) Any person may be nominated as a candidate for the office of Katikkiro, whether or not he is a member of the Lukiiko by not less than five members of the Lukiiko.

(*b*) Nominations shall be submitted in writing, signed by the members making them, to the Speaker on or before the day fixed by him in that behalf.

(3) The Speaker shall prepare a list of the persons who have been duly nominated and shall cause copies of the list to be laid before the Lukiiko.

(4) On the fifth weekday after the list has been so laid or such other day as the Speaker shall consider convenient, the Lukiiko shall by secret ballot elect as Katikkiro-designate one of the persons whose name appears on the list.

(5) If at any time the office of Katikkiro is vacant, the Speaker shall keep the Kabaka informed of the progress of elections under this article.

Election of candidates for ministerial offices.

9.—(1) When the Katikkiro-designate has been elected, the Speaker shall fix a day by which nominations of candidates for the ministerial offices other than the office of the Katikkiro shall be submitted to him.

(2) Any person may be nominated as a candidate for the ministerial offices, whether or not he is a member of the Lukiiko, either by the Katikkiro-designate or by not less than three members of the Lukiiko.

(3) Nominations shall be for the ministerial offices generally and not for any particular ministerial office, and shall be submitted in writing, signed by the person or persons making them, to the Speaker, on or before the day fixed by him in that behalf:

Provided that--

(*a*) no person other than the Katikkiro-designate shall join in nominating more than three candidates;

(*b*) the Katikkiro-designate shall not nominate more than five candidates.

(4) The Speaker shall prepare a list of the persons who have been duly nominated for the ministerial offices and shall cause copies of the list to be laid before the Lukiiko and, if the names of more than fifteen persons appear in the list, the Lukiiko shall on the third weekday thereafter, or on such other day as the Speaker shall consider convenient, by secret ballot elect as candidates for the ministerial offices fifteen persons from among those persons whose names appear in the list.

(5) The Katikkiro-designate shall select persons for appointment to the ministerial offices from the persons whose names appear in the list of candidates or, if the names of more than fifteen persons appear in that list, from the names of the persons elected as candidates by the Lukiiko.

(6) The Katikkiro-designate shall submit the names of the persons selected under the foregoing provisions of this article to the Kabaka with a recommendation that each such person shall be appointed to a particular ministerial office.

(7) If at any time the office of the Katikkiro is vacant, the Speaker shall keep the Kabaka informed of the progress of elections under this article.

Appointment of Ministers.

10. When the names of persons selected for the ministerial offices have been submitted to the Kabaka, the Kabaka shall appoint the Katikkiro-designate to be Katikkiro by handing him the Ddamula and, not earlier than the following day, the Kabaka shall appoint the persons selected to the ministerial offices for which they have been recommended by the Katikkiro-designate by receiving their homage and allegiance in customary form in respect of such offices.

Transfer of Ministers.

11.—(1) The Kabaka may, on the recommendation of the Katikkiro, transfer the holder of any ministerial office, other than the office of Katikkiro, to another such ministerial office.

(2) When any person is to be transferred from one ministerial office to another under this article, he shall tender his resignation from the office that he is relinquishing to the Kabaka, who shall then receive his homage and allegiance in customary form in respect of the office to which he is being transferred.

Vacancies among the Ministers.

12.—(1) If the offices of the Ministers become vacant at any time by reason of the resignation of the Ministry under article 13 of this Constitution a Katikkiro-designate and candidates for the ministerial offices other than the office of Katikkiro shall be elected in accordance with the procedure laid down in articles 8 and 9 of this Constitution, and the Katikkiro-designate and the other persons so elected shall be appointed to be Ministers in accordance with article 10 of this Constitution.

(2) (*a*) If the office of Katikkiro becomes vacant at any time otherwise than by reason of the resignation of the Ministry, a Katikkiro-designate shall be elected in accordance with the procedure laid down in article 8 of this Constitution, and the Kabaka shall appoint him to be Katikkiro by handing him the Ddamula.

(*b*) When a Katikkiro has been appointed in pursuance of sub-paragraph (*a*) of this paragraph, the other Ministers holding office at the time of the appointment shall tender their resignations to the Kabaka, and the Katikkiro shall recommend to the Kabaka in relation to each Minister either that he should accept or that he should refuse the resignation, and the Kabaka shall act in accordance with the recommendation.

(*c*) If by reason of the acceptance of resignations, the offices of the Ministers other than the Katikkiro become vacant—

(i) the Speaker shall fix a day by which nominations of candidates for the ministerial offices other than the office of Katikkiro shall be submitted to him;

(ii) any person not being a person who held office as a Minister at the time when the Katikkiro was appointed, may be nominated as a candidate for the ministerial offices, whether or not he is a member of the Lukiiko, either by the Katikkiro or by not less than three members of the Lukiiko;

(iii) nominations shall be for the ministerial offices generally and not for any particular ministerial office, and shall be submitted in writing, signed by the person or persons making them, to the Speaker on or before the day fixed by him in that behalf:

Provided that—

(*a*) no person other than the Katikkiro shall join in nominating more than three candidates;

(*b*) the Katikkiro shall not nominate more than five candidates;

(iv) the Speaker shall prepare a list of the persons who have been duly nominated for the ministerial offices and shall cause copies of the list to be laid before the Lukiiko and if the names of more than ten persons appear in the list, the Lukiiko shall on the third weekday thereafter, or on such other day as the Speaker shall consider convenient, by secret ballot elect as candidates for the vacant ministerial offices ten persons from among those persons whose names appear in the list;

(v) the Katikkiro shall select persons for appointment to the ministerial offices from the persons whose names appear in the list of candidates or, if the names of more than ten persons appear in that list, from the names of the persons elected as candidates by the Lukiiko;

(vi) the Katikkiro shall submit the names of the persons selected under the foregoing provisions of this sub-paragraph to the Kabaka with a recommendation that each such person shall be appointed to a particular ministerial office, and the Kabaka shall appoint the person selected to the ministerial offices for which they have been recommended by receiving their homage and allegiance in customary form in respect of those offices.

(3) (*a*) If a ministerial office other than that of the Katikkiro becomes vacant at any time otherwise than by reason of the resignation of the Ministry, the Speaker shall, so soon as convenient, fix a day by which nominations of candidates for the office shall be submitted to him.

(*b*) Any person may be nominated for the vacant office whether or not he is a member of the Lukiiko, either by the Katikkiro or by not less than three members of the Lukiiko.

(*c*) Nominations shall be submitted in writing, signed by the person or persons making them, to the Speaker on or before the day fixed by him in that behalf:

Provided that no person shall join in nominating more than one candidate.

(*d*) The Speaker shall prepare a list of the persons who have been duly nominated for the vacant office and shall cause copies of the list to be laid before the Lukiiko; and if the names of more than five persons appear in the list, the Lukiiko shall on the third weekday thereafter, or on such other day as the Speaker shall consider convenient, by secret ballot elect as candidates for the vacant office five persons from among those persons whose names appear in the list.

(*e*) The Katikkiro shall select a person for appointment to the vacant office from the persons whose names appear in the list of candidates or, if the names of more than five persons appear in that list, from the names of the persons elected as candidates by the Lukiiko.

(*f*) The Katikkiro shall submit the name of any person selected under the foregoing provisions to the Kabaka, and the Kabaka shall appoint him to the vacant office by receiving his homage and allegiance in customary form in respect of the office.

Vote of no confidence in Ministry.

13.—(1) If a motion declared by the Speaker under paragraph (3) of this article to be a motion of no confidence in the Kabaka's Council of Ministers on an important matter, in favour of which there are cast the votes of not less than two-thirds of all the members of the Lukiiko, is carried by the Lukiiko the resignation of the Ministry shall be tendered to the Kabaka through the Speaker.

(2) Fourteen days' notice shall be given to the Lukiiko by the Speaker before any such motion is debated.

(3) If in the opinion of the Speaker any motion (including a motion that has been amended) that has been proposed by not less than twenty members of the Lukiiko is a motion signifying no confidence in the Ministry on an important matter, he shall declare it as such and his declaration shall be final:

Provided that any motion proposed by not less than forty members of the Lukiiko that specifically expresses no confidence in the Ministry shall be deemed for the purpose of this article to be a motion of no confidence in the Ministry on an important matter and shall be declared by the Speaker to be such a motion.

Special procedure for financial measures.

14.—(1) If any Appropriation Bill or Supplementary Appropriation Bill of the Kabaka's Government or any Bill or motion for making financial provision for any purpose is proposed in the Lukiiko by a Minister, and the Bill or motion is rejected by the Lukiiko, the Katikkiro may give notice to the Speaker that he proposes to treat the said Bill or motion as a matter of confidence in the Ministry.

(2) At any time not less than fourteen days and not more than twenty-eight days after notice has been given to the Speaker in pursuance of paragraph (1) of this article, a Minister may again introduce the Bill or motion with or without amendment.

(3) If the Bill or motion is then rejected by the Lukiiko by the votes of not less than two-thirds of all the members of the Lukiiko, a vote of no confidence in the Kabaka's Council of Ministers shall be deemed to have been carried by the Lukiiko, and the resignation of the Ministry shall be tendered in accordance with the provisions of paragraph (3) of article 4 of this Constitution; but in any other case the Bill or motion shall be deemed to have been passed by the Lukiiko.

(4) In this article the expression "rejected by the Lukiiko" means not passed by the Lukiiko without amendment or passed by the Lukiiko with amendments that are not acceptable to the Ministry.

Tenure of office of Ministers.

15.—(1) The office of a Minister shall become vacant—

(*a*) if the holder of the office resigns by writing under his hand addressed to the Kabaka through the Speaker;

(*b*) if the resignation of the Ministry is accepted by the Kabaka; or

(*c*) if the appointment is terminated under articles 12, 13, 16 or 17 of this Constitution.

(2) Whenever the office of the Katikkiro becomes vacant the Ddamula shall be delivered to the Kabaka forthwith in the customary manner.

(3) If at any time the office of a Minister is vacant, the functions of the Minister shall be discharged during the period of the vacancy in such manner as the Katikkiro or, if the office of Katikkiro is vacant, the remaining Ministers shall decide:

Provided that if the offices of all the Ministers are vacant, the functions of each Minister (other than those functions that he performs in his capacity as a member of a Lukiiko) shall, during the period in which the said office remain vacant, be discharged by the Permanent Secretary to that Minister.

Termination of appointment of Minister for misconduct or incapacity.

16.—(1) The Kabaka shall terminate the appointment of a Minister if he is convicted of a criminal offence and is sentenced to imprisonment without the option of a fine.

(2) If a Minister is convicted of a criminal offence and is not sentenced to imprisonment without the option of a fine, and the offence in the opinion of the Kabaka might involve moral turpitude, the Kabaka shall appoint a committee, consisting of such persons as he shall consider suitable, to enquire into the nature of the offence; and the committee shall, if it is satisfied that the offence involved moral turpitude, inform the Kabaka accordingly, and thereupon the Kabaka shall terminate the appointment of the Minister.

(3) If in the opinion of the Kabaka a Minister may have become incapable of performing his functions as a Minister by reason of physical or mental infirmity, the Kabaka shall appoint a committee consisting of such persons as he shall consider suitable to enquire into the matter; and the committee shall, if it is satisfied that the Minister has become incapable of performing his functions as a Minister by reason of physical or mental infirmity, inform the Kabaka accordingly and thereupon the Kabaka shall terminate the appointment of the Minister.

Termination of appointment of Minister for failure to carry out policy of Ministry.

17.—(1) If in the opinion of the Katikkiro any Minister has failed to carry out the policy or the decisions of the Ministry either persistently or in respect of an important matter, he may call a meeting of the Ministers, and propose that the Minister should be dismissed.

(2) The proposal shall be put to the vote, and if a majority of the votes of the Ministers are cast in favour of the proposal, the Katikkiro shall recommend to the Kabaka that he should terminate the appointment of that Minister and the Kabaka shall terminate the appointment accordingly.

(3) Each Minister, other than the Minister whose dismissal is proposed, may vote on the proposal and in the event of an equality of votes the Katikkiro may exercise a casting vote as well as an original vote.

The Attorney-General of Buganda.

18.—(1) If the Lukiiko so resolves, there shall be an Attorney-General for Buganda, who shall be the principal legal adviser to the Kabaka's Government.

(2) The Attorney-General of Buganda shall be entitled to appear on behalf of the Kabaka's Government in all civil proceedings in which the Kabaka's Government is a party.

(3) The Attorney-General of Buganda shall be entitled to take part in the proceedings of the Lukiiko, but shall not be entitled to vote unless he is a member.

(4) The Director of Public Prosecutions of Uganda shall be responsible for the control of all criminal proceedings in Buganda.

Permanent Secretaries to Ministers and divisional administrative officers.

19.—(1) There shall be a Permanent Secretary to each Minister.

(2) The Permanent Secretary to the Katikkiro shall be Head of the Buganda Civil Service.

(3) There shall be such number of divisional administrative officers as the Katikkiro shall determine, who shall be responsible to the Katikkiro.

Constitution of the Lukiiko.

20. The Lukiiko (which shall be the Legislative Assembly of Buganda) shall be composed of—

(*a*) sixty-eight elected members elected in accordance with the provisions of articles 21, 23 and 24 of this Constitution;

(*b*) the Chief of each saza (not exceeding twenty in number);

(*c*) six members appointed by the Kabaka from among persons who appear to him to be of importance in the country; and

(*d*) those members of the Kabaka's Council of Ministers who are not members of the Lukiiko by virtue of paragraphs (*a*), (*b*) or (*c*) of this article:

Provided that the number of Ministers of the Kabaka's Government who are *ex-officio* members of the Lukiiko by virtue of this paragraph shall not exceed six.

Qualifications for elected membership.

21. A person shall be qualified for election as an elected member of the Lukiiko if he has the qualifications prescribed by the Constitution of Uganda for election as an Elected Member of the National Assembly (other than any qualification relating to the ability to speak English) and is not disqualified by or under that Constitution for election as such a Member.

Electoral Boundary Commissioner.

22.—(1) The Kabaka's Government shall as soon as practicable after the coming into force of this article and whenever it shall be necessary for the review of the boundaries of constituencies appoint an Electoral Boundary Commissioner.

(2) The Electoral Boundary Commissioner shall be an independent and impartial person and, in the discharge of his functions under this Constitution, shall not be subject to the direction or control of any other person or authority.

(3) The Electoral Boundary Commissioner shall be appointed for such period as may be agreed between the Commissioner and the Kabaka's Government as being necessary for the performance of his functions under article 23 of this Constitution and during that period he shall not be removed from office by the Kabaka's Government except for inability to discharge the functions of his office (whether arising from infirmity of mind or body or from any other cause) or for misbehaviour.

Delimitation of constituencies.

23.—(1) For the purposes of elections to the Lukiiko, Buganda shall be divided into as many constituencies as there are elected members of the Lukiiko in such manner as the Electoral Boundary Commissioner may, by order published in the *Akiika Embuga*, prescribe.

(2) The boundaries of each constituency shall be such that the electorate, as far as practicable, is equal in all constituencies.

(3) The boundaries of the constituencies for elections to the Lukiiko shall be reviewed by an Electoral Boundary Commissioner from time to time at intervals of not more than five years, and, upon the completion of the review, the Electoral Boundary Commissioner may make such alterations in the boundaries of the constituencies as he may consider necessary to give effect to the provisions of paragraph (2) of this article.

Elections.

24. The following provisions shall apply to the election of the elected members of the Lukiiko—

(*a*) each constituency shall be represented by one elected member;

(*b*) every person whose name appears on the parts of the Register of Electors prepared for the election of Elected Members of the National Assembly which relate to the area included in a constituency shall be entitled to vote at elections of an elected member of the Lukiiko to represent that constituency;

(*c*) the elections shall be conducted in accordance with the general law of Uganda relating to the election of Elected Members of the National Assembly:

Provided that the Governor, after consultation with the Kabaka's Government, may by order make such modification in that law, for the purposes of its application to elections to the Lukiiko, as he may consider necessary.

Determination of questions as to membership of Lukiiko.

25. The High Court of Buganda shall have original jurisdiction to hear and determine any question whether any person has been validly appointed, selected or elected as a member of the Lukiiko.

Prorogation and dissolution of the Lukiiko.

26.—(1) The Kabaka may at any time prorogue or dissolve the Lukiiko.

(2) The Lukiiko, unless sooner dissolved, shall continue for five years from the date of its first sitting after any dissolution and shall then stand dissolved.

(3) In the exercise of his powers to dissolve the Lukiiko, the Kabaka shall act in accordance with the recommendation of the Katikkiro:

Provided that the Kabaka may, at any time, dissolve the Lukiiko if he considers it to be in the interests of Buganda to do so, notwithstanding that the Katikkiro has not recommended a dissolution or has recommended that the Lukiiko should not be dissolved.

Speaker and Deputy Speaker.

27.—(1) When the Lukiiko first meets after any dissolution thereof, the members present shall, before transacting any other business, elect a Speaker and a Deputy Speaker of the Lukiiko.

(2) As often as the office of Speaker or the Deputy Speaker falls vacant otherwise than by reason of a dissolution of the Lukiiko, the members thereof shall as soon as is practicable elect a person to the office.

(3) A person may be elected to be Speaker whether or not he is a member of the Lukiiko.

(4) No person shall be elected as Deputy Speaker unless he is a member of the Lukiiko.

(5) The Speaker shall receive such salary as may from time to time be determined by a Buganda law.

(6) The office of the Speaker or the Deputy Speaker shall become vacant—

(*a*) upon a dissolution of the Lukiiko;

(*b*) if the holder of the office resigns his office by writing under his hand addressed to the Katikkiro;

(*c*) in the case of the Deputy Speaker, if he ceases to be a member of the Lukiiko otherwise than by reason of a dissolution thereof; or

(*d*) if his appointment is terminated by a resolution of the Lukiiko upon a motion proposed by not less than twenty members of the Lukiiko and in favour of which there are cast the votes of not less than two-thirds of all the members of the Lukiiko.

Presiding in Lukiiko.

28. There shall preside at meetings of the Lukiiko—

(*a*) the Speaker;

(*b*) in the absence of the Speaker, the Deputy Speaker;

(*c*) in the absence of the Speaker and the Deputy Speaker, such person as may be elected by the Lukiiko from among the members of the Lukiiko.

Standing Orders for Lukiiko.

29. Subject to the provisions of this Constitution, the Lukiiko may make Standing Orders for the regulation and orderly conduct of its own proceedings and for the passing of Buganda laws.

Determination of questions in Lukiiko.

30.—(1) Save as otherwise provided in this Constitution—

(*a*) all questions proposed for decision in the Lukiiko shall be determined by a majority of the votes of the members present and voting:

Provided that neither the Speaker, nor the Deputy Speaker, nor any member of the Lukiiko while presiding therein, shall have a vote or be entitled to take part in debate;

(*b*) if on any question the votes are equally divided, the motion shall be lost.

(2) No business except that of adjournment shall be transacted in the Lukiiko if there are present (beside the Speaker or other person presiding) less than forty-five members of the Lukiiko.

Legislature of Buganda.

31.—(1) The Legislature of Buganda shall consist of the Kabaka acting with the advice and consent of the Lukiiko.

(2) The power of the Legislature of Buganda to make laws shall be exercised by bills passed by the Lukiiko and assented to by the Kabaka.

(3) When a bill has been passed by the Lukiiko it shall be submitted by the Katikkiro to the Kabaka, who shall sign the same in token of assent.

(4) A law enacted by the Legislature of Buganda shall be published in English and in Luganda in the *Uganda Gazette* and the *Akiika Embuga* and shall come into operation on the date of its publication in the *Uganda Gazette* or on such other date as may be provided in the law.

Authorisation of expenditure.

32.—(1) The Omuwanika shall cause to be prepared and laid before the Lukiiko in each financial year estimates of the revenues and expenditure of Buganda for the next following financial year.

(2) The heads of expenditure contained in the estimates shall be included in a bill to be known as an Appropriation bill, providing for the issue from the funds of the Kabaka's Government of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.

(3) If in respect of any financial year it is found that the amount appropriated by the Appropriation law for any purpose is insufficient or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by the appropriation law, a supplementary estimate showing the sums required shall be laid before the Lukiiko and the heads of any expenditure shall be included in a supplementary Appropriation bill.

(4) Before submitting estimates to the Lukiiko the Omuwanika shall cause those estimates to be sent to the Minister of the Government of Uganda responsible for finance and the Kabaka's Government shall consider the observations of that Minister on those estimates.

Audit of accounts.

33.—(1) The public accounts of the Kabaka's Government shall be audited and reported on by the Government Auditor of the Uganda Government or by such other auditor as may be approved by the Government Auditor and for that purpose the auditor or any person authorised by him in that behalf shall have access to all books, records, reports and other books relating to those accounts.

(2) The Kabaka's Government shall send to the auditor the accounts of that Government duly made up within four months of the conclusion of the period to which they refer.

(3) The auditor shall submit his report to the Minister of the Government of Uganda responsible for finance and to the Kabaka's Government and the Kabaka's Government shall cause the auditor's report together with the accounts to which it refers to be published in the *Uganda Gazette* and the *Akiika Embuga*.

34.—(1) The Lukiiko shall appoint a Public Accounts Committee from amongst its members whose duties shall be to consider the accounts of the Kabaka's Government in conjunction with the auditor's report and to report to the Lukiiko— Public Accounts Committee.

(*a*) in the case of any excess or unauthorised expenditure of funds the reasons for such expenditure ; and

(*b*) any measures it considers necessary in order to ensure that the funds of the Kabaka's Government are properly and economically spent.

(2) The Public Accounts Committee shall submit its report to the Omuwanika within three months of the publication of the accounts and the report of the Public Accounts Committee together with the Omuwanika's comments thereon shall be laid on the table of the Lukiiko and published in the *Gazette* and in the *Akiika Embuga* within two months of its submission to the Omuwanika.

(3) The Public Accounts Committee shall be entitled to see any observations made by the Minister of Finance of the Government of Uganda under the provisions of article 32 of this Constitution.

35.—(1) The Lukiiko may establish standing and *ad hoc* committees, consisting of members of the Lukiiko, for any purpose. Committees of Lukiiko.

(2) The Lukiiko may establish standing committees to advise the Ministers responsible for the following subjects:—

(*a*) finance ;

(*b*) public works ;

(*c*) education ;

(*d*) health ;

(*e*) natural resources ;

(*f*) local government and community development:

Provided that the Lukiiko may by resolution vary the subjects specified in this paragraph.

(3) Each standing committee established under paragraph (2) of this article shall be under the chairmanship of the Minister who is responsible for the subject with which the committee is dealing, and its function shall be to study that subject and advise the Minister thereon.

(4) The Permanent Secretary to the Minister who is chairman of the committee and any other persons who are required by the committee for its efficient working may attend and take part in the deliberations of any committee established under paragraph (2) of this article, but shall not vote therein.

(5) Nothing in this article shall apply to or affect the functions of the standing committee of the Lukiiko in existence at the commencement of this Constitution.

36.—(1) There shall be established a Buganda Public Service Commission (hereinafter in this article referred to as " the Commission "), which shall consist of— Buganda Public Service Commission.

(*a*) a chairman who shall be appointed by the Kabaka ; and

(*b*) three other persons, who shall be appointed by the Kabaka upon the recommendation of the Ministry.

(2) The Ministry shall recommend for appointment as members of the Commission persons who they are satisfied are experienced in public affairs but are not at the time actively engaged in politics.

(3) The office of a person appointed to be a member of the Commission in pursuance of sub-paragraphs (*a*) or (*b*) of paragraph (1) of this article, shall become vacant—

(*a*) in the case of the Chairman, at the expiration of four years from the date of his appointment;

(*b*) in the case of a member of the Commission other than the Chairman, at the expiration of three years from the date of his appointment;

(*c*) if he resigns; or

(*d*) if his appointment is terminated under paragraph (4) of this article.

(4) (*a*) The Kabaka shall terminate the appointment of a member of the Commission if he is convicted of a criminal offence and is sentenced to imprisonment without the option of a fine.

(*b*) If a member of the Commission is convicted of a criminal offence and is not sentenced to imprisonment without the option of a fine, and the offence in the opinion of the Kabaka might involve moral turpitude, the Kabaka shall appoint a committee consisting of such persons as he shall consider suitable, to enquire into the nature of the offence; and the committee shall, if it is satisfied that the offence involves moral turpitude, inform the Kabaka accordingly, and thereupon the Kabaka shall terminate the appointment of the member.

(*c*) If in the opinion of the Kabaka a member of the Commission may have become incapable of performing his functions as a member of the Commission by reason of physical or mental infirmity, the Kabaka shall appoint a committee consisting of such persons as he shall consider suitable to enquire into the matter; and the committee shall, if it is satisfied that the member has become incapable of performing his functions as a member of the Commission by reason of physical or mental infirmity, inform the Kabaka accordingly, and thereupon the Kabaka shall terminate the appointment of the member.

Appointment of officers of Kabaka's Government

37.—(1) (*a*) Appointments to the office of Permanent Secretary to a Minister, to the office of Saza Chief, Gombolola Chief, Muluka Chief and to the offices specified in the Schedule to this Constitution shall, subject to the provisions of this article, be made by the Kabaka on the recommendation of the Buganda Public Service Commission.

(*b*) The Kabaka shall make appointments under this paragraph by receiving from each person to be appointed to an office his homage and allegiance in customary form in respect of that office.

(2) (*a*) The Buganda Public Service Commission shall, subject to the provisions of this article, be responsible for the appointment of all officers and employees in the service of the Kabaka's Government other than those appointed by the Kabaka under paragraph (1) of this article.

(*b*) For the purposes of this paragraph the offices of Minister, Parliamentary Secretary, Speaker of the Lukiiko, Deputy Speaker of the Lukiiko and member of the Public Service Commission shall not be regarded as officers in the service of the Kabaka's Government.

(3) Appointments under this article shall be made in conformity with the provisions of the Buganda Staff Regulations.

Tenure of office and disciplinary control of officers of Kabaka's Government.

38.—(1) The office of a Permanent Secretary to a Minister or of a Saza Chief shall become vacant—

(*a*) if the holder of the office resigns by writing under his hand addressed to the Kabaka through the Katikkiro; or

(*b*) if his appointment is terminated by the Kabaka on the recommendation of the Buganda Public Service Commission or, in the case of the Permanent Secretary to the Katikkiro, on the recommendation of the Katikkiro on the grounds of misconduct, inefficiency or ill health.

(2) An office in the service of the Kabaka's Government, not being an office to which paragraph (1) of this article applies, shall become vacant—

(*a*) if the holder of the office resigns; or

(*b*) if his appointment is terminated by the Buganda Public Service Commission on the grounds of misconduct, inefficiency or ill health.

(3) The Buganda Public Service Commission shall, subject to the provisions of this article, be responsible for the disciplinary control of all chiefs, officers and employees in the service of the Kabaka's Government.

(4) The powers conferred upon the Buganda Public Service Commission by this article shall be exercised in conformity with the provisions of the Buganda Staff Regulations.

(5) For the purposes of this article the offices of Minister, Speaker of the Lukiiko, Deputy Speaker of the Lukiiko and member of the Buganda Public Service Commission shall not be regarded as offices in the service of the Kabaka's Government.

Staff Regulations.

39.—(1) The Kabaka's Council of Ministers, after consultation with the Uganda Public Service Commission, may make regulations, to be known as the Buganda Staff Regulations, for all or any of the following purposes relating to persons in or desiring to enter the service of the Kabaka's Government—

(*a*) the manner in which the Buganda Public Service Commission shall carry out its functions;

(*b*) the maintenance of discipline;

(*c*) the regulation of appointments (including appointments on promotion and transfer), remuneration, termination of appointments and leave;

(*d*) providing for suspension from duty and salary to be paid during such suspension;

(*e*) regulating the payment of allowances, the making of advances and other terms and conditions of service;

(*f*) authorising the Buganda Public Service Commission to delegate its responsibilities under paragraph (2) of article 37 and paragraph (3) of article 38 of this Constitution in respect of such classes of officers and employees in the service of the Kabaka's Government as may be specified in the regulations; and

(*g*) such other matters relating to departmental procedure and the duties and responsibilities of chiefs, officers and employees, as the Ministers consider can be best regulated by such regulations.

(2) The Buganda Staff Regulations in so far as they relate to discipline, may, without prejudice to the generality of the provisions of paragraph (1) of this article, provide for—

(*a*) withholding or deferring increments either permanently or for a specified period;

(*b*) reduction in rank or salary either permanently or temporarily; and

(*c*) deductions from salary in respect of damage to property caused by misconduct or breach of duty.

(3) The Buganda Staff Regulations as from time to time in force shall, except as otherwise provided in such regulations or in any contract of service form part of the terms of service of any person to whom they apply.

Chiefs in Buganda.

40.—(1) At the head of each Saza in the Kingdom of Buganda there shall be a chief who shall be called a Saza Chief and who shall be responsible to the Katikkiro for the administration of his Saza and for the collection of the taxes he is required to collect by the Katikkiro.

(2) Each Saza shall be divided into Gombololas and each such Gombolola shall be in charge of a chief who shall be called a Gombolola Chief. Each Gombolola shall be divided into Miruka, and in each Muluka there shall be a chief who shall be styled as Muluka Chief.

(3) Gombolola and Muluka Chiefs shall assist Saza Chiefs in the performance of their duties.

Transitional provisions.

41. The foregoing provisions of this Constitution shall have effect subject to such transitional provisions as may be agreed between the Governor and the Kabaka's Government.

Article 37. THE SCHEDULE TO THE CONSTITUTION OF BUGANDA

The Attorney-General.
Divisional Administrative Officers.
The Senior Assistant Secretaries to Ministers.
Judges of the Kabaka's Courts (other than the Buganda High Court or persons appointed by, or on the advice of, the Uganda Judicial Service Commission).
The Officer-in-Charge of the Kabaka's Police Force.
The Information Officer.
The Legal Officer.
The Legal Draftsman.
The Land Officer.
The Clerk of Council.
The Private Secretary to the Kabaka.
The Superintendent of Works.
Assistants to the Superintendent of Works.
The Kabaka's Chamberlain.
The Superintendent of prisons.
Deputy Saza Chiefs.
The Magistrates.
Scholarships Secretary.
Educational Secretary-General.
Education Officers.
Assistant Secretaries.
Public Relations Officer.
Forest Officer.
Chief Accountant.
Lukiiko Cashier.
Officer-in-Charge of Lukiiko Committee.
Registrar.

Section 3. THE THIRD SCHEDULE TO THE CONSTITUTION OF UGANDA

TOWNS TO WHICH THE PROVISIONS OF SECTION 5 APPLY

Arua.
Entebbe.
Fort Portal.
Gulu.
Hoima.
Jinja.
Kabale.
Kitgum.
Lira.
Masindi.
Mbale.
Mbarara.
Moroto.
Moyo.
Mubende.
Njeru.
Soroti.
Tororo.

THE FOURTH SCHEDULE TO THE CONSTITUTION OF UGANDA
PROCEDURE FOR ELECTION OF ELECTED MEMBERS BY LUKIIKO

Section 32.

Interpretation.

1. In this Schedule, unless the context otherwise requires—

"Clerk" means the Clerk or the Assistant Clerk of the Lukiiko;

"election" means an election of an Elected Member of the National Assembly by the Lukiiko;

"entitled member" means a member of the Lukiiko entitled to take part in an election in accordance with the provisions of paragraph (*b*) of the proviso to sub-section (3) of section 32 of the Constitution of Uganda;

"general election" means an election to fill the vacancies among the Elected Members of the National Assembly occurring upon a dissolution of the Assembly;

"Speaker" and Deputy Speaker" mean the Speaker and Deputy Speaker of the Lukiiko.

Performance of functions of Speaker.

2. Whenever the office of Speaker is vacant or the Speaker is absent or is for any other reason unable to perform all or any of the functions which he is required to perform under the provisions of this Schedule those functions shall be performed by the Deputy Speaker or in the absence of the Deputy Speaker by a Judge of the Principal Court appointed for that purpose by the Kabaka.

Conduct of elections.

3. Subject to the provisions of this Schedule, elections shall be conducted by the Speaker and in such manner as he shall direct.

Holding of elections.

4.—(1) Whenever the Lukiiko has lawfully opted at the time of a general election to elect the Elected Members of the National Assembly who shall represent Buganda (exclusive of Kampala) in the National Assembly, the Speaker shall summon the entitled members of the Lukiiko to meet and elect such members on the day polling takes place at such general election in Kampala, at a time not earlier than three-thirty in the afternoon.

(2) When at any time other than at a general election a vacancy occurs amongst the Elected Members of the National Assembly who represent Buganda (other than Kampala) and the Lukiiko has lawfully opted as aforesaid the Katikkiro shall, within one month of the vacancy occurring by order published in the *Uganda Gazette* and in the *Akiika Embuga*—

(*a*) direct that an election be held to fill the vacancy; and

(*b*) appoint a day during the next meeting of the Lukiiko or, if the Lukiiko is at that time in session, during that meeting of the Lukiiko, as nomination day; and

(*c*) appoint a place and day, not being less than two days after the day appointed as nomination day, for the holding of the ballot.

(3) No election under this Schedule shall be invalidated by reason of any vacancy at the time of such election among the members of the Lukiiko.

Nomination of candidates.

5.—(1) Each candidate for election shall be nominated by means of a separate nomination paper which shall be signed by two entitled members of the Lukiiko as proposer and seconder respectively.

(2) Every candidate shall deliver or cause to be delivered to the Speaker's office—

(*a*) a declaration by the candidate that he consents to his nomination as a candidate for election;

(*b*) a declaration showing that he is not disqualified by law to be so elected; and

(*c*) a certificate from both the proposer and the seconder that, of his own personal knowledge, the candidate is able to speak the English language with a degree of proficiency sufficient for him to take an active part in the proceedings of the National Assembly.

Delivery of nomination papers.

6.—(1) Every completed nomination paper and candidate's declaration shall be delivered to the Speaker's office between such hours as the Speaker shall direct.

(2) The Speaker shall reject any nomination in respect of which he is of the opinion that the nomination paper or declaration of the candidate is insufficient or invalid, or in respect of which the nomination paper or declaration has not been delivered at his office between such hours as he shall have directed, and the Speaker's decision rejecting a nomination shall be final.

Withdrawal of candidature.

7. At any time before the expiry of the period prescribed for the delivery of nomination papers to the Speaker's office, but not later, a candidate whose nomination paper has been so delivered may by notice in writing signed by him delivered to the Speaker's office withdraw his candidature.

Declaration of unopposed candidates.

8. If at the expiry of the period prescribed for the delivery of nomination papers to the Speaker's office the number of duly qualified candidates nominated for election does not exceed the number of vacancies to be filled by such election, the Speaker shall declare the candidate or candidates so nominated to be unopposed.

Ballot.

9.—(1) When he is unable to declare the nominated candidate or candidates to be unopposed under the provisions of paragraph 8 of this Schedule, the Speaker shall order a ballot to be taken; and the Clerk shall thereupon exhibit in a prominent place within the Bulange a notice containing the names of all nominated candidates and specifying in respect of each such candidate the person or persons by whom he has been nominated.

(2) The notice mentioned in sub-paragraph (1) of this paragraph shall remain on exhibition until the election to which it relates has been held.

Voting.

10.—(1) Voting at every election shall be by secret ballot.

(2) Every person who, at the time of any election, is an entitled member of the Lukiiko shall be entitled to vote at such election.

(3) A person voting at an election held in pursuance of sub-paragraph (1) of paragraph 4 of this Schedule—

(*a*) shall not cast more than one vote for any one candidate; and

(*b*) shall not cast more than two votes in all.

(4) A person voting at an election held in pursuance of sub-paragraph (2) of paragraph 4 of this Schedule shall have one vote only.

Ballot-box.

11.—(1) The Clerk shall provide a ballot-box so constructed that ballot papers can be inserted therein when the box is closed, but cannot be withdrawn without the box being opened.

(2) The Clerk shall at the commencement of each ballot, and before any votes are cast, cause the ballot-box, empty and opened, to be displayed to the members of the Lukiiko present in the place in which the ballot is to be held at the hour appointed for the commencement of voting.

(3) At all times during a ballot the ballot-box shall be kept in the view of the Speaker or, in his absence, of the Clerk.

Ballot papers.

12.—(1) Each ballot paper shall contain a list of the candidates as named in their respective nomination papers and opposite the name of each candidate a blank space in which the voter may record his vote.

(2) The Clerk shall deliver a ballot paper to each entitled member who presents himself for the purpose of the election in the place in which the

ballot is being held during the period set aside for voting and shall record on a list the name of every such member to whom he so delivers a ballot paper.

(3) A member who, having received a ballot paper, inadvertently deals with it in such a manner that it cannot be used as a ballot paper may, on returning it to the Clerk, obtain another ballot paper in its place, and the Clerk shall immediately cancel and destroy the ballot paper so returned.

(4) Each ballot paper delivered to a member shall, immediately prior to such delivery, be signed or otherwise marked by the Clerk in such a manner as to distinguish it clearly from any spare ballot papers not so delivered, and all such spare ballot papers shall be retained by the Clerk in his close personal custody until the election has been completed.

Manner of voting.

13.—(1) Each entitled member, on receiving a ballot paper shall mark his ballot paper by placing the mark "X" (and no other mark or writing or signature) in the blank space opposite the name of the two candidates for whom he wishes to vote, and shall then immediately proceed to the ballot-box and insert his ballot paper into the ballot-box.

(2) If any entitled member is by reason of blindness or other physical cause unable to mark his own ballot paper the Speaker shall mark such member's ballot paper on such member's direction.

Closing the ballot.

14. The Speaker at the close of the period appointed for voting shall announce that the ballot is about to be closed, and, after giving any member present to whom a ballot paper has been issued but who has not yet recorded his vote a reasonable opportunity to do so, shall declare the ballot closed. The Clerk shall thereupon seal the ballot-box and the Speaker shall suspend the sitting of the Lukiiko.

Counting of votes.

15.—(1) If at the time of a general election the ballot is closed before the polling stations in Kampala have closed the Clerk shall seal the ballot-box and the Speaker shall suspend the sitting of the Lukiiko until the polling stations in Kampala have closed.

(2) At any time other than at the time of a general election when the ballot is closed, or, at the time of a general election, if the ballot is closed after the polling stations in Kampala have closed, or when the Lukiiko resumes its sitting after such polling stations have closed, the Speaker shall order the Clerk to count the votes and the Clerk shall thereupon proceed to count the votes in the presence of the members of the Lukiiko present.

Rejection of ballot papers.

16.—(1) A ballot paper shall be void and shall not be counted if—

(*a*) it is not signed or marked by the Clerk in pursuance of sub-paragraph (4) of paragraph 12 of this Schedule; or

(*b*) there appears on it any writing, sign or mark by which the voter can be identified; or

(*c*) in the case of an election held in pursuance of sub-paragraph (1) of paragraph 4 of this Schedule, there are recorded on it more votes than one for any candidate or more than two votes in all; or

(*d*) in the case of an election held in pursuance of sub-paragraph (2) of paragraph 4 of this Schedule, there are recorded on it more votes than one in all.

(2) The Clerk shall present to the Speaker for rejection any ballot paper which appears to the Clerk to be void and the Speaker's decision as to whether any ballot paper is void shall be final.

(3) The Clerk shall forthwith endorse the word "REJECTED" on any ballot paper rejected by the Speaker.

Declaration of result of ballot.

17.—(1) After the counting of votes and in the case of an election at the time of a general election after the polling stations in Kampala have been closed the sitting of the Lukiiko shall be resumed and the Speaker

shall declare to be successful in the contest for the vacancy or vacancies to be filled the candidate or candidates, as the case may be, who in the ballot received the largest total or totals of votes for election to such vacancy or vacancies.

(2) When after the counting of votes it has not been possible for the Speaker to declare the vacancy or all the vacancies filled owing to an equality of votes being found to exist between two or more candidates or owing to an absence of votes a fresh ballot shall be held in respect of any vacancy not filled and fresh ballots shall continue to be held until the Speaker is enabled to declare the vacancy or all the vacancies, as the case may be, filled.

Manner of holding fresh ballot.

18.—(1) Whenever a fresh ballot is required to be held under the provision of sub-paragraph (2) of paragraph 17 of this Schedule, the Speaker shall thereupon declare the time during which voting in the fresh ballot shall take place which, if the election is held at the time of a general election, shall be before the results of the elections in Kampala are announced.

(2) The Clerk shall cause fresh ballot papers to be prepared bearing the names of all the unsuccessful candidates and shall deliver such a ballot paper to each entitled member, who requests such a paper during the period set aside for voting.

(3) The procedure for balloting shall be the same as is prescribed for balloting on a first occasion so far as is applicable and subject to any special directions made by the Speaker save that each entitled member voting shall be entitled to vote for as many candidates as are required to fill the vacancies.

Declaration of election result.

19.—(1) As soon as the Speaker has, in pursuance of the provision of this Schedule, declared a candidate or candidates to be unopposed or to be successful in a ballot, he shall declare the unopposed or successful candidate or candidates, as the case may be, to be duly elected and shall as soon as practicable thereafter allot such candidate or candidates to represent a constituency established under section 35 of the Constitution of Uganda.

(2) The Clerk at the time of a general election shall send to the Supervisor of Elections the names of the candidates duly elected who shall publish their names in the same manner as he publishes the names of the successful candidates in the general elections.

(3) The Clerk at times other than at a general election shall send the name of any candidate duly elected to the Clerk of the National Assembly.

Forms.

20. The forms in the Appendix to this Schedule shall be used for the purposes of an election.

APPENDIX TO THE FOURTH SCHEDULE TO THE CONSTITUTION OF UGANDA

NOMINATION PAPER FOR ELECTION OF MEMBER OF THE NATIONAL ASSEMBLY

1. Name in full of candidate .....

2. Address .....

I, the undersigned, do hereby certify that I am a member of the Lukiiko entitled to vote for members of the National Assembly and that, of my own personal knowledge, the candidate is able to speak the English language with a degree of proficiency sufficient to enable him to take an active part in the proceedings of the National Assembly.

Signature of Proposer ..... *date* .....

Signature of Seconder ..... *date* .....

DELIVERED to me at my office at ..... a.m./p.m. on the ..... day of ....., 19....., being Nomination Day.

.....
Speaker.

CANDIDATE'S CONSENT AND DECLARATION.

I, ... hereby consent to my nomination as a candidate for election as an Elected Member of the National Assembly for which I am qualified to stand as a candidate.

Date ..... *Signature of Candidate* .....

DELIVERED to me at my office at ..... a.m./p.m. on the ..... day of ....., 19....., being Nomination Day.

.....
Speaker.

BALLOT PAPER.

(*For use at the time of a general election*).

NAME OF CANDIDATE	Mark " X " in this space opposite the name of each candidate for whom you wish to vote
1.	You may not record more than one vote for any candidate nor more than two votes in all.
2.	
3.	
4.	
5.	
6.	
7.	

BALLOT PAPER.

(*For use at a bye-election*).

NAME OF CANDIDATE	Mark " X " in this space opposite the name of each candidate for whom you wish to vote
	You may not record more than one vote in all.

Section 36

THE FIFTH SCHEDULE TO THE CONSTITUTION OF UGANDA
PROCEDURE FOR ELECTION OF SPECIALLY ELECTED MEMBERS

1. In this Schedule unless the context otherwise requires—

Interpretation.

"bye-election" means an election to fill a vacancy among the Specially Elected Members of the National Assembly occurring otherwise than on a dissolution of the Assembly;

"general election" means an election to fill the vacancies among the Specially Elected Members of the National Assembly occurring upon a dissolution of the Assembly;

"prescribed form" means such form as may be prescribed by the Speaker by directions in writing and until such form is so prescribed the corresponding form prescribed by the Legislative Council (Specially Elected Members) Regulations, 1961, with such modifications as are necessary to bring it into accord with this Schedule.

Functions of the Speaker.

2. If the office of Speaker is vacant or the Speaker is for any reason unable to perform the functions of his office, the functions of the Speaker under this Schedule shall be performed by the Deputy Speaker or, if the office of Deputy Speaker is vacant or the Deputy Speaker is unable to perform the functions of his office, by such person as may be appointed by the Governor.

Conduct of elections.

3. Subject to the provisions of this Schedule, elections shall be conducted by the Speaker and in such manner as he shall direct.

Appointment of nomination day etc.

4. As soon as practicable after the election of a Speaker following a dissolution of the Assembly and whenever a bye-election becomes necessary the Speaker shall, by notice published in the Gazette—

(*a*) appoint a day, not being less than five days after the notice is so published, as nomination day for an election to fill the vacancy or vacancies among the Specially Elected Members and prescribe the hours between which nomination papers shall be delivered on that day;

(*b*) appoint a day, not being less than two days after the day appointed as nomination day, on which, and prescribe a place at which and the hours between which, the ballot will be held if the election is contested.

Nominations.

5.—(1) Each candidate for election shall be nominated by a separate nomination paper delivered at the Speaker's office on nomination day within the time allowed for such delivery.

(2) The nomination paper shall—

(*a*) be in the prescribed form and state the full name and place of residence of the candidate;

(*b*) be signed by two Elected Members as proposer and seconder;

(*c*) contain a declaration by the proposer and seconder that the candidate is able to speak and, unless incapacitated by blindness or other physical cause, to read the official language well enough to take an active part in the proceedings of the National Assembly.

Consent to nomination.

6.—(1) A person shall not be validly nominated unless his consent to nomination signed by him is delivered at the Speaker's office on nomination day within the time allowed for the delivery of nomination papers.

(2) The consent to nomination shall be in the prescribed form and shall contain a declaration that the candidate is not disqualified by law.

Speaker may hold nominations invalid.

7.—(1) The Speaker shall be entitled to hold a nomination invalid but only on one of the following grounds, that is to say—

(*a*) that the nomination paper or the consent of the candidate is not in the prescribed form;

(*b*) that the particulars of the candidate are not as required by the provisions of this Schedule;

(*c*) that the nomination paper or the consent of the candidate is not signed by the persons required by the provisions of this Schedule; or

(*d*) that the nomination paper or the candidate's consent were not delivered as required by the provisions of this Schedule.

(2) The decision of the Speaker that a nomination is valid shall be final and shall not be questioned in any proceedings.

Withdrawal of candidature.

8. A candidate in respect of whom a nomination paper and a consent to nomination has been delivered at the Speaker's office within the time allowed for the delivery of nomination papers may withdraw his candidature if notice in writing signed by him is delivered to the Speaker's office not later than the expiration of the time allowed for the delivery of nomination papers.

Procedure on conclusion of nomination.

9.—(1) If, at the expiration of the time allowed for the delivery of nomination papers, the number of persons remaining validly nominated is more than the number of vacancies in the National Assembly to be filled at the election, the persons to fill the vacancies shall be elected from among the candidates so nominated by the votes of the Elected Members of the Assembly which shall be taken by ballot in accordance with the provisions of this Schedule.

(2) If, at the expiration of the time allowed for the delivery of nomination papers, the number of persons remaining validly nominated is equal to or less than the number of vacancies in the National Assembly to be filled at the election, the Speaker shall declare those persons to be duly elected.

(3) If, after declaring the persons remaining validly nominated to be elected in accordance with sub-paragraph (2) of this paragraph, any vacancy or vacancies remain unfilled, the vacancy or vacancies shall be filled at a further election which, subject to the provisions of this Schedule, shall be conducted in the same manner as a general election.

Statement of candidates in contested election.

10.—(1) Where at an election it is necessary for a ballot to be taken (hereinafter referred to as a contested election) the Clerk shall prepare a statement showing the persons who, at the expiration of the time allowed for the delivery of nomination papers, remain validly nominated, and any other persons who have been nominated with the reasons why they no longer remain nominated. The statement shall show the names of the persons nominated, as given in their nomination papers, together with the names of the persons signing those papers.

(2) The Speaker shall cause a copy of the statement prepared in accordance with this paragraph to be exhibited in a prominent place in the National Assembly building and to remain so exhibited until the contested election is concluded.

Death of candidate before ballot.

11. Where in a contested election a candidate in respect of whom a ballot is to be held dies before the commencement of the ballot the ballot shall be held in respect of the candidates remaining validly nominated on such day and between such hours as the Speaker may direct:

Provided that, if by reason of the death of such candidate, the number of candidates remaining validly nominated is equal to or less than the number of vacancies to be filled, the Speaker shall countermand the ballot and declare the candidates remaining validly nominated to be elected.

Ballot papers.

12. The ballot of an Elected Member shall consist of a ballot paper, in the prescribed form, containing the names of the persons remaining validly nominated at the election, as given in their nomination papers, and opposite the name of each person a blank space in which the vote of an Elected Member may be recorded.

Ballot box.

13.—(1) The Clerk shall provide at the time and place prescribed for the taking of a ballot a ballot box and such number of ballot papers as are necessary for the holding of a ballot.

(2) The ballot box shall be so constructed that the ballot papers can be inserted therein when the box is closed, but cannot be withdrawn without the box being opened.

Commencement of ballot.

14.—(1) Immediately before the commencement of a ballot, the Clerk shall cause the ballot box, empty and opened, to be shown to the Elected Members who are present at the place appointed for the holding of a ballot, and shall then lock it up and place it in the view of the Speaker for the receipt of ballot papers.

(2) At all times during the holding of a ballot the ballot box shall be kept locked and in view of the Speaker or, if the Speaker is absent, of the Clerk.

Delivery of ballot papers.

15.—(1) The Clerk shall deliver a ballot paper to each Elected Member who applies therefor in person at the place and during the hours prescribed for the holding of the ballot, and shall immediately before delivery—

(*a*) sign or otherwise mark the ballot paper in such a manner as to distinguish it clearly from any undelivered ballot paper;

(*b*) enter the name of the member to whom the ballot paper is to be delivered on the list of the Elected Members taking part in the election.

(2) An Elected Member, on receiving a ballot paper, shall mark the paper by placing the mark "X" (and no other mark or writing) in the space opposite the name of the candidates or candidate for whom he wishes to vote, and shall then fold the paper so as to conceal his vote and proceed to the ballot box and insert the paper so folded into the box.

(3) At a general election an Elected Member shall be entitled to cast five votes in the first ballot, and on any succeeding ballot the number of votes equivalent to the number of vacancies to be filled.

(4) At a ballot in an election that is required to be held in accordance with sub-paragraph (3) of paragraph 9 of this Schedule an Elected Member shall be entitled to cast the number of votes equivalent to the number of vacancies to be filled.

(5) At a bye-election an Elected Member shall be entitled to cast one vote.

(6) An Elected Member shall not cast more than one vote for any one candidate in any ballot.

Disabled voters.

16. An Elected Member who, by reason of blindness or other physical cause, is unable to mark a ballot paper delivered to him may request the assistance of the Speaker (but no other person) in casting his vote and the Speaker shall, if so requested, mark the ballot paper in the manner directed by the member.

Spoilt ballot papers.

17. An Elected Member who, having received a ballot paper, inadvertently deals with it in such a manner that it cannot be used as a ballot paper may, on returning it to the Clerk, obtain another ballot paper in its place, and the Clerk shall immediately cancel the ballot paper so returned.

Conclusion of the ballot.

18. At the conclusion of the hours prescribed for the holding of the ballot the Speaker shall make an announcement accordingly:

Provided that if at that hour an Elected Member to whom a ballot paper has been delivered has not marked the ballot paper or inserted it in the ballot box, the Speaker shall extend the hours for the holding of the ballot for such time as he considers necessary in order to afford the member a reasonable opportunity of voting and shall thereafter announce that the ballot is closed.

Counting of votes.

19. Immediately after the close of a ballot the votes shall be counted by the Clerk in the presence of the Speaker and those Elected Members who are present.

Votes not to be counted.

20.—(1) A ballot paper shall be void and shall not be counted if—

(*a*) it is not signed or marked by the Clerk as required by sub-paragraph (1) of paragraph 15 of this Schedule;

(*b*) there appears on it any writing, sign or mark by which the voter can be identified;

(*c*) there are recorded on it more votes than one for any candidate; or

(*d*) there are recorded on it more votes than the voter is entitled to cast in the ballot under the provisions of paragraph 15 of this Schedule.

(2) The Clerk shall present to the Speaker for rejection any ballot paper which appears to the Clerk to be void and the Speaker's decision as to whether any ballot paper is void shall be final.

(3) The Clerk shall endorse the word "Rejected" on any ballot paper rejected by the Speaker.

Declaration of result of ballot.

21.—(1) When the result of the ballot has been ascertained, the Speaker shall cause to be prepared a list showing the candidates in order according to the number of votes received by each of them, the candidate or candidates who received the highest number of votes being placed first and those who received any lower number of votes being placed in descending order, those who received no votes being omitted from the list.

(2) The Speaker shall declare as elected the candidates who stand in the first and each successive place on the list until the number of vacancies in respect of which the ballot was taken are filled.

(3) Where—

(*a*) by reason of an equality of votes between them, the number of candidates in any place on the list who would otherwise fall to be declared elected under sub-paragraph (2) of this paragraph exceed the number of vacancies to be filled; or

(*b*) any vacancies remain unfilled by reason that votes were given for a less number of candidates than the number of vacancies,

the Speaker shall declare that a further ballot shall be held to fill those vacancies.

Further ballot.

22.—(1) Where it is necessary to hold a further ballot the ballot shall be held on such day in such place and between such hours as may be appointed by the Speaker.

(2) The provisions of this Schedule which apply in relation to a first ballot shall, except as otherwise provided, apply in relation to every further ballot in an election.

Transitional.

23. References in this Schedule to vacancies among the Specially Elected Members occurring upon a dissolution of Assembly and to the election of a Speaker following a dissolution of the Assembly shall, if the Legislative Council of Uganda is dissolved before the appointed day, include a reference to vacancies among the Specially Elected Members arising upon the establishment of the National Assembly and an election of a Speaker following the first election of the Elected Members of the Assembly.

THE SIXTH SCHEDULE TO THE CONSTITUTION OF UGANDA

Section 52.

PART I

Matters with respect to which the Legislature of Buganda has exclusive power to make Laws

1. The Kabakaship.

2. The powers, obligations and duties of the Kabaka as such.

3. The status of the Kabaka's Ministers as such and their powers, obligations and duties as such (other than those conferred by or under a law enacted by the Legislature of Uganda).

4. The public service of Buganda.

5. Matters incidental to the Lukiiko and other authorities established by the Constitution of Buganda.

6. Such taxation and matters relating thereto as may be agreed between the Kabaka's Government and the Government of Uganda.

7. The public debt of Buganda.

8. Buganda public holidays and festivals.

9. Traditional and customary matters relating to Buganda alone.

10. Such other matters (being matters not specified in Part II of this Schedule that in the opinion of the Governor are of primarily domestic concern to Buganda) as the Governor, acting in his discretion, may designate.

PART II

Matters with respect to which the Legislature of Uganda has exclusive power to make Laws

1. External affairs.

2. Extradition, fugitive offenders; admission into, and emigration and expulsion from Uganda.

3. Passports, visas; quarantine.

4. Defence, including—
   (*a*) military and other armed forces including visiting forces;
   (*b*) enemy aliens and enemy property.

5. Internal security, including—
   (*a*) the police forces;
   (*b*) press censorship;
   (*c*) importation, registration and licensing of firearms, ammunition and explosives.

6. The Penal and Criminal Procedure Codes.

7. Courts other than courts dealing with Buganda clan cases, including—
   (*a*) the jurisdiction, powers, practice, procedure and organisation of such courts;
   (*b*) persons entitled to practise before the courts.

8. Citizenship and naturalization.

9. The public service of Uganda including pensions, compensation, gratuities and conditions of service.

10. Finance, including—
   (*a*) currency, legal tender and coinage;
   (*b*) national savings and savings banks;
   (*c*) external and internal loans (including loans for the purposes of the Kabaka's Government);
   (*d*) banking, money-lending, pawnbrokers, control of credit;
   (*e*) bills of exchange, cheques, promissory notes and other similar instruments;
   (*f*) foreign exchange;
   (*g*) capital issues, stock and commodity exchanges;
   (*h*) insurance, building societies and investment trusts;
   (*i*) taxation (other than that referred to in item 6 of Part I of this Schedule).

11. Medical, health and veterinary services, including the following—
   (*a*) mental treatment;
   (*b*) poisons and dangerous drugs;
   (*c*) control of diseases both human and animal.

12. Miscellaneous—

(*a*) land registration;

(*b*) civil aviation, acrodromes;

(*c*) the regulation of trade and commerce with foreign countries and between Buganda and the rest of Uganda;

(*d*) weights and measures;

(*e*) professional qualifications.

THE THIRD SCHEDULE TO THE ORDER

Section 6.

PART I

PROVISIONS OF CONSTITUTION OF UGANDA NOT HAVING EFFECT DURING INTERIM PERIOD

Section 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40 and 51.

PART II

PROVISIONS HAVING EFFECT DURING INTERIM PERIOD

National Assembly of Uganda.

1.—(1) The Members of the National Assembly of Uganda shall be—

(*a*) the Speaker;

(*b*) Nominated Members;

(*c*) the Representative Members; and

(*d*) nine Specially Elected Members.

(2) If a person who is not a Member of the National Assembly is appointed to be the Attorney-General of Uganda he shall, by virtue of holding that office, be a Member of the Assembly in addition to the Members in sub-paragraph (1) of this paragraph.

The Speaker.

2.—(1) The Speaker shall be a person who is not a Nominated or Specially Elected Member of the National Assembly and shall be appointed by the Governor by Instrument under the Public Seal.

(2) The Speaker shall hold office during Her Majesty's pleasure, and, subject thereto, for such period as may be specified in the Instrument by which he is appointed, and shall not vacate his office by reason of a dissolution of the National Assembly:

Provided that—

(*a*) the Speaker may, by writing under his hand addressed to the Governor, at any time resign his office; and

(*b*) any appointment under this paragraph may at any time be revoked by the Governor, acting in his discretion, by Instrument under the Public Seal,

and upon receipt of such resignation by the Governor, or upon revocation of such an appointment by the Governor, as the case may be, the office of Speaker shall become vacant.

(3) The Governor may grant to the Speaker leave of absence from his duties.

Nominated Members.

3. The Nominated Members of the National Assembly shall be such persons as the Governor, in pursuance of instructions from Her Majesty through a Secretary of State, may from time to time appoint by Instrument under the Public Seal.

Representative Members.

4. Subject to the provisions of this Schedule, the Representative Members of the National Assembly shall be such persons as may be elected to represent in the Assembly such areas in Uganda as the Governor may from time to time under any law for the time being in force declare to be electoral districts, being persons qualified for election as Representative Members in accordance with the provisions of any such law and elected as such in the manner provided by such law.

Specially Elected Members.

5. Subject to the provisions of this Schedule, the Specially Elected Members of the National Assembly shall be such persons as may be elected, in accordance with regulations in that behalf made by the Governor, by Members of the Assembly other than any Specially Elected Members.

Qualification for membership.

6. All members of the National Assembly shall be British subjects or British protected persons.

Disqualification for appointment as a Nominated Member or a Representative Member.

7. A person shall not be qualified to be appointed as a Nominated Member or to be elected as a Specially Elected Member of the National Assembly who—

(*a*) is, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to a foreign Power or State; or

(*b*) is an undischarged bankrupt, having been declared a bankrupt by any competent Court in Uganda or elsewhere and has not received his discharge; or

(*c*) has been convicted of a criminal offence and has been sentenced by a court in any part of the Commonwealth to death or to imprisonment (by whatever name called), and is in prison pending the carrying out of the sentence of death or is serving the sentence of imprisonment; or

(*d*) is of unsound mind having been so adjudged by a competent authority or is detained as a criminal lunatic under any law in force in any part of the Commonwealth.

Tenure of seats in National Assembly.

8.—(1) A Nominated Member of the National Assembly shall hold his seat in the Assembly during Her Majesty's pleasure:

Provided that his seat shall in any case become vacant in the circumstances prescribed by sub-paragraph (2) of this paragraph.

(2) The seat in the National Assembly of a Representative Member, a Nominated Member or a Specially Elected Member shall become vacant—

(*a*) upon his death; or

(*b*) if he ceases to be a British subject, or if he ceases to be a British protected person without becoming a British subject; or

(*c*) if he shall take any oath or make any declaration or acknowledgment of allegiance, obedience or adherence to any foreign Power or State or shall do, concur in or adopt any act done with the intention that he shall become a subject or citizen of any foreign Power or State; or

(*d*) upon the dissolution of the Assembly or, in the case of a Nominated Member, at such earlier time as may be provided by the Instrument by which he is appointed; or

(*e*) in the case of a member who holds an office in the public service, if he ceases to hold such an office; or

(*f*) in the case of a member not holding an office in the public service, if he is appointed to hold an office in the public service; or

(*g*) if he is absent from the sittings of the Assembly for a period of more than twelve consecutive months or is absent from two consecutive meetings of the Assembly and, before the end of such period or within 28 days after the end of the second of such meetings, the Governor has not by writing under his hand excused such absence; or

(*h*) if, in the case of a Nominated or Specially Elected Member, any circumstances arise which, if he were not a Member of the Assembly, would disqualify him for appointment as a Nominated Member or for election as a Specially Elected Member, as the case may be; or

(*i*) in the case of a Representative Member, in any circumstances in which it is provided by any law for the time being in force in Uganda that the seat of such a person shall become vacant.

(3) A Nominated Member who has been appointed may by writing under his hand addressed to the Governor, and a Representative Member or a Specially Elected Member may by writing under his hand addressed to the Speaker, resign his seat in the National Assembly, and upon receipt of such resignation by the Governor, or the Speaker, as the case may be, the seat of such Member shall become vacant.

(4) The Governor, acting in his discretion, may, by Instrument under the Public Seal, suspend any Nominated Member from the exercise of his functions as a Member of the National Assembly. Every such suspension shall be forthwith reported by the Governor to Her Majesty through a Secretary of State and shall remain in force until it is removed by the Governor, acting in his discretion, by Instrument under the Public Seal, or by Her Majesty by directions given through a Secretary of State, or until the person suspended ceases to be a Member of the Assembly.

(5) The Governor, acting in his discretion, may, by Instrument under the Public Seal, declare any Nominated Member to be, by reason of illness, incapable of discharging his functions as a Member of the National Assembly, and thereupon such member shall not sit or vote in the Assembly until he is declared in the manner aforesaid again to be capable of discharging his said functions.

Determination of question as to membership.

9.—(1) Any question whether—

(*a*) any person who submits himself for election as a Representative Member of the National Assembly is qualified to be so elected; or

(*b*) any person has been validly elected as a Representative Member of the Assembly; or

(*c*) the seat of a Representative Member has become vacant

shall be determined in accordance with such provision as may be made in that behalf by any law for the time being in force.

(2) Any question whether—

(*a*) any person is qualified to be appointed as a Nominated Member of the National Assembly or has been validly appointed as such a member; or

(*b*) the seat of any Nominated Member of the Assembly has become vacant

shall be referred to and determined by the Governor, acting in his discretion.

(3) any question whether—

(*a*) any person who submits himself for election as a Specially Elected Member of the National Assembly is qualified to be so elected; or

(*b*) any person has been validly elected as a Specially Elected Member of the Assembly; or

(*c*) the seat of a Specially Elected Member of the Assembly has become vacant

shall be referred to and determined by the Speaker.

Dissolution.

10. The Governor, acting in his discretion may, at any time, dissolve the National Assembly.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order makes fresh constitutional provision for Uganda conferring internal self government. It establishes for Uganda a Cabinet of Ministers, a Legislature and a High Court. It also includes provision for a Constitution for Buganda and for the powers of the Legislature of Uganda and the Legislature of Buganda to make laws.