STATUTORY INSTRUMENTS

1962 No. 2175
EAST AFRICA
The Uganda (Independence) Order in Council 1962

Made - - - -	*2nd October* 1962
Laid before Parliament	*2nd October* 1962
Coming into Operation	*Immediately before 9th October* 1962

At the Court at Balmoral, the 2nd day of October 1962

Present.

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the power 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 and commencement.

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

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

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

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

Revocations.

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

Establishment of Constitution.

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

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

(a) 53 & 54 Vict. c. 37. (b) S.R. & O. 1902/662 (Rev. VIII, p. 288: 1902, p. 145).
(c) S.I. 1962/405 (1962 I, p. 374). (d) S.I. 1962/625 (1962 I, p. 616).

Existing laws.

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

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

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

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

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

Existing offices.

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

Provided that—

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

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

(*c*) Parliament and the Legislative Assembly of the Kingdom of Buganda shall, unless sooner dissolved, stand dissolved on the respective dates on which the National Assembly and the Lukiiko

of the Kingdom of Buganda established by the provisions revoked by section 2 of this Order, would have stood dissolved by those provisions.

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

Emergency Powers Orders in Council 1939 to 1961.

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

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

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

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

Alteration of boundaries of territories.

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

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

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

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

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

(2) The provisions of subsection (1) of this section shall cease to have effect on 9th October 1963.

Provisions for Federal States.

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

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

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

(2) Where an office of Minister of the Kingdom of Ankole, the Kingdom of Bunyoro or the Kingdom of Toro, is established by the

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

existing provisions and the relevant Schedule establishes an equivalent office, any person who, immediately before the commencement of this Order, holds the former office shall, so far as is consistent with the provisions of this Order, be deemed to have been appointed as from the commencement of this Order to hold that office in accordance with the provisions of the relevant Schedule.

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

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

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

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

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

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

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

(6) In this section—

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

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

(a) Ordinance No. 1 of 1955.

Fundamental rights and freedoms.

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

Qualifications of members of National Assembly.

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

Constituencies.

11. The Electoral Commission may at any time after 9th October 1962 prescribe the boundaries of the constituencies into which Uganda is divided under section 46 of the Constitution of Uganda and, until the Commission prescribes the boundaries of the constituencies and the National Assembly approves those boundaries, Uganda shall for the purposes of that section be divided into constituencies having the same boundaries as the boundaries prescribed by section 9 of the Uganda (Constitution) Order in Council 1962.

Supervision of elections.

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

Specially elected members.

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

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

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

Administration of services.

14.—(1) Until other arrangements are made between the Government of Uganda and the Kabaka's Government under section 79 of the Constitution of Uganda, the Kabaka's Government shall, subject to the provisions of section 26 of this Order, be responsible for the administration in the Kingdom of Buganda (excluding Kampala) of the services specified in the Seventh Schedule to the Buganda Agreement 1961.

(a) Ordinance No. 20 of 1957.

subject to the conditions set out in that Schedule and in article 12 (1) (*b*) of that Agreement, as if an arrangement had been entered into between the Government of Uganda and the Kabaka's Government under that section.

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

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

Karamoja.

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

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

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

Councils of Districts.

16.—(1) The Council of a District shall, for the period beginning on 9th October 1962 and expiring on 9th October 1964 or such earlier date as may be prescribed in relation to that Council by or under any Act of Parliament (hereinafter in this section referred to as " the interim period "), be deemed (except for the purpose of section 89 of the Constitution of Uganda) to be duly constituted in accordance with the provisions of section 88 of the Constitution notwithstanding that its membership may not accord with the requirements of that section and at any time during the interim period when it is not so constituted—

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

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

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

Legal proceedings

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

(a) Ordinance No. 23 of 1962.

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

Appeals.

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

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

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

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

Financial provision for Buganda.

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

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

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

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

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

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

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

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

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

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

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

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

Forests.

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

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

Protection of certain urban authority leases.

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

Mailo land tenure.

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

Protection of certain land rights in Buganda.

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

(**a**) Ordinance No. 22 of 1962. (**b**) Chapter 117, Revised Laws of Uganda.

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

Local government in Buganda.

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

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

The counties of Buyaga and Bugangazzi.

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

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

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

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

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

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

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

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

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

(3) During the transitional period the local government and other authorities established for the local administration of the county of Buyaga or of the county of Bugangazzi shall be subject only to the direction and control of the Government of Uganda or the officers or authorities of that Government acting under the direction of that Government, and the provisions of sections 14 (1) and 25 of this

(a) Ordinance No. 16 of 1958.

Order and of sections 74 (5) (*b*) (iv), 78 (3) and 79 of the Constitution of Uganda (so far as those provisions relate to the administration of a service in those counties, any law for the local administration of those counties or the conferment of any functions for the purpose of the local administration of those counties) shall not apply if the Governor-General, acting in accordance with the advice of the Prime Minister, by order so directs.

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

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

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

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

Compulsory retirement to facilitate appointment of local candidates.

27.—(1) If the Prime Minister so requests, the authorities having power to make appointments in any branch of the public service shall consider whether there are more local candidates suitably qualified for appointment to, or promotion in, that branch than there are vacancies in that branch that could appropriately be filled by such local candidates ; and those authorities, if satisfied that such is the case, shall, if so requested by the Prime Minister, select officers in that branch to whom this subsection applies and whose retirement would in the opinion of those authorities cause vacancies that could appropriately be filled by such suitably qualified local candidates as are available and fit for appointment and inform the Prime Minister of the number of officers so selected ; and if the Prime Minister specifies a number of officers to be called upon to retire (not exceeding the number of officers so selected), those authorities shall nominate that number of officers from among the officers so selected and by notice in writing require them to retire from the public service ; and any officer who is so required to retire shall retire accordingly.

(2) This section applies to—

(*a*) any entitled officer (as defined in the Schedule to the Uganda (Compensation and Retiring Benefits) Order in Council 1962(a)) other than an entitled officer who is for the time being the holder of the office of judge of the High Court of Uganda, Director of Public Prosecutions, Controller and Auditor-General or Inspector-General of Police ;

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

(a) S.I. 1962/2176 (1962 III, p. 2888).

Appeals Board.

28.—(1) If any Commission established by the Constitution of Uganda decides to give such concurrence as is required under section 117 (1) or 117 (2) of the Constitution of Uganda in respect of any benefits to which that section applies that may be granted or that have been granted to or in respect of an officer to whom this section applies, or if any such Commission makes any other decision the effect of which is (or might in the opinion of the Commission be) that any such benefits cannot be granted to or in respect of such an 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 Prime Minister in writing of that application, and the Prime Minister shall then appoint an Appeals Board of three members, consisting of—

(*a*) one member selected by the Prime Minister;

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

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

(4) The Appeals Board shall enquire into the facts of the case and for that purpose shall hear the applicant if he so requests in writing, and shall hear any other person who, in the opinion of the Board, is able to give the Board information on the case, and the Board shall have access to, and shall consider, all documents that were available

to the 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 confirmed, reversed or modified and the Commission shall act in accordance with such advice:

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

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

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

and the provisions of that law shall have effect accordingly.

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

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

(8) Where a Commission established by the Uganda (Constitution) Order in Council 1962 has made any such decision as is referred to in subsection (1) of this section (not being a decision in respect of which an application could have been made under section 18 of that Order) and the foregoing provisions of this section would have been applicable in relation to that decision if that decision had been made after the commencement of this Order by a Commission established by the Constitution of Uganda, then at any time within three months after this commencement of this Order the officer in respect of whom that decision was made (or his personal representatives) may make application for the case to be referred to an Appeals Board under this section and the provisions of this section shall apply accordingly.

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

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

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

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

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

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

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

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

W. G. Agnew.

THE SCHEDULE TO THE ORDER

THE CONSTITUTION OF UGANDA

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CHAPTER I

UGANDA AND ITS TERRITORIES

Constitution to be supreme law.

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

The territories of Uganda.

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

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

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

Boundaries of territories.

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

Constitutional provision for Federal States.

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

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

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

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

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

Alteration of Constitution.

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

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

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

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

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

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

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

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

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

Alteration of constitutional provisions for Federal States.

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

Provided that—

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

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

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

Provided that—

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

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

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

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

CHAPTER II

CITIZENSHIP

Persons who become citizens on 9th October 1962.

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

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

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

Persons entitled to be registered as citizens.

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

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

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

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

(*b*) who, having died before 9th October 1962 would, but for his death, have become a citizen of Uganda by virtue of that section,

shall be entitled, upon making application in such manner as may be prescribed by Parliament, to be registered as a citizen of Uganda.

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

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

(5) Any person who, on 8th October 1962, is a citizen of the United Kingdom and Colonies, having become such a citizen by virtue of his having been naturalised or registered in Uganda under the British Nationality Act, 1948(a), shall be entitled, upon making application before the specified date in such manner as may be prescribed by Parliament, to be registered as a citizen of Uganda:

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

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

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

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

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

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

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

Persons born in Uganda after 8th October 1962.

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

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

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

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

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

Persons born outside Uganda after 8th October 1962.

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

Marriage to Uganda citizen.

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

Dual citizenship.

12.—(1) Any person who, upon the attainment of the age of twenty-one years, is a citizen of Uganda and also a citizen of some country other than Uganda shall, subject to the provisions of subsection (7) of this section, cease to be a citizen of Uganda upon the specified date unless he has renounced his citizenship of that other country, taken the oath of allegiance and, in the case of a person who is a citizen of Uganda by virtue of section 7 (2) or section 10 of this Constitution, made and registered such declaration of his intentions concerning residence as may be prescribed by Parliament.

(2) Any person who—

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

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

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

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

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

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

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

(4) A person who—

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

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

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

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

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

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

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

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

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

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

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

Commonwealth citizens.

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

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

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

Criminal liability of Commonwealth citizens.

14.—(1) A Commonwealth citizen who is not a citizen of Uganda or a citizen of the Republic of Ireland who is not a citizen of Uganda shall not be guilty of an offence against any law in force in Uganda by reason of anything done or omitted in any part of the Commonwealth other than Uganda or in the Republic of Ireland or in any foreign country unless—

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

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

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

Powers of Parliament.

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

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

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

Interpretation.

16.—(1) In this Chapter—

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

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

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

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

CHAPTER III

Protection of Fundamental Rights and Freedoms of the Individual

Fundamental rights and freedoms of the individual.

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

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

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

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

the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions,

being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.

Protection of right to life.

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

(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.

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

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

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

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

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

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

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

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

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

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

(*j*) to such extent as may be necessary in the execution of a lawful order requiring that person to remain within a specified area within Uganda or prohibiting him from being within such an area, or

to such extent as may be reasonably justifiable for the taking of proceedings against that person relating to the making of any such order, or to such extent as may be reasonably justifiable for restraining that person during any visit that he is permitted to make to any part of Uganda in which, in consequence of any such order, his presence would otherwise be unlawful.

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

(3) Any person who is arrested or detained—

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

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

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

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

Protection from slavery and forced labour.

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

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

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

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

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

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

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

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

Protection from inhuman treatment.

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

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

Protection from deprivation of property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(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 Parliament.

Protection for privacy of home and other property.

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

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

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

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

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

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

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

Provisions to secure protection of law.

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

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

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

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

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

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

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

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

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

(3) When a person is tried for any criminal offence, the accused person or any person 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) No person shall be convicted of a criminal offence unless that offence is defined and the penalty therefor is prescribed in a written law:

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

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

(10) Except with the agreement of all the parties thereto, all proceedings of every court and proceedings for the determination of the existence or extent of any civil right or obligation before any other

adjudicating authority, including the announcement of the decision of the court or other authority, shall be held in public.

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

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

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

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

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

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

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

(*d*) subsection (5) of this section to the extent that the law in question 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.

(13) In this section—

"criminal offence" means a criminal offence under the law of Uganda ; "legal representative" means a person entitled to practise in Uganda as an advocate.

Protection of freedom of conscience.

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

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

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

(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.

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

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

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

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

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

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

Protection of freedom of assembly and association.

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

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

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

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

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

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

Protection of freedom of movement.

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

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

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

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

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

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

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

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

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

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

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

by law, by an independent and impartial tribunal presided over by a person appointed by the Chief Justice.

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

Protection from discrimination on the grounds of race, etc.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Provision for times of war or public emergency.

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

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

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

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

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

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

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

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

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

Provided that the provisions of this subsection shall not apply in relation to anything contained in or done under the authority of any instrument having the force of law that is made under the provisions of an Act of Parliament, during a period when a declaration of a state of

public emergency is in force by virtue of a resolution of the National Assembly unless the Assembly has, by a like resolution, affirmed that that instrument shall have effect during that period.

Protection of persons detained under emergency laws.

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

(*a*) he shall, as soon as reasonably practicable and in any case not more than five days after the commencement of his detention, be furnished with a statement in writing in a language that he understands specifying in detail the grounds upon which he is detained ;

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

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

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

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

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

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

Enforcement of protective provisions.

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

(2) The High Court of Uganda shall have original jurisdiction to hear and determine any application made by any person in pursuance of subsection (1) of this section, and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing, or securing the enforcement of, any of the provisions of the said sections 17 to 29 (inclusive) or section 31 (1) to the protection of which the person concerned is entitled :

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

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

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

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

Interpretation and savings.

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

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

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

"disciplinary law" means a law regulating the discipline—

(*a*) of any disciplined force; or

(*b*) of persons serving prison sentences;

"disciplined force" means—

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

(*b*) the Uganda Police Force;

(*c*) a police force established by law enacted by Parliament; or

(*d*) the Uganda Prisons Service;

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

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

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

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

CHAPTER IV

THE GOVERNOR-GENERAL

Establishment of office of Governor-General.

34. There shall be a Governor-General 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.

Discharge of Governor-General's functions during vacancy, etc.

35. Whenever the office of Governor-General is vacant or the holder of the office is absent from Uganda or is for any reason unable to perform the functions conferred upon him by this Constitution, those functions shall be performed by such person as Her Majesty may appoint or, if there is no person in Uganda so appointed and able to perform those functions, by the Chief Justice.

Oaths to be taken by Governor-General.

36. A person appointed to or assuming the functions of the office of Governor-General 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 Parliament.

CHAPTER V

PARLIAMENT

PART I

Composition of Parliament

Establishment of Parliament of Uganda.

37. There shall be a Parliament of Uganda, which shall consist of Her Majesty and a National Assembly.

Composition of National Assembly.

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

(*a*) eighty-two elected members ; and

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

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

Qualifications for membership of National Assembly.

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

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

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

Disqualifications for membership of National Assembly.

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

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

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

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

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

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

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

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

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

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

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

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

(*b*) his belonging to any of the armed forces of 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.

Speaker.

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

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

(3) The Speaker shall vacate his office—

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

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

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

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

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

Deputy Speaker.

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

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

(3) The Deputy Speaker shall vacate his office—

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

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

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

Election of elected members.

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

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

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

Provided that—

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

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

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

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

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

(*b*) at elections at which all persons who are for the time being registered in each such constituency as voters for the 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.

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

Qualifications of voters.

44. A person who—

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

(*b*) is a citizen of Uganda; and

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

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

Electoral Commission.

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

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

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

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

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

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

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

(*b*) For the purposes of this section "the Leader of the Opposition" means that member of the National Assembly who is for the time

being the leader in the Assembly of the party in opposition to the Government having the greatest numerical strength in the Assembly.

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

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

Constituencies.

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

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

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

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

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

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

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

Election of specially elected members.

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

Tenure of office of members of National Assembly.

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

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

(*a*) if he ceases to be a citizen of Uganda ;

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

(*c*) subject to the provisions of subsection (3) of this section, if any circumstances arise that, if he were not a member of the Assembly, would cause him to be disqualified for election as such under section 40 (1), 40 (3) or 40 (4) of this Constitution.

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

Determination of questions as to membership of National Assembly.

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

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

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

(2) Parliament may make provision with respect to—

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

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

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

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

Clerk to National Assembly and his staff.

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

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

PART 2

Procedure in National Assembly

Oath to be taken by members of National Assembly.

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

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

Presiding in National Assembly.

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

(*a*) the Speaker ; or

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

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

Quorum in National Assembly.

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

Voting in National Assembly.

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

(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.

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

Mode of exercising legislative power.

56.—(1) The power of Parliament to make laws shall be exercised by bills passed by the National Assembly and assented to by the Governor-General on behalf of Her Majesty.

(2) When a bill is presented to the Governor-General for assent, he shall signify that he assents or that he withholds assent.

(3) The Governor-General, 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 Parliament to postpone the operation of any law or to make laws with retrospective effect.

Restrictions with regard to certain financial measures.

57. Except upon the recommendation of the Governor-General 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 Consolidated Fund or other public funds of Uganda or the alteration of any such charge otherwise than by reduction ;

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

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

(*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.

Regulation of procedure in National Assembly.

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

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

PART 3

Summoning, Prorogation and Dissolution

Sessions of Parliament.

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

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

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

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

Prorogation and dissolution of Parliament.

60.—(1) The Governor-General may at any time prorogue Parliament.

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

Provided that—

(*a*) if the Prime Minister recommends a dissolution and the Governor-General 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-General may refuse to dissolve Parliament;

(*b*) if the National 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-General may dissolve Parliament; and

(*c*) if the office of Prime Minister is vacant and the Governor-General 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-General may dissolve Parliament.

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

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

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

CHAPTER VI

THE EXECUTIVE OF UGANDA

Executive authority of Uganda.

61.—(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-General, either directly or through officers subordinate to him.

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

Ministers of Government of Uganda.

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

(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 Parliament or, subject to the provisions of any Act of Parliament, by the Governor-General, acting in accordance with the advice of the Prime Minister.

(3) The Governor-General 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 Parliament 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-General 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 ; or

(*b*) if at any time between the holding of a general election and the first sitting of the Assembly thereafter the Governor-General 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:

Provided that the Governor-General shall not remove the Prime Minister from office when a vote of no confidence has been passed by the Assembly unless three days have elapsed and the Governor-General has decided not to dissolve Parliament under section 60 of this Constitution.

(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 Parliament ; or

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

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

(*a*) if the Governor-General, 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.

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

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

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

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

(*b*) the dissolution of Parliament ; and

(*c*) the matters referred to in section 84 of this Constitution (which relates to the prerogative of mercy).

Attorney-General of Uganda.

64.—(1) There shall be an Attorney-General for Uganda, who shall be appointed by the Governor-General, 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-General, acting in accordance with the advice of the Prime Minister, so directs;

(*b*) if the Prime Minister resigns from office within three days after the passage of a resolution of no confidence in the Government of Uganda or is removed from office under section 62 (4) of this Constitution; or

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

Allocation of portfolios to Ministers.

65. The Governor-General, 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.

Performance of functions of Prime Minister during absence or illness.

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

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

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

Exercise of Governor-General's functions.

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

Provided that the Governor-General shall act in accordance with his own deliberate judgment in the performance of the following functions—

(*a*) in the exercise of the powers relating to the dissolution of Parliament conferred upon him by the proviso to section 60 (2) of this Constitution;

(*b*) in the exercise of the power to appoint the Prime Minister conferred upon him by section 62 (3) of this Constitution;

(*c*) in the exercise of the power to remove the Prime Minister from office conferred upon him by section 62 (4) of this Constitution;

(*d*) in the exercise of the powers conferred on him by section 66 of this Constitution (which relates to the performance of the functions of the Prime Minister during absence or illness) in the circumstances described in the proviso to subsection (2) of that section; and

(*e*) in signifying his concurrence, for the purposes of section 111 (4) of this Constitution, in appointments to offices on his personal staff.

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

Governor-General to be informed concerning matters of government.

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

Parliamentary Secretaries.

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

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

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

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

(*b*) if the Prime Minister resigns from office within three days after the passage by the National Assembly of a resolution of no confidence in the Government of Uganda or is removed from office under section 62 (4) 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 Parliament; or

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

Oaths to be taken by Ministers, etc.

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

Permanent secretaries.

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

Secretary to Cabinet.

72.—(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.

CHAPTER VII

LEGISLATIVE AND EXECUTIVE POWERS

PART 1

Legislative Powers

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

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

Power to make laws for Buganda.

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

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

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

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

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

(*b*) This subsection applies to—

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

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

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

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

Power to make laws for Federal States other than Buganda.

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

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

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

(3) Parliament may confer upon the Legislature of a Federal State (other than the Kingdom of Buganda) authority to make laws for that State with respect to any matter, other than a matter specified in Part II of Schedule 7 or in Schedule 8 to this Constitution, and any such authority may be general or may be conferred for such period or subject to such restrictions as Parliament may specify and may be revoked by Parliament at any time.

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

Inconsistency of laws.

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

PART 2

Executive Powers

Extent of executive authority of Uganda and Federal States.

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

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

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

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

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

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

Delegation of executive authority of Uganda.

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

(*a*) the Governor-General may entrust, either conditionally or unconditionally, to any officer or authority of a Federal State,

functions in relation to any matter to which the executive authority of Uganda extends falling to be performed in the State;

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

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

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

Administration of services in Federal States.

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

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

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

The police forces.

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

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

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

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

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

(*b*) where any power or duty is conferred or imposed by an Act of Parliament having effect in the Kingdom of Buganda upon the members of the Uganda Police Force of any rank, the

(a) Chapter 37 of the Revised Laws of Uganda.

members of the Kabaka's Police Force of corresponding rank shall, by virtue of this Constitution, have that power or be subject to that duty;

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

Control of the police forces.

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

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

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

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

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

Director of Public Prosecutions.

82.—(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 (including any question referred under section 95 of this Constitution) for the purpose of any such proceedings, to any other court in Uganda or the court of appeal or to the Judicial Committee of Her Majesty's Privy Council shall be deemed to be part of those proceedings :

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

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

Constitution of offices.

83. Subject to the provisions of this Constitution and of any Act of Parliament, the Governor-General may constitute offices for Uganda, make appointments to any such office and terminate any such appointment.

Prerogative of Mercy.

84.—(1) The Governor-General may—

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

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

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

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

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

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

(4) The powers conferred upon the Governor-General by subsection (1) of this section shall be exercised in the name of Her Majesty :

Provided that where any such power is exercised in respect of any punishment imposed upon any person by a court when it is administering justice in the name of the Ruler of the Kingdom of Ankole, the Ruler of the Kingdom of Bunyoro or the Ruler of the Kingdom of Toro in accordance with the provisions of this Constitution or any Act of Parliament, it shall be exercised in the name of the Ruler.

Advisory Committee on Prerogative of Mercy.

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

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

(*b*) the Attorney-General of Uganda ; and

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

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

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

Provided that his seat on the Committee shall become vacant—

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

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

Functions of Advisory Committee.

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

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

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

Kabaka's powers of commutation and remission.

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

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

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

in such cases and subject to such conditions as may be prescribed by the Governor-General.

CHAPTER VIII

ADMINISTRATIONS OF THE DISTRICTS

Councils for Districts.

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

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

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

(3) Subject to the provisions of subsection (4) of this section, those members of the Council of a District that are required by this section to be elected shall be elected in accordance with the laws that apply in relation to the election of elected members of the National Assembly (which for that purpose shall have effect with such modifications, if any, as Parliament may prescribe) at elections—

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

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

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

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

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

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

Constitutional heads for Districts.

89.—(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-General.

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

(3) 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.

CHAPTER IX

THE JUDICATURE

PART 1

The High Courts of Uganda and Buganda

Establishment of High Court of Uganda.

90.—(1) There shall be a High Court for Uganda, which shall have such jurisdiction throughout Uganda 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 Parliament:

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

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

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

(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.

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

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

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

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

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

(*b*) For the purposes of this subsection, a person shall be regarded as entitled to practise as an advocate if he has been called, enrolled

or otherwise admitted as such (and has not subsequently been disbarred or removed from the roll of advocates) notwithstanding that—

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

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

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

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

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

(6) Any person appointed under subsection (5) of this section to act as a puisne judge shall continue to act for the period of his appointment or, if no such period is specified, until his appointment is revoked by the Governor-General, 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.

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

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

Tenure of office of judges of High Court of Uganda.

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

(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-General, if the question of his removal has, at the request of the Governor-General, 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 represents to the Governor-General that the question of removing a judge under this section ought to be investigated, then—

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

(*b*) the tribunal shall enquire into the matter and report on the facts thereof to the Governor-General and recommend to the Governor-General 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-General 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-General, acting in accordance with the advice of the Prime Minister, may suspend the judge from performing the functions of his office, and any such suspension may at any time be revoked by the Governor-General, acting in accordance with the advice of the Prime Minister, and shall in any case cease to have effect—

(*a*) if the tribunal recommends to the Governor-General 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 this section shall be without prejudice to the provisions of section 91 (6) of this Constitution.

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

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

High Court of Buganda.

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

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

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

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

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

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

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

Questions of interpretation of Constitution.

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

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

PART 2

Appeals

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

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

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

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

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

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(2) Parliament may make provision—

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

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

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

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

PART 3

Judicial Service Commission

Judicial Service Commission.

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

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

(*b*) 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-General, acting in accordance with the advice of the Prime Minister; and

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

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

(*a*) a person shall not be qualified for appointment as such unless he has the qualifications prescribed in section 91 (3) 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-General, acting in accordance with the advice of the Prime Minister, but he may be removed only for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

Appointment, etc. of judicial officers.

98.—(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 Parliament 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 member 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 Parliament.

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

CHAPTER X

FINANCE

PART 1

Public Funds of Uganda

Consolidated Fund.

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

Withdrawals from Consolidated Fund or other public funds.

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

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

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

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

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

Authorisation of expenditure.

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

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

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

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

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

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

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

Authorisation of expenditure in advance of appropriation.

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

Contingencies Fund.

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

(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

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

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

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

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

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

Public debt.

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

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

Controller and Auditor-General.

106.—(1) There shall be a Controller and Auditor-General for Uganda, whose office shall be a public office.

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

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

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

PART 2

Financial Provision for the Federal States

Payments to Buganda.

107.—(1) The Government of Uganda shall make payments to the Kabaka's Government in accordance with the provisions of the Agreement set out in Schedule 9 to this Constitution.

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

Payments to Federal States other than Buganda.

108.—(1) Subject to such terms and conditions as may be prescribed by Parliament, the Government of Uganda shall pay to the Government of each Federal State (other than the Kabaka's Government) an annual contribution towards the cost of services administered by the Government of that Federal State in pursuance of arrangements entered into under section 79 of this Constitution of such amount as the Government of Uganda, after consultation with that Government, may determine.

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

Existing powers.

109.—(1) Where by virtue of any provision of any law in force immediately before 9th October 1962 a Federal State has power to collect and retain the proceeds of any tax, that provision shall not be altered by or under any Act of Parliament to the disadvantage of that Federal State without the concurrence of the Government of that Federal State:

Provided that, for the purposes of this section, a provision shall not be regarded as having been altered to the disadvantage of a Federal State if—

(*a*) other provision is made in lieu of that provision that is not less favourable to the Federal State than was the former provision; or

(*b*) where the collection and retention of the proceeds of a tax by the Federal State is incidental to the administration of any service, or the performance of any other function, by the Federal State for the purposes of any law if provision is made under which the Federal State ceases to be entitled to collect and retain those proceeds upon its ceasing to administer that service or to perform that function, as the case may be.

(2) The provisions of subsection (1) of this section shall not apply to any provision of law empowering a Federal State to collect or retain tax in Kampala or in a town to which section 126 of this Constitution applies.

(3) In this section "tax" includes rate, rent, due, fee, fine, royalty or other revenue.

CHAPTER XI

The Public Service of Uganda

Public Service Commission.

110.—(1) There shall be a Public Service Commission for Uganda, which shall consist of a Chairman and not less than three or more than seven other members.

(2) The members of the Public Service Commission of Uganda shall be appointed by the Governor-General, acting in accordance with the advice of 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 Legislative Assembly of a Federal State, 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-General, acting in accordance with the advice of 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-General, acting in accordance with the advice of the Prime Minister, but he may be removed only for inability to discharge the functions of his office (whether arising from infirmity of 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 functions of that office by such one of the other members of the Commission, as may be designated in that behalf by the Governor-General, acting in accordance with the advice of 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-General, acting in accordance with the advice of 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-General, acting in accordance with the advice of the Prime Minister.

Appointment, etc. of public officers.

111.—(1) Subject to the provisions of this Constitution, power to appoint persons to hold or act in any offices in the public service of Uganda (including power to confirm appointments), to exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office shall vest in the 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 offices of Director of Public Prosecutions, Controller and Auditor-General or Inspector-General of Police ;

(*c*) any office to which section 98 (which relates to judicial offices), section 114 (which relates to the offices of representatives of Uganda abroad) or section 115 of this Constitution (which relates to the offices of permanent secretaries and the office of the Secretary to the Cabinet) applies ; or

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

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

(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.

Qualifications of Director of Public Prosecutions.

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

Tenure of office of Director of Public Prosecutions, etc.

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

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

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

(4) A person to whom this section applies shall be removed from office by the Governor-General 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-General that he ought to be removed from office for inability as aforesaid or for misbehaviour.

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

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

(*b*) that tribunal shall enquire into the matter and report on the facts thereof to the Governor-General and recommend to the Governor-General 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-General, acting in accordance with the advice of the Prime Minister, may suspend the person from performing the functions of his office and any such suspension may at any time be revoked by the Governor-General, acting in accordance with the advice of the Prime Minister, and shall in any case cease to have effect if the tribunal recommends to the Governor-General that the person should not be removed.

Principal representatives of Uganda abroad.

114.—(1) Power to appoint persons to hold or act in offices to which this section applies and to remove from office persons holding or acting in such offices shall vest in the Governor-General, acting in accordance with the advice of the Prime Minister.

(2) Before tendering any advice for the purposes of this section in relation to any person who holds any office in the public service, other than an office to which this section applies, the Prime Minister shall consult the Public Service Commission of Uganda.

(3) The offices to which this section applies are the offices of Ambassador, High Commissioner or other principal representative of Uganda in any other country.

Appointment of permanent secretaries, etc.

115.—(1) Power to appoint persons to hold or act in offices to which this section applies and to remove from office persons holding or acting in such offices shall vest in the Governor-General, acting in accordance with the advice of the Prime Minister.

(2) Before tendering any advice for the purposes of this section, the Prime Minister shall consult the Public Service Commission of Uganda.

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

Protection of pension rights.

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

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

(*a*) in relation to benefits granted before 9th October 1962, the date on which those benefits were granted;

(*b*) in relation to benefits granted or that may be granted after 9th October 1962 to or in respect of a person who was a public officer before that date, 8th October 1962 ; and

(*c*) in relation to any benefits granted or that may be granted in respect of any person who becomes a public officer after 9th October 1962, the date on which he becomes a public officer.

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

(4) Any benefits to which this section applies (to the extent that those benefits are not a charge upon some other public fund) shall be a charge on the Consolidated Fund.

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

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

Power of Commissions in relation to pensions, etc.

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

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

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

those benefits shall be granted and may not be withheld, reduced in amount or suspended unless the appropriate 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, Director of Public Prosecutions, Controller and Auditor-General or Inspector-General of Police has been guilty of misbehaviour unless he has been removed from office by reason of such misbehaviour.

(4) In this section " 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 that are or may become payable under any law providing for the grant of pensions, compensation, gratuities or other like allowances to persons in respect of their service as public officers or to the widows, children, dependants or personal representatives of such persons in respect of such service.

CHAPTER XII

PUBLIC LAND

Land Commission and Land Boards.

118.—(1) There shall be—

(*a*) for Uganda, a Land Commission ; and

(*b*) for each Federal State and each District, a Land Board.

(2) The Land Commission shall consist of not more than five members who shall be appointed by the Governor-General.

(3) The Land Board for the Kingdom of Buganda shall consist of not more than eight members who shall be appointed by the Kabaka, acting in accordance with the recommendation of the Kabaka's Council of Ministers.

(4) The Land Board for a Federal State (other than the Kingdom of Buganda) or a District shall consist of not more than eight members who shall be appointed—

(*a*) in the case of a Federal State or of a District having a constitutional head, by the Ruler or constitutional head of the State or District, acting in accordance with the recommendation of the Legislative Assembly of the State or Council of the District, signified by resolution ;

(*b*) in the case of a District not having a constitutional head, by resolution of the Council of the District.

(5) A person shall not be qualified for appointment as a member of a Land Board unless he has such qualifications as may be prescribed by Parliament :

Provided that at least one member of a Land Board shall be appointed from amongst persons who are representatives of the traditional interests in land in the territory for which the Board is established.

(6) The office of a member of the Land Board shall become vacant—

(*a*) at the expiration of such period, after his appointment, as may be prescribed by or under any Act of Parliament ;

(*b*) if any circumstances arise that would cause him to be disqualified for appointment under subsection (5) of this section ; or

(*c*) in such other circumstances as Parliament may prescribe.

(7) The Land Commission shall hold and manage any land vested in it by any law or acquired by the Government of Uganda and shall have such other powers and duties as may be prescribed by Parliament.

(8) The Land Board of a Federal State or of a District shall hold and manage, for the benefit of the people of the State or District, any land vested in it by any law or acquired by the Government of the State or the Administration of the District, as the case may be, and shall have such other powers and duties as may be prescribed by Parliament or, in the case of the Land Board of the Kingdom of Buganda, by any law in force in that Kingdom.

(9) The functions of a Land Board of a Federal State shall be exercised on behalf of the Ruler and the functions of a Land Board of a District having a constitutional head shall, if the Council of the District so determine by resolution, be exercised by the Board on behalf of the constitutional head of the District.

(10) The provisions of subsections (7) and (8) of this section shall be without prejudice to the provisions of any law relating to—

(*a*) the compulsory acquisition or taking possession of any land;

(*b*) mines, minerals, forests or national parks; or

(*c*) the tenure, use or management of land.

(11) Subject to the provisions of this section, Parliament may make provision for the tenure of office of members and the procedure of the Land Commission or a Land Board and for regulating the Commission or a Board in the performance of its functions.

Acquisition of land in Buganda by the Government of Uganda.

119.—(1) If the Government of Uganda is satisfied that land in the Kingdom of Buganda is needed for the purposes of the Government of Uganda that Government may, subject to the provisions of subsection (2) of this section, require the Kabaka's Government—

(*a*) if the land is vested in the Land Board of the Kingdom, to cause the Board to vest the land in the Land Commission or such other authority as may be specified by the Government of Uganda;

(*b*) if the land is not vested in the Land Board of the Kingdom, to cause it to be acquired by agreement or compulsorily and to be vested in the Land Commission or such other authority as may be specified by the Government of Uganda,

and it shall then be the duty of the Kabaka's Government to comply with that requirement.

(2) Where land is needed by the Government of Uganda for a purpose other than a public purpose as referred to in the Land Acquisition Act, 1894(a), as in force at the commencement of this Constitution, a requirement shall not be made unless the Governor-General has, after consultation with the Kabaka's Government, appointed an impartial person or persons recommended by the Judicial Service Commission to enquire into the proposed acquisition of the land and any such person or (if more than one) a majority of those persons has reported that the acquisition will be for the general economic benefit of Uganda.

(3) Where land is acquired in accordance with paragraph (*a*) of subsection (1) of this section the Government of Uganda shall pay to the Kabaka's Government the amount it would be liable to pay if the land had been acquired under the law for the time being in force relating to compulsory acquisition.

(a) Chapter 120. Revised Laws of Uganda.

(4) Where any land in the Kingdom of Buganda vested in the Land Commission under the provisions of this section ceases to be required for the purposes of the Government of Uganda it shall revert to the Land Board of the Kingdom if the Kabaka's Government agrees to pay to the Government of Uganda an amount equal to the market value of the land.

(5) The provisions of this section shall be without prejudice to the provisions of any law relating to the compulsory taking possession of land.

Interpretation.

120. References in this Chapter to land include references to any estate, interest or right in land.

CHAPTER XIII

General and Miscellaneous

The capital of Uganda.

121.—(1) Kampala shall be the capital of Uganda.

(2) The local government and other authorities established for the administration of Kampala shall be subject only to the direction and control of the Government of Uganda and its officers and authorities.

(3) (*a*) There shall be for Kampala a Joint Advisory Committee which shall consist of nine members of whom three shall be appointed by the Governor-General, three shall be appointed by the Kabaka's Government and three shall be appointed by the Municipal Council of Kampala.

(*b*) The Minister responsible for the local administration of Kampala may consult the Joint Advisory Committee in the exercise of his powers relating to Kampala but he shall not be obliged to act in accordance with the advice of the Committee.

(*c*) Parliament may make provision with respect to the tenure of office of members of the Joint Advisory Committee and its rules of procedure.

(4) The provisions of subsection (2) of this section shall not be construed as precluding a court of law from exercising jurisdiction in relation to any question whether a local government or other authority has performed any function under any law in accordance with that law.

Official language.

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

Precedence of Rulers and constitutional heads.

123. The Ruler or constitutional head of a Federal State or of a District shall take precedence over all persons in the State or District other than—

(*a*) Her Majesty; and

(*b*) (except in the case of a traditional ceremony relating only to a Federal State) the Governor-General.

Privileges of Rulers.

124.—(1) The following provisions shall apply in relation to the Ruler of a Federal State (other than the territory of Busoga)—

(*a*) the Ruler shall be exempt from direct personal taxation;

(*b*) subject to the provisions of subsection (2) of this section, the Ruler shall have the right to move freely throughout the State, the right to have access to Kampala and to Entebbe, the right to enter or to leave Uganda and immunity from expulsion from Uganda;

(*c*) no civil proceedings shall be brought in any court against the Ruler in his personal capacity in respect of anything done or any obligation incurred after 8th October 1962;

(*d*) no property of the Ruler, held in his personal capacity, shall be compulsorily acquired or compulsorily taken possession of.

(2) If the Prime Minister advises the Governor-General that it is necessary in the interests of public safety and public order in Uganda, the Governor-General may require the Council of Ministers of a Federal State to make such recommendations to the Ruler with respect to the exercise by the Ruler of any of the rights mentioned in subsection (1) (*b*) of this section as he may specify, and if the Council of Ministers of the State fails to make, or the Ruler fails to comply with, those recommendations, such measures for restricting the exercise by the Ruler of any of his rights may be taken as are authorised by or under any law and are reasonably justifiable for the purpose of maintaining the public order and public safety of Uganda.

(3) The provisions of subsection (1) (*a*) of this section shall apply in relation to such person as may for the time being be designated by the Government of a Federal State as the consort of the Ruler as they apply in relation to the Ruler of the State and the provisions of subsection (1) (*b*) and subsection (2) of this section shall apply in relation to any person for the time being lawfully performing the functions of a Regent for the State as they apply in relation to the Ruler of the State.

(4) The provisions of this section shall be without prejudice to any rights guaranteed to the Ruler of a Federal State by the provisions of Chapter III of this Constitution.

(5) The reference in this section to the property of a Ruler of a Federal State held in his personal capacity includes a reference, in the case of the Kabaka, to land held by him on the tenure known as official mailo tenure.

Privileges of members of Legislative Assemblies and Councils.

125. The laws that apply in relation to the privileges and immunities of the members of the National Assembly while taking part in the proceedings of the Assembly shall apply in relation to the members of the Legislative Assembly of a Federal State and the members of a Council of a District whilst taking part in the proceedings of that Legislative Assembly or Council, as the case may be, and for that purpose shall have effect with such modifications as may be prescribed by Parliament.

Towns under central administration.

126.—(1) The local government and other authorities established by law for the local administration of any town specified in Schedule 10 to this Constitution shall be subject only to the direction and control of the Government of Uganda or the officers or authorities of that Government.

(2) The provisions of this section shall cease to have effect in relation to Entebbe on 2nd November 1992, and in relation to Mubende and Njeru on such respective dates as may be agreed between the Government of Uganda and the Kabaka's Government.

(3) The provisions of subsection (1) of this section shall not be construed as precluding a court of law from exercising jurisdiction in relation to any question whether a local government or other authority has performed any function under any law in accordance with that law.

Local government councils in Federal States.

127. There shall be such local government councils in each Federal State (other than the Kingdom of Buganda) as may be established by the Legislature of that State in accordance with such provision as may be made in that behalf by any Act of Parliament:

Provided that Parliament may make provision under which local government councils may be established in any such Federal State at any time when the Legislature of that State has failed to make satisfactory provision for the State under this section.

Performance of functions of Commissions.

128.—(1) Any Commission established by this Constitution may, with the consent of the Prime Minister or such other Minister as may be authorised in that behalf, by regulation or otherwise regulate its own procedure or confer power or impose duties on any officer or authority of the Government of Uganda for the purpose of discharging its functions.

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

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

Resignations.

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

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

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

Re-appointments and concurrent appointments.

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

(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.

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

"Act of Parliament" means any law made by Parliament;

"the Commonwealth" means any country to which section 13 of this Constitution applies, and any dependency of any such country;

"oath" includes affirmation;

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

"the court of appeal" means a court of appeal established under section 96 (2) of this Constitution;

"financial year" means the period of twelve months ending on 30th June in any year or such other day as Parliament may prescribe;

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

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

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

"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 prorogation or dissolution of Parliament at any time and ending when Parliament is prorogued or is dissolved without having been prorogued;

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

"territory" means a Federal State, a District or the territory of Mbale.

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

(3) In this Constitution references to an office in the public service shall not be construed as including references to the office of the 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 Kampala, Entebbe, Mubende or Njeru are references respectively to that part of the Kingdom of Buganda comprised within the Municipality of Kampala, the town of Entebbe, the town of Mubende or the town of Njeru, as delimited by or under the provisions of any law immediately before 9th October 1962 or as delimited after that date by an order made by the Governor-General 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 Controller and Auditor-General or the Inspector-General of Police to retire from the public service ; and

(*b*) any power conferred by any law to permit a person to retire from the public service shall, in the case of any public officer who may be removed from office by some person or authority other than a Commission established by this Constitution, vest in the 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) Where power is conferred upon the Government of Uganda to enter into any agreement with the Government of a Federal State for the purpose of any provision of this Constitution that agreement may, subject to that provision, be of such duration, whether limited or unlimited, as may be specified in the agreement.

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

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

(13) In this Constitution references to the alteration of any of the provisions of this Constitution, the Uganda Independence Act, 1962, or any Act of Parliament include references to the amendment, modification or re-enactment, with or without amendment or modification, of that provision, the suspension or repeal of that provision and the making of different provision in lieu of that provision.

(14) The Interpretation Act, 1889(a) as in force on 9th October 1962, shall apply, with the necessary adaptations, for the purpose of interpreting this Constitution and otherwise in relation thereto as it applies for the purpose of interpreting and in relation to Acts of Parliament of the United Kingdom.

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

Section 4

SCHEDULE 1 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. Appointment, etc. of members of Kabaka's police force.
40. Staff regulations.
41. Chiefs in Buganda.

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 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.

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 (5) 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 article 9 (6) 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 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 article 4 (3) 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 remains 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) 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 paragraph (*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.—(1) 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.

(2) No person shall be qualified for election or appointment as a member of the Lukiiko if he is a Minister of the Government of Uganda, a Parliamentary Secretary or the Attorney-General of Uganda.

Electoral Boundary Commissioner.

22.—(1) The Kabaka's Government shall 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-General, 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 Controller and Auditor-General of the Uganda Government or by such other auditor as may be approved by the Controller and Auditor-General 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.*

Public Accounts Committee.

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—

(*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 *Uganda 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 the Government of Uganda responsible for finance under the provisions of article 32 of this Constitution.

Committees of Lukiiko.

35.—(1) The Lukiiko may establish standing and *ad hoc* committees, consisting of members of the Lukiiko, for any purpose.

(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 committees of the Lukiiko in existence at the commencement of this Constitution.

Buganda Public Service Commission.

36.—(1) There shall be established a Buganda Public Service Commission (hereinafter in this article referred to as "the Commission"), which shall consist of—

(*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 paragraph (1) (*a*) or (*b*) 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 and of article 39, 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 and of article 39, 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 offices 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 or article 39 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 and article 39, 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.

Appointment, etc. of members of Kabaka's Police Force.

39.—(1) The following provisions shall apply in relation to appointments to offices in the Kabaka's Police Force—

(*a*) appointments to the office of chief officer of the force shall be made by the Kabaka on the recommendation of the Buganda Public

Service Commission after the Commission has consulted the Public Service Commission of Uganda and the Inspector-General;

(*b*) appointments to offices in the force of and above the rank of Assistant Superintendent shall be made by the Public Service Commission of Buganda after the Commission has consulted the Inspector-General;

(*c*) appointments to offices in the force below the rank of Assistant Superintendent shall be made by the chief officer of the force:

Provided that—

(i) the chief officer shall, in making any such appointment, comply with any directions in writing with respect to the qualifications of any person selected for appointment that may be given by the Inspector-General;

(ii) no appointment shall take effect until it is confirmed by the Inspector-General.

(2) Subject to the provisions of this article, power to exercise disciplinary control over persons holding or acting in offices in the Kabaka's Police Force of and above the rank of Assistant Superintendent and to remove such persons from office shall vest in the Public Service Commission of Buganda.

(3) Subject to the provisions of this article, power to exercise disciplinary control over persons holding or acting in offices in the Kabaka's Police Force below the rank of Assistant Superintendent and to remove such persons from office shall vest in the chief officer of the force.

(4) In such cases and subject to such conditions as may be prescribed by Parliament an appeal shall lie—

(*a*) to a tribunal, consisting of such number of persons as may be prescribed by Parliament, appointed by the Kabaka in accordance with the recommendation of the Public Service Commission of Uganda, from a decision to exercise disciplinary control or remove a person from office such as is referred to in paragraph (2) of this article;

(*b*) to the Inspector-General, from a decision to exercise disciplinary control or remove a person from office such as is referred to in paragraph (3) of this article.

(5) Any power to exercise disciplinary control or to remove from office, and any power to determine appeals from a decision made in exercise of such a power that is vested in any person by this article shall be exercised in accordance with such provision as may, subject to the provisions of this article, be made in that behalf by Parliament.

Staff Regulations.

40.—(1) The Kabaka's Council of Ministers, after consultation with the Public Service Commission of Uganda, 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.

41.—(1) At the head of each Saza in 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 a Muluka Chief.

(3) Gombolola and Muluka Chiefs shall assist Saza Chiefs in the performance of their duties.

Article 37.

THE SCHEDULE TO THE CONSTITUTION OF BUGANDA

The Attorney-General of Buganda.
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 Chief Officer 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.

SCHEDULE 2 TO THE CONSTITUTION OF UGANDA

Section 4 (2).

SPECIAL PROVISIONS RELATING TO THE KINGDOM OF ANKOLE

ARRANGEMENT OF PARAGRAPHS

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Paragraph

1. The Omugabe.
2. Succession to throne of Ankole.
3. Recognition of Omugabe.
4. Regents.

PART II

5. Council of Ministers.
6. Conduct of Omugabe's Government.
7. Omugabe to be kept informed.
8. Procedure when Eishengyero first meets after dissolution.
9. Election of Enganzi.
10. Appointment of other Ministers.
11. Vacancies among Ministers.
12. Tenure of office of Ministers.
13. Termination of appointment of Minister for misconduct or incapacity.
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15. Transfer of Ministers.
16. Vote of no confidence in Council of Ministers.
17. Eishengyero.
18. Electoral Boundary Commissioner.
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20. Tenure of office.
21. Speaker and Deputy Speaker.
22. Presiding in Eishengyero.
23. Quorum and votes.
24. Standing Orders.
25. Dissolution of Eishengyero.
26. Legislature of Ankole.
27. Committees of Eishengyero.
28. Ankole Public Service Commission.
29. Appointment, etc. of officers of Omugabe's Government.
30. Chiefs.
31. Interpretation.

PART I

The Omugabe.

1.—(1) The Omugabe (King), who is the Ruler of Ankole, shall enjoy all the titles, dignities, and pre-eminence that attach to the office of Omugabe under the law and custom of Ankole.

(2) The Omugabe, the Omwigarire (Queen) and members of the Royal Family, that is to say, descendants of Omugabe Rwebishengye (Abanyiginya n'Abanyiginyakazi), shall enjoy their customary titles and precedence.

Succession to the throne of Ankole.

2.—(1) The Omugabe shall be entitled to nominate his successor to the throne of Ankole from amongst his sons lawfully begotten, his brothers and the sons of his brothers in accordance with the Ankole customary law of succession. In so doing he shall be advised by the following persons—

(*a*) Omuhinda Omukuru (Senior Prince);

(*b*) Nyino'mugabe (Queen Mother);

(*c*) Munyanya Omugabe (Rubuga) (Princess);

(*d*) the Enganzi;

(*e*) the Chief Judge of Ankole.

(2) So soon as the Omugabe has nominated his successor he shall record, or cause to be recorded, the name of the prince nominated in a document signed by him and witnessed by Omuhinda Omukuru, Nyino'mugabe, Munyanya Omugabe, the Enganzi and the Chief Judge and shall either inform the Eishengyero of the name of the person nominated or seal the document and leave it in safe custody to be opened after his death or abdication.

(3) The Omugabe may change the nomination of his successor and where he does so the provisions of sub-paragraph (1) of this paragraph shall apply as if he were nominating his successor for the first time.

(4) Whenever the Omugabe dies or abdicates without nominating a successor, Omuhinda Omukuru, Nyino'mugabe, Munyanya Omugabe, the Enganzi, the Chief Judge, the Speaker and two other senior members of the Royal Family shall nominate his successor from amongst the sons of the late Omugabe or his brothers, and shall by writing signed in their own hands inform the Eishengyero of their choice.

(5) A successor nominated in accordance with the provisions of this paragraph shall, when recognised by the Governor-General as the Omugabe of Ankole, succeed to the throne, title, and dignities of the Omugabe. He shall thereupon be allowed to uncover and symbolically strike the Bagyendanwa (that is to say, the Royal Drums of Ankole).

Recognition of Omugabe.

3.—(1) The Governor-General on the death or abdication of an Omugabe shall, within one month of being informed in writing of the name of the person nominated as successor, recognise such person as the Omugabe and as entitled to succeed to the throne of Ankole, unless he has reason to believe that the nomination has not been properly made.

(2) If the Governor-General has reason to believe that the nomination of the successor to an Omugabe who has died or abdicated has not been properly made he shall refer the matter to the High Court of Uganda; and the High Court shall determine the matter in accordance with such procedure as the Chief Justice may direct.

(3) On a reference being made under the provisions of sub-paragraph (2) of this paragraph, the Governor-General—

(*a*) if the High Court determines the nomination to which the reference relates to have been properly made, shall forthwith recognise the successor who has been nominated; and

(*b*) if the High Court determines such nomination not to have been properly made, shall call upon the persons empowered to nominate under the provisions of paragraph 2 (4) of this Schedule to make a fresh nomination.

(4) The determination of the High Court of Uganda of any matter under this paragraph shall not be subject to appeal.

Regents.

4.—(1) (*a*) If at any time the Omugabe is under eighteen years of age or is unable, otherwise than by reason of his absence from Ankole, to perform his functions under this Schedule or if as a result of a delay in the recognition of a successor to an Omugabe it is expedient so to do, the Eishengyero shall elect three persons to be Regents.

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

(i) when the Omugabe becomes able to perform his functions under this Schedule;

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

(iii) on the recognition of a person as the Omugabe; or

(iv) if his appointment is terminated by a resolution of the Eishengyero upon a motion proposed by not less than ten members of the Eishengyero in favour of which there are cast the votes of not less than two-thirds of all the voting members of the Eishengyero.

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

(2) (*a*) Whenever the Omugabe has occasion to be absent from Ankole, he may by writing in his own hand appoint three persons to be Regents during his absence.

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

(i) upon the return of the Omugabe to Ankole;

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

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

(iv) if the Omugabe ceases to be able to perform his functions under this Schedule otherwise than by reason of absence from Ankole.

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

(*d*) The powers referred to in this sub-paragraph shall not be exercised during any period in which the Omugabe is under the age of eighteen years or is for any cause other than absence from Ankole unable to perform his functions under this Schedule.

(3) (*a*) Any function of the Omugabe under this Schedule 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 Omugabe, 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 Ankole or for any 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.

PART II

Council of Ministers.

5.—(1) There shall be a Council of Ministers for Ankole which shall consist of such number of Ministers as may from time to time be agreed between the Omugade's Government and the Government of Uganda, who shall be responsible for such business of the Omugade's Government as may be so agreed and shall have such styles as may be determined by the Eishengyero:

Provided that—

(*a*) the Ministers of Ankole shall include the Enganzi;

(*b*) the functions of a Minister shall not include administrative responsibility for the Treasury of the Omugabe's Government which shall be in charge of a permanent official.

(2) Until it is otherwise agreed between the Omugabe's Government and the Government of Uganda the Council of Ministers shall consist of—

(*a*) the Enganzi, who shall be the leader of the Eishengyero;

(*b*) a Minister of Finance to be known as the Omubiki (hereinafter referred to as the Omubiki);

(*c*) a Minister of Education;

(*d*) a Minister of Health and Works.

(3) When there is occasion for the resignation of the Council of Ministers to be tendered, the Enganzi shall tender the resignation of the Ministers

collectively to the Omugabe through the Speaker, and the Omugabe shall thereupon accept the resignation:

Provided that where the resignation is tendered in accordance with the provisions of paragraph 8 or 16 of this Schedule, the Omugabe shall not accept the resignation until the Enganzi submits to him the names of persons selected for the ministerial offices in accordance with paragraph 10 of this Schedule.

(4) Subject to the provisions of sub-paragraph (1) of this paragraph, each member of the Council of Ministers shall have such responsibilities as may be determined by the Enganzi.

Conduct of Omugabe's Government.

6.—(1) The Council of Ministers as a whole shall be charged with the conduct of the Omugabe's Government and each Minister shall be individually responsible for the policies of such departments of the Omugabe's Government as may be placed in his charge.

(2) All acts of the Omugabe's Government shall, save in so far as law and custom otherwise require, be done in the name of the Omugabe.

(3) Where any function under this Schedule is exercisable by the Omugabe, 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) Where it is provided in this Schedule that the Omugabe may exercise a power upon the recommendation of any person or authority he shall exercise that power in accordance with the recommendation.

(5) A statement in writing signed by the Enganzi that the Omugabe has exercised any power that is required to be exercised upon the recommendation of the Enganzi or of the Council of Ministers in accordance with the recommendation shall be conclusive evidence of that fact.

(6) A true copy of a minute of the Ankole Public Service Commission certified by the Chairman of the Commission recording that the Omugabe has exercised any power that is required to be exercised upon the recommendation of the Commission in accordance with the recommendation shall be conclusive evidence of that fact.

Omugabe to be kept informed.

7. The Enganzi shall keep the Omugabe fully informed on all important matters concerning the Omugabe's Government.

Procedure when Eishengyero first meets after dissolution.

8.—(1) When the Eishengyero meets for the first time after any dissolution thereof, the resignation of the Council of Ministers then in office shall be tendered.

(2) When the resignation of the Council of Ministers has been tendered in accordance with sub-paragraph (1) of this paragraph an Enganzi shall be elected and appointed in accordance with paragraph 9 of this Schedule and other Ministers shall be elected and appointed in accordance with paragraph 10 of this Schedule.

Election of Enganzi.

9.—(1) At such time as it is necessary to elect an Enganzi, the Speaker shall by order published in such manner as he may think fit—

(*a*) direct that such election be held;

(*b*) appoint a day, not being less than five days after such order is published, as nomination day; and

(*c*) appoint a day, not being less than four days after the day appointed for nomination day, for the holding of a ballot, if necessary.

(2) Any two members of the Eishengyero may nominate any other person whether or not he is a member of the Eishengyero as a candidate for election as Enganzi.

(3) If after the day appointed as nomination day only one person has been nominated for election as Enganzi the Speaker shall declare that person to be elected as the Enganzi-designate. If more than one candidate has been nominated for election, the Speaker shall order a ballot to be taken.

(4) If any ballot is ordered to be taken for the election of the Enganzi voting shall be by secret ballot, and the Speaker shall declare to be elected as the Enganzi-designate the candidate receiving the greatest number of votes.

(5) After the Speaker has declared any person to be elected as Enganzi-designate, such person shall present himself to the Omugabe, who shall formally appoint him as Enganzi by handing to him the insignia of office.

(6) If, when a ballot is taken under the provisions of this paragraph, two or more candidates receive the same number of votes and by reason thereof the Speaker is unable to declare any candidate to have been elected Enganzi-designate, he shall submit the names of those candidates to the Omugabe, who shall select one of them to be the Enganzi.

Appointment of other Ministers.

10.—(1) When the Enganzi has been elected and appointed under the provisions of paragraph 9 of this Schedule, the Speaker shall fix a day by which nominations of candidates for the ministerial offices other than the office of the Enganzi shall be submitted to him.

(2) Any two members of the Eishengyero may nominate any other person, whether or not he is a member of the Eishengyero, as a candidate for the other ministerial offices.

(3) Nominations shall be for the ministerial offices generally and not for any particular ministerial offices and shall be submitted in writing, signed by the persons making them, to the Speaker on or before the day fixed by him in that behalf.

(4) The Speaker shall prepare a list of the candidates who have been duly nominated for the ministerial offices and shall cause copies of the list to be laid before the Eishengyero.

(5) If the names of more persons appear in the list of candidates than there are ministerial offices (other than the office of Enganzi) the Eishengyero shall on a day appointed by the Speaker by secret ballot elect as Minister-designate from among those whose names appear in the list persons equal in number to those ministerial offices.

(6) The Enganzi shall assign each of the persons who have been nominated or elected, as the case may be, to ministerial office as Minister designate of a particular Ministry and such person shall thereupon present himself to the Omugabe who shall appoint him as Minister of such Ministry by receiving his homage and allegiance in customary form.

Vacancies among Ministers.

11.—(1) If the offices of the Ministers become vacant at any time by reason of the resignation of the Council of Ministers under paragraph 16 of this Schedule an Enganzi and Ministers shall be elected and appointed in accordance with the procedure laid down in paragraphs 9 and 10 of this Schedule.

(2) (*a*) If the office of Enganzi becomes vacant at any time otherwise than by reason of the resignation of the Council of Ministers under paragraph 16 of this Schedule, an Enganzi-designate shall be elected in accordance with the procedure laid down in paragraph 9 of this Schedule, and the Omugabe shall appoint him to be Enganzi by handing him the insignia of office.

(*b*) When an Enganzi has been appointed the other Ministers holding office at the time of the appointment shall tender their resignations to the Omugabe, and the Enganzi shall recommend to the Omugabe in relation to each Minister either that he should accept or that he should refuse the resignation, and the Omugabe shall act in accordance with the recommendation.

(*c*) If by reason of the acceptance of resignations, the offices of the Ministers other than the Enganzi become vacant—

(i) the Speaker shall fix a day by which nominations of candidates for the ministerial offices other than the office of Enganzi shall be submitted to him;

(ii) any two members of the Eishengyero may nominate any other person as a candidate for the ministerial offices, whether or not he is a member of the Eishengyero ;

(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 persons making them, to the Speaker on or before the day fixed by him in that behalf ;

(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 Eishengyero and if the names of more persons appear in the list than there are vacancies among the ministerial offices the Eishengyero shall on the third day thereafter, or on such other day as the Speaker shall consider convenient, by secret ballot, elect as Minister-designate, from among those whose names appear in the list, persons equal in number to the vacancies ;

(v) the Enganzi shall submit the names of the persons selected under the foregoing provisions of this sub-paragraph to the Omugabe with a recommendation that each such person shall be appointed to a particular ministerial office, and the Omugabe shall appoint the persons 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 Enganzi becomes vacant at any time otherwise than by reason of resignation of the Council of Ministers, the Speaker shall, so soon as convenient, fix a day by which nominations of candidates for office will be submitted to him.

(*b*) Any two members of the Eishengyero may nominate any other person as a candidate for the vacant office whether or not he is a member of the Eishengyero.

(*c*) Nominations shall be submitted in writing, signed by the persons making them, to the Speaker on or before the day fixed by him in that behalf.

(*d*) The Speaker shall prepare a list of the persons who have been duly nominated for the vacant office and shall have copies of the list laid before the Eishengyero, and, if there is more than one such person the Eishengyero shall, on the third day thereafter, or on such other day as the Speaker shall consider convenient, by secret ballot, elect a person to the vacant office from the persons whose names appear in the list.

(*e*) The Enganzi shall submit the name of any person selected under the foregoing provisions to the Omugabe, and the Omugabe shall appoint him to the vacant office by receiving his homage and allegiance in customary form in respect of the office.

Tenure of office of Ministers.

12.—(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 Omugabe through the Enganzi ;

(*b*) if the resignation of the Council of Ministers is accepted by the Omugabe ; or

(*c*) if his appointment is terminated under paragraph 13 or 14 of this Schedule.

(2) Whenever the office of the Enganzi becomes vacant the insignia of office shall be delivered to the Omugabe 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 Enganzi, or, if the office of Enganzi 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 the Eishengyero) shall, during the period in which the said offices remain vacant, be discharged by the permanent official in charge of the department for which that Minister was responsible immediately before his office became vacant.

Termination of appointment of Minister for misconduct or incapacity.

13.—(1) The Omugabe shall terminate the appointment of a Minister if he is convicted of a serious criminal offence and is sentenced to imprisonment without the option of a fine.

(2) If a Minister is convicted of a serious criminal offence and is not sentenced to imprisonment without the option of a fine and the offence in the opinion of the Omugabe might involve moral turpitude, the Omugabe 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 Omugabe accordingly, and thereupon the Omugabe shall terminate the appointment of the Minister.

(3) If in the opinion of the Omugabe a Minister may have become incapable of performing his functions as a Minister by reason of physical or mental infirmity, the Omugabe 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 Omugabe accordingly and thereupon the Omugabe shall terminate the appointment of the Minister.

Termination of appointment of Minister for failure to carry out policy.

14.—(1) If in the opinion of the Enganzi any Minister has failed to carry out the policy or the decisions of the Council of Ministers 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 Enganzi shall recommend to the Omugabe that he should terminate the appointment of that Minister and the Omugabe 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 matter shall be referred to the Omugabe whose decision shall be final.

Transfer of Ministers.

15.—(1) The Omugabe may, on the recommendation of the Enganzi, transfer the holder of any ministerial office, other than the office of Enganzi, to another such ministerial office.

(2) When any person is to be transferred from one ministerial office to another under this paragraph, he shall tender his resignation from the office that he is relinquishing to the Omugabe, who shall then receive his homage and allegiance in customary form in respect of the office to which he is being transferred.

Vote of no confidence in Council of Ministers.

16.—(1) If a motion declared by the Speaker under sub-paragraph (3) of this paragraph to be a motion of no confidence in the Council of Ministers on an important matter is carried by the Eishengyero the resignation of the Council shall be tendered to the Omugabe through the Speaker.

(2) Fourteen days' notice shall be given to the Eishengyero 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 voting members of the Eishengyero is a motion signifying no confidence in the Council of Ministers 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 twenty voting members of the Eishengyero that specifically expresses no confidence in the Council of Ministers shall be deemed for the purpose of this paragraph to be a motion of no confidence.

Eishengyero.

17.—(1) The Eishengyero (which shall be the Legislative Assembly of Ankole) shall consist of—

(*a*) the Speaker, who shall be known as the Kashoboorozi;

(*b*) the Ministers;

(*c*) fifty-five elected members;

(*d*) five persons (to be known as specially elected members), to be elected by secret ballot by the elected members;

(*e*) five persons (to be known as nominated members) to be nominated, after the election of the specially elected members, by the Omugabe;

(*f*) the Saza Chiefs.

(2) Subject to sub-paragraph (3) of this paragraph, a person shall be qualified to be an elected member, a specially elected member or nominated member of the Eishengyero if, and shall not be so qualified unless, he—

(*a*) 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 his ability to speak English); and

(*b*) is able to speak Runyankore.

(3) A person shall not be qualified to be an elected member, a specially elected member or a nominated member of the Eishengyero if he—

(*a*) is disqualified to be a member of the National Assembly under the provisions of section 40 (I) of the Constitution of Uganda; or

(*b*) is a Minister of the Government of Uganda, a Parliamentary Secretary or the Attorney-General of Uganda.

(4) The following provisions shall apply to the election of elected members to the Eishengyero—

(*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 to the National Assembly which refer to the area included in a constituency shall be entitled to vote at elections for elected members of the Eishengyero 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-General, after consultation with the Omugabe, may by order make such modifications to that law for the purpose of its application to elections to the Eishengyero, as he may consider necessary.

(5) Subject to the provisions of this paragraph, the specially elected members shall be elected in such manner as may be prescribed by Ankole law.

Electoral Boundary Commissioner.

18.—(1) The Omugabe shall, as soon as practicable after the coming into force of this Schedule 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 Schedule 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 Omugabe as being necessary for the performance of his functions under paragraph

19 of this Schedule and during that period he shall not be removed from office by the Omugabe 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.

(4) In the exercise of the powers conferred on him by this paragraph the Omugabe shall act in accordance with the advice of the Electoral Commission of Uganda.

Delimitation of constituencies.

19.—(1) For the purposes of the election of elected members of the Eishengyero, Ankole shall be divided into as many constituencies as there are elected members of the Eishengyero in such manner as the Electoral Boundary Commissioner may determine.

(2) The boundaries of each constituency shall be such that the electorate is, as far as practicable, equal in all constituencies.

(3) The boundaries of the constituencies for elections to the Eishengyero 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 sub-paragraph (2) of this paragraph:

Provided that the boundaries of the constituencies shall be reviewed whenever the number of elected members of the Eishengyero is altered in accordance with section 6 of the Constitution of Uganda.

Tenure of office.

20.—(1) Every elected member, specially elected member or nominated member of the Eishengyero shall vacate his seat in the Eishengyero upon its dissolution.

(2) An elected member, a specially elected member or nominated member of the Eishengyero shall vacate his seat in the Eishengyero—

(*a*) if he ceases to be a citizen of Uganda;

(*b*) if he is absent from the sittings of the Eishengyero for such period and in such circumstances as may be prescribed by the Standing Orders of the Eishengyero;

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

(*d*) if any circumstances arise that would cause him to be disqualified for election under paragraph 17 of this Schedule.

Speaker and Deputy Speaker.

21.—(1) When the Eishengyero meets for the first time after any dissolution thereof the members present, before transacting any other business, shall elect a Speaker and a Deputy Speaker.

(2) As often as the office of Speaker or Deputy Speaker falls vacant, otherwise than by reason of a dissolution of the Eishengyero, the members thereof shall as soon as practicable elect a person to that office.

(3) A person may be elected to be Speaker whether or not he is a member of the Eishengyero.

(4) No person shall be elected as Deputy Speaker unless he is a member of the Eishengyero.

(5) The Speaker shall receive such salary as may from time to time be determined by the Eishengyero.

(6) The office of the Speaker or the Deputy Speaker shall become vacant—

(*a*) upon a dissolution of the Eishengyero;

(*b*) if the holder of the office resigns his office by writing under his hand addressed to the Omugabe;

(*c*) in the case of the Deputy Speaker, if he ceases to be a member of the Eishengyero otherwise than by reason of a dissolution thereof; or

(*d*) if his appointment is terminated by resolution of the Eishengyero upon a motion proposed by not less than fifteen members of the

Eishengyero and in favour of which there are cast the votes of not less than two-thirds of all the voting members of the Eishengyero.

Presiding in Eishengyero.

22. There shall preside at any meeting of the Eishengyero—

(*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 Eishengyero from amongst its members:

Provided that, when the Eishengyero meets to elect a Speaker or specially elected members, the Chief Judge of Ankole (Omulamuzi) shall preside.

Quorum and Votes.

23.—(1) Save as otherwise provided in this Schedule—

(*a*) all questions proposed for decision in the Eishengyero shall be determined by a majority of the votes of the members present and voting:

Provided that—

(i) neither the Speaker nor the Deputy Speaker nor any member of the Eishengyero while presiding therein shall have a vote or be entitled to take part in debate;

(ii) a person who is a member of the Eishengyero by virtue of holding the office of a Saza Chief shall be entitled to take part in debate but he shall not be entitled to vote;

(*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 Eishengyero if there are present (beside the Speaker or other person presiding) less than twenty voting members of the Eishengyero.

(3) No member of the Eishengyero shall be permitted to take part in proceedings of the Eishengyero (other than the proceedings necessary for the purpose of this paragraph) unless he shall have made and subscribed before the Eishengyero such oath or affirmation of allegiance to the Omugabe as may be prescribed by Ankole law.

Standing Orders.

24. Subject to the provisions of this Schedule and of any Act of Parliament, the Eishengyero may make Standing Orders for the regulation and orderly conduct of its proceedings.

Dissolution of Eishengyero.

25.—(1) The Omugabe shall dissolve the Eishengyero if two-thirds of all the voting members of the Eishengyero pass a resolution requesting him to dissolve it.

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

(3) The Omugabe may dissolve the Eishengyero if the resignation of the Council of Ministers is tendered in accordance with paragraph 16 of this Schedule upon the passing of a motion of no confidence in that Council and, after the expiration of one month from the passing of the motion, the names of Ministers designate have not been submitted to the Omugabe in accordance with paragraph 10 (6) of this Schedule.

Legislature of Ankole.

26.—(1) The Legislature of Ankole shall consist of the Omugabe, acting with the advice and consent of the Eishengyero.

(2) The power of the Legislature of Ankole to make laws shall be exercised by bills passed by the Eishengyero and assented to by the Omugabe.

(3) When a bill has been passed by the Eishengyero it shall be submitted by the Enganzi to the Omugabe, who shall sign the same in token of assent.

(4) A law enacted by the Legislature of Ankole shall be published in English and in Runyankore in the *Uganda Gazette* and shall come into operation on the date of its publication in the *Uganda Gazette* or on such date as may be provided in the law.

Committees of Eishengyero.

27.—(1) The Eishengyero may establish standing and *ad hoc* committees:

Provided that there shall be an education committee of the Eishengyero which shall be constituted in such manner and have such functions as Parliament may prescribe.

(2) Until the Eishengyero otherwise provides there shall be the following committees (in addition to the education committee)—

(*a*) a finance committee, of which the Omubiki shall be the chairman;

(*b*) a health committee, of which the Minister of Health and Works shall be chairman;

(*c*) a works committee, of which the Minister of Health and Works shall be chairman.

(3) A committee established by the Eishengyero under the provisions of this paragraph may include persons who are not members of the Eishengyero, or may be authorised by the Eishengyero to co-opt as members of the committee persons who are not members of the Eishengyero:

Provided that at least two-thirds of the members of every such committee shall be members of the Eishengyero.

(4) A committee established by the Eishengyero under the provisions of this paragraph may invite any person (including a member of the Eishengyero) to attend meetings and take part in its deliberations, but no such person shall vote at any such meeting.

Ankole Public Service Commission.

28.—(1) There shall be an Ankole Public Service Commission which shall consist of a chairman and five other members.

(2) The members of the Ankole Public Service Commission shall be appointed by the Omugabe.

(3) The office of a member of the Ankole Public Service Commission shall become vacant—

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

(*b*) if he resigns; or

(*c*) if his appointment is terminated by the Omugabe.

(4) In the exercise of the powers conferred upon him by this paragraph the Omugabe shall act in accordance with the recommendations of such authority as may be prescribed by Parliament.

Appointments, etc. of officers of Omugabe's Government.

29.—(1) Subject to the provisions of this Schedule, power to appoint persons to hold or act in offices in the service of the Omugabe's Government (including the office of Saza Chief, Gombolola Chief and chief in charge of a Muluka or parish), to exercise disciplinary control over persons holding or acting in such offices, and to remove such persons from office shall vest in the Omugabe acting in accordance with the recommendation of the Ankole Public Service Commission.

(2) The powers conferred upon the Ankole Public Service Commission by this paragraph shall be exercised in conformity with such provision as may be made by Parliament with respect to the public service of Ankole.

(3) The provisions of sub-paragraph (1) of this paragraph shall not apply in relation to—

(*a*) any office to which the provisions of section 98 of the Constitution of Uganda applies;

(*b*) any office in a police force established for Ankole;

(*c*) to the extent that it may be agreed between the Government of Uganda and the Omugabe's Government, persons seconded from the service of the Government of Uganda to the service of the Omugabe's Government.

(4) Any person holding or acting in an office in the service of the Omugabe's Government shall be deemed to resign that office if he accepts appointment as a Minister or as Speaker of the Eishengyero.

Chiefs.

30.—(1) A the head of each Saza in Ankole there shall be a chief who shall be called a Saza Chief and who shall be responsible to the Kihimba for the administration of the Saza.

(2) Each Saza shall be divided into Gombololas and each such Gombolola shall be in the charge of a chief who shall be called a Gombolola Chief. Each Gombolola may be divided into Miruka or into Miruka and villages or into villages and in each Muluka or village there may, if the Eishengyero so resolves, be a chief.

(3) The Gombolola Chiefs and other chiefs referred to in sub-paragraph (2) of this paragraph shall assist Saza Chiefs in the performance of their duties.

Interpretation.

31.—(1) In this Schedule—

"Ankole" means the Kingdom of Ankole;

"Minister" means a member of the Council of Ministers established by paragraph 5 of this Schedule;

"the Speaker" means the Speaker of the Eishengyero.

(2) Any reference in this Schedule to the voting members of the Eishengyero shall be construed as a reference to the members of the Eishengyero entitled to vote therein in accordance with the provisions of paragraph 23 of this Schedule.

(3) In this Schedule, 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.

Section 4 (3).

SCHEDULE 3 TO THE CONSTITUTION OF UGANDA

SPECIAL PROVISIONS RELATING TO THE KINGDOM OF BUNYORO

ARRANGEMENT OF PARAGRAPHS

PART I

Paragraph

1. The Omukama.
2. Succession to throne of Bunyoro.
3. Recognition of Omukama.
4. Regents.

PART II

5. Council of Ministers.
6. Conduct of Omukama's Government.
7. Omukama to be kept informed.
8. Procedure when Rukurato first meets after dissolution.
9. Appointment of Katikiro and other Ministers.
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Paragraph

12. Termination of appointment of Minister for misconduct or incapacity.
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21. Presiding in Rukurato.
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24. Dissolution of Rukurato.
25. Legislature of Bunyoro.
26. Committees of Rukurato.
27. Bunyoro Public Service Commission.
28. Appointment, etc. of officers of Omukama's Government.
29. Chiefs.
30. Interpretation.

PART I

The Omukama.

1.—(1) The Omukama (King), who is the Ruler of Bunyoro, shall enjoy all the titles, dignities and pre-eminence that attach to the office of Omukama under the law and custom of Bunyoro.

(2) The Omukama shall be entitled to recognise or appoint the following persons to be official members of his household—

Owekitinisa Nyina Omukama, the mother of the Omukama;

Owekitinisa Kalyota, the official sister of the Omukama;

Owekitinisa Okwiri, the head of the Babito;

the Mugema, the Keeper of the Royal Tombs;

the Nyakahuma, the official custodian of the Royal Regalia;

twelve recognised heads of the Bikwato or hereditary keepers of the regalia;

such other persons as may be prescribed by Bunyoro law.

Succession to throne of Bunyoro.

2.—(1) The Omukama shall be entitled to nominate his successor to the throne of Bunyoro from amongst the line of the Royal Family of Bunyoro.

(2) In the event of the Omukama's dying before he has nominated his successor, so soon as possible after his death the Rukurato shall elect a successor to the throne of Bunyoro.

(3) In the nomination of a successor the Omukama or the Rukurato, as the case may be, shall select a person from amongst the following classes—

(*a*) the Omukama's sons;

(*b*) the Omukama's sons' sons;

(*c*) the Omukama's sons' sons' sons;

(*d*) the Omukama's brothers;

(*e*) the Omukama's brothers' sons;

(*f*) the Omukama's brothers' sons' sons;

(*g*) other direct male descendants of the Omukama Kabarega.

The selection shall not be made from among persons who are not sons of the Omukama until it has been ascertained that there is no son of the Omukama whose nomination would be acceptable to the Rukurato.

(4) A successor selected in accordance with the provisions of this paragraph shall, when recognised by the Governor-General as the Omukama of Bunyoro, succeed to the throne, title and dignities of the Omukama.

Recognition of Omukama.

3.—(1) The Governor-General on the death or abdication of an Omukama shall, within one month of being informed in writing of the name of the person selected as successor, recognise such person as the Omukama and as entitled to succeed to the throne of Bunyoro, unless he has reason to believe that the selection has not been properly made.

(2) If the Governor-General has reason to believe that the selection of a successor to an Omukama has not been properly made he shall refer the matter to the High Court of Uganda, and the High Court shall determine the matter in accordance with such procedure as the Chief Justice may direct.

(3) On a reference being made under the provisions of sub-paragraph (2) of this paragraph, the Governor-General—

(*a*) if the High Court determines the selection to which the reference relates to have been properly made, shall forthwith recognise the successor who has been selected; or

(*b*) if the High Court determines such selection not to have been properly made, shall call upon the Rukurato to hold an election under the provisions of paragraph 2 (2) of this Schedule.

(4) The determination of the High Court of Uganda of any matter under this paragraph shall not be subject to appeal.

Regents.

4.—(1) (*a*) If at any time the Omukama is under eighteen years of age or is unable, otherwise than by reason of his absence from Bunyoro, to perform the functions of his office or, if as a result of a delay in the recognition of a successor to an Omukama, it is expedient so to do, the Rukurato shall elect three persons to be Regents.

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

(i) when the Omukama becomes eighteen years of age or able to perform the functions of his office;

(ii) on the recognition of a person as the Omukama;

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

(iv) if his appointment is terminated by resolution of the Rukurato upon a motion proposed by not less than ten members of the Rukurato in favour of which there are cast the votes of not less than two-thirds of all the voting members of the Rukurato.

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

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

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

(i) upon the return of the Omukama to Bunyoro;

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

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

(iv) if the Omukama ceases to be able to perform the functions of his office otherwise than by reason of absence from Bunyoro.

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

(*d*) The powers referred to in this paragraph shall not be exercisable during any period in which the Omukama is under the age of eighteen years or is for any other cause other than absence from Bunyoro unable to perform the functions of his office.

(3) (*a*) Any function of the Omukama 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 Omukama, 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 Bunyoro 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.

(4) At no time shall any person who is in the public service of Bunyoro be appointed or elected to be a Regent.

PART II

Council of Ministers.

5.—(1) There shall be a Council of Ministers for Bunyoro which shall consist of such number of Ministers as may from time to time be agreed between the Omukama's Government and the Government of Uganda, who shall be responsible for such business of the Omukama's Government as may be so agreed and shall have such styles as may be determined by the Rukurato:

Provided that—

(*a*) the Ministers of Bunyoro shall include the Katikiro;

(*b*) the functions of a Minister shall not include responsibility for the Treasury of the Omukama's Government which shall be in charge of a permanent official.

(2) Until it is otherwise agreed between the Omukama's Government and the Government of Uganda, the Council of Ministers shall consist of—

(*a*) the leader of the Rukurato, to be known as Owekitinisa Katikiro (hereinafter referred to as the Katikiro);

(*b*) a Minister of Finance, to be known as Owekitinisa Omukeeto (hereinafter referred to as the Omukeeto);

(*c*) a Minister of Social Services;

(*d*) a Minister of Works.

(3) When there is occasion for the resignation of the Council of Ministers to be tendered, the Katikiro shall tender the resignation of the Ministers collectively to the Omukama through the Speaker, and the Omukama shall thereupon accept the resignation:

Provided that where the resignation is tendered in accordance with the provisions of paragraph 8 or 15 of this Schedule, the Omukama shall not accept the resignation until the Katikiro submits to him the names of persons selected for the ministerial offices in accordance with paragraph 10 of this Schedule.

(4) Subject to the provisions of sub-paragraph (1) of this paragraph, each member of the Council of Ministers shall have such responsibilities as may be determined by the Katikiro.

Conduct of Omukama's Government.

6.—(1) The Council of Ministers as a whole shall be charged with the conduct of the Omukama's Government, and each Minister shall be individually responsible for such departments of the Omukama's Government as may be placed in his charge.

(2) All acts of the Omukama's Government shall, save in so far as law and custom otherwise require, be done in the name of the Omukama.

(3) Where any function under this Schedule is exercisable by the Omukama, 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) Where it is provided in this Schedule that the Omukama may exercise a power upon the recommendation of any person or authority he shall exercise that power in accordance with the recommendation.

(5) A statement in writing signed by the Katikiro that the Omukama has exercised any power that is required to be exercised upon the recommendation of the Katikiro or of the Council of Ministers in accordance with the recommendation shall be conclusive evidence of that fact.

(6) A certified true copy of a minute of the Bunyoro Public Service Commission recording that the Omukama has exercised any power that is required to be exercised upon the recommendation of the Commission in accordance with the recommendation shall be conclusive evidence of that fact.

Omukama to be kept informed.

7. The Katikiro shall keep the Omukama fully informed on all important matters concerning the Omukama's Government.

Procedure when Rukurato first meets after dissolution.

8.—(1) When the Rukurato meets for the first time after any dissolution thereof, the resignation of the Council of Ministers then in office shall be tendered.

(2) When the resignation of the Council of Ministers has been tendered in accordance with sub-paragraph (1) of this paragraph a Katikiro and other Ministers shall be selected and appointed in accordance with paragraph 9 of this Schedule.

Appointment of Katikiro and other Ministers.

9.—(1) When this Schedule comes into effect and thereafter whenever the resignation of the Council of Ministers has been tendered in accordance with paragraph 8 of this Schedule, the Omukama shall select as Katikiro-designate a member of the Rukurato who appears to the Omukama to be able to command a majority in the Rukurato and who is willing to be appointed as Katikiro.

(2) The Katikiro-designate shall select persons to fill the other ministerial offices from among the members of the Rukurato.

(3) The Katikiro-designate shall assign each of the persons whom he has selected to a ministerial office as Minister-designate of a particular Ministry and shall submit their names to the Omukama.

(4) The Omukama shall thereupon appoint the Katikiro-designate to be Katikiro and shall invest him with the ceremonial insignia of office.

(5) The Omukama shall then appoint each Minister-designate as Minister in his respective office by receiving his allegiance in customary form.

(6) If no Council of Ministers can be formed in accordance with the provisions of this paragraph within one month from the coming into effect of this Schedule or within one month of the date of the first sitting of the Rukurato after a dissolution, the Omukama shall dissolve the Rukurato and new elections to the Rukurato shall take place.

Vacancies among Ministers.

10.—(1) If the offices of the Ministers become vacant at any time by reason of the resignation of the Council of Ministers under paragraph 15 of this Schedule a Katikiro and Ministers shall be selected in accordance with the procedure laid down in paragraph 9 of this Schedule.

(2) (*a*) If the office of Katikiro becomes vacant at any time otherwise than by reason of the resignation of the Council of Ministers under paragraph 15 of this Schedule a Katikiro shall be selected in accordance with the procedure laid down in paragraph 9 (1) of this Schedule, and the Omukama shall appoint him to be Katikiro by handing him the insignia of office.

(*b*) When a Katikiro has been appointed the other Ministers holding office at the time of the appointment shall tender their resignations to the Omukama, and the Katikiro shall recommend to the Omukama in relation to each Minister either that he should accept or that he should refuse the resignation, and the Omukama shall act in accordance with the recommendation.

(*c*) If by reason of the acceptance of resignations the offices of Ministers other than the Katikiro become vacant—

(i) the Katikiro shall select Ministers-designate to fill the vacancies and shall submit the names of the persons selected to the Omukama with a recommendation that each such person shall be appointed to a particular ministerial office and the Omukama shall appoint the persons 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;

(ii) any persons may be selected for the vacant ministerial offices whether or not they are members of the Rukurato.

(3) (*a*) If a ministerial office other than that of Katikiro becomes vacant at any time otherwise than by reason of the resignation of the Council of Ministers, the Katikiro shall select a Minister-designate to fill the vacant office.

(*b*) Any person may be selected for the vacant office whether or not he is a member of the Rukurato.

(*c*) The Katikiro shall submit the name of any person selected to the Omukama and the Omukama shall appoint him to the vacant ministerial office.

Tenure of office of Ministers.

11.—(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 Omukama through the Katikiro;

(*b*) if the resignation of the Council of Ministers is accepted by the Omukama; or

(*c*) if his appointment is terminated under paragraph 12 or 13 of this Schedule.

(2) 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 Katikiro or, if the office of Katikiro 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 the Rukurato) shall, during the period in which the said offices remain vacant, be discharged by the permanent official in charge of the department for which the Minister was responsible immediately before his office became vacant.

Termination of appointment of Minister for misconduct or incapacity.

12.—(1) The Omukama shall terminate the appointment of a Minister if he is convicted of a serious criminal offence and is sentenced to imprisonment without the option of a fine.

(2) If a Minister is convicted of a serious criminal offence and is not sentenced to imprisonment without the option of a fine and the offence in the opinion of the Omukama might involve moral turpitude, the Omukama 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 Omukama accordingly, and thereupon the Omukama shall terminate the appointment of the Minister.

(3) If in the opinion of the Omukama a Minister may have become incapable of performing his functions as a Minister by reason of physical

or mental infirmity, the Omukama 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 Omukama accordingly and thereupon the Omukama shall terminate the appointment of the Minister.

Termination of appointment of Minister for failure to carry out policy.

13. If in the opinion of the Katikiro any Minister has failed to carry out the policy or the decisions of the Council of Ministers either persistently or in respect of an important matter, the Katikiro may recommend to the Omukama that he should terminate the appointment of that Minister and the Omukama shall terminate the appointment accordingly.

Transfer of Ministers.

14.—(1) The Omukama may, on the recommendation of the Katikiro, transfer the holder of any ministerial office, other than the office of Katikiro, to another such ministerial office.

(2) When any person is to be transferred from one ministerial office to another under this paragraph, he shall tender his resignation from the office that he is relinquishing to the Omukama, who shall then receive his homage and allegiance in customary form in respect of the office to which he is being transferred.

Vote of no confidence in Council of Ministers.

15.—(1) If a motion declared by the Speaker under sub-paragraph (3) of this paragraph to be a motion of no confidence in the Council of Ministers on an important matter is carried by the Rukurato, the resignation of the Council shall be tendered to the Omukama through the Speaker.

(2) Fourteen days' notice shall be given to the Rukurato 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 voting members of the Rukurato is a motion signifying no confidence in the Council of Ministers 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 twenty voting members of the Rukurato that specifically expresses no confidence in the Council of Ministers shall be deemed for the purpose of this paragraph to be a motion of no confidence.

Rukurato.

16.—(1) The Rukurato (which shall be the Legislative Assembly of Bunyoro) shall consist of—

(*a*) the Speaker;

(*b*) the Ministers;

(*c*) such number of elected members, not being less than fifty or more than seventy, as may be prescribed by Bunyoro law;

(*d*) such number of specially elected members, not exceeding one-tenth of the number of voting members of the Rukurato, as may be prescribed by Bunyoro law;

(*e*) the Okwiri;

(*f*) two persons selected by the Babito from amongst their own number and approved by the Omukama.

(2) Subject to sub-paragraph (3) of this paragraph, a person shall be qualified to be an elected member or a specially elected member of the Rukurato if, and shall not be so qualified unless, he—

(*a*) 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 his ability to speak English); and

(*b*) has the ability to speak and, unless incapacitated by blindness or other physical cause, to read Runyoro well enough to take part in the proceedings of the Rukurato.

(3) A person shall not be qualified to be an elected member or a specially elected member of the Rukurato if he—

(*a*) is disqualified to be a member of the National Assembly under the provisions of section 40 (1) of the Constitution of Uganda; or

(*b*) is a Minister of the Government of Uganda, a Parliamentary Secretary or the Attorney-General of Uganda.

(4) The following provisions shall apply to the election of elected members to the Rukurato—

(*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 election to the National Assembly which refer to the area included in a constituency shall be entitled to vote at elections for elected members of the Rukurato 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-General, after consultation with the Omukama, may by order make such modifications to that law for the purpose of its application to elections to the Rukurato, as he may consider necessary.

(5) The specially elected members of the Rukurato shall be elected by the elected members of the Rukurato in such manner as may be prescribed by Bunyoro law.

Electoral Boundary Commissioner.

17.—(1) The Omukama shall, as soon as practicable after the coming into effect of this Schedule 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 Schedule, 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 Omukama as being necessary for the performance of his functions under paragraph 18 of this Schedule and during that period he shall not be removed from office by the Omukama 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.

(4) In the exercise of his powers under this paragraph the Omukama shall act in accordance with the advice of the Electoral Commission of Uganda.

Delimitation of constituencies.

18.—(1) For the purposes of the election of elected members of the Rukurato, Bunyoro shall be divided into as many constituencies as there are elected members of the Rukurato in such manner as the Electoral Boundary Commissioner may determine.

(2) The boundaries of each constituency shall be such that the electorate is, as far as practicable, equal in all constituencies.

(3) The boundaries of the constituencies for elections to the Rukurato 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 sub-paragraph (2) of this paragraph:

Provided that the boundaries of the constituencies shall be reviewed whenever the number of elected members of the Rukurato is altered by Bunyoro law.

Tenure of office.

19.—(1) Every elected member or specially elected member of the Rukurato shall vacate his seat in the Rukurato upon its dissolution.

(2) An elected member or a specially elected member of the Rukurato shall vacate his seat in the Rukurato—

(*a*) if he ceases to be a citizen of Uganda;

(*b*) if he is absent from the sittings of the Rukurato for such period and in such circumstances as may be prescribed by the Standing Orders of the Rukurato;

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

(*d*) if any circumstances arise that would cause him to be disqualified for election under paragraph 16 of this Schedule.

(3) A person who is a member of the Rukurato under sub-paragraph (1) (*f*) of paragraph 16 of this Schedule shall vacate his seat in the Rukurato upon its dissolution.

Speaker, and Deputy Speaker.

20.—(1) When the Rukurato meets for the first time after any dissolution thereof the members present shall, before transacting any other business, elect a Speaker (to be known as Omutalindwa) and a Deputy Speaker.

(2) As often as the office of Speaker or Deputy Speaker falls vacant otherwise than by reason of a dissolution of the Rukurato the members thereof shall as soon as practicable elect a person to that office.

(3) A person may be elected to be Speaker whether or not he is a member of the Rukurato.

(4) No person shall be elected as Deputy Speaker unless he is a member of the Rukurato.

(5) The Speaker shall receive such salary as may from time to time be determined by the Rukurato.

(6) The office of the Speaker or the Deputy Speaker shall become vacant—

(*a*) upon a dissolution of the Rukurato;

(*b*) if the holder of the office resigns his office by writing under his hand addressed to the Omukama;

(*c*) in the case of the Deputy Speaker, if he ceases to be a member of the Rukurato otherwise than by reason of a dissolution thereof; or

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

Presiding in Rukurato.

21. There shall preside at meetings of the Rukurato—

(*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 Rukurato from amongst its members:

Provided that, when the Rukurato meet to elect a Speaker, the Chief Judge of Bunyoro shall preside.

Quorum and Votes.

22.—(1) Save as otherwise provided in this Schedule—

(*a*) all questions proposed for decision in the Rukurato shall be determined by a majority of the votes of the members present and voting: Provided that—

(i) neither the Speaker nor the Deputy Speaker nor any member of the Rukurato while presiding therein shall have a vote or be entitled to take part in debate;

(ii) a person who is a member of the Rukurato by virtue of holding an office mentioned in paragraph 16 (1) (*e*) and (*f*) of this Schedule shall be entitled to take part in debate but he shall not be entitled to vote;

(*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 Rukurato if there are present (beside the Speaker or other person presiding) less than two-fifths of the voting members of the Rukurato.

(3) No member of the Rukurato shall be permitted to take part in proceedings of the Rukurato (other than the proceedings necessary for the purpose of this paragraph) unless he shall have made and subscribed before the Rukurato such oath or affirmation of allegiance to the Omukama as may be prescribed by Bunyoro law.

Standing Orders.

23. Subject to the provisions of this Schedule and of any Act of Parliament, the Rukurato may make Standing Orders for the regulation and orderly conduct of its proceedings.

Dissolution of Rukurato.

24.—(1) The Omukama shall dissolve the Rukurato if two-thirds of all the voting members of the Rukurato pass a resolution requesting him to dissolve it.

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

(3) The Omukama may dissolve the Rukurato if the resignation of the Council of Ministers is tendered in accordance with paragraph 16 of this Schedule upon the passing of a motion of no confidence in that Council and, after the expiration of one month from the passing of the motion, he considers that there is no prospect of his being able to appoint as Katikiro a person who can command the support of the majority of the members of the Rukurato.

Legislature of Bunyoro.

25.—(1) The Legislature of Bunyoro shall consist of the Omukama, acting with the advice and consent of the Rukurato.

(2) The power of the Legislature of Bunyoro to make laws shall be exercised by bills passed by the Rukurato and assented to by the Omukama.

(3) When a bill has been passed by the Rukurato it shall be submitted by the Katikiro to the Omukama, who shall sign the same in token of assent.

(4) A law enacted by the Legislature of Bunyoro shall be published in English and in Runyoro in the *Uganda Gazette* and shall come into operation on the date of its publication in the *Uganda Gazette* or on such other date as may be be provided in the law.

Committees of Rukurato.

26.—(1) The Rukurato may establish standing and *ad hoc* committees:

Provided that there shall be an education committee of the Rukurato which shall be constituted in such manner and have such functions as Parliament may prescribe.

(2) Until the Rukurato otherwise provides there shall be the following committees (in addition to the education committee)—

(*a*) a standing committee, of which the Katikiro shall be the chairman;

(*b*) a finance committee, of which the Omukeeto shall be the chairman;

(*c*) a social services committee, of which the Minister of Social Services shall be chairman;

(*d*) a works committee, of which the Minister of Works shall be chairman.

(3) A committee established by the Rukurato under the provisions of this paragraph may include persons who are not members of the Rukurato, or may be authorised by the Rukurato to co-opt as members of the committee persons who are not members of the Rukurato:

Provided that at least two thirds of the members of every such committee shall be members of the Rukurato.

(4) A committee established by the Rukurato under the provisions of this paragraph may invite any person (including a member of the Rukurato) to attend meetings and take part in its deliberations, but no such person shall vote at any such meeting.

Bunyoro Public Service Commission.

27.—(1) There shall be a Bunyoro Public Service Commission which shall consist of a chairman and five other members.

(2) The members of the Bunyoro Public Service Commission shall be appointed by the Omukama.

(3) The office of a member of the Bunyoro Public Service Commission shall become vacant—

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

(*b*) if he resigns; or

(*c*) if his appointment is terminated by the Omukama.

(4) In the exercise of the powers conferred upon him by this paragraph the Omukama shall act in accordance with the recommendations of such authority as Parliament may prescribe.

Appointment, etc. of officers of Omukama's Government.

28.—(1) Subject to the provisions of this Schedule, power to appoint persons to hold or act in offices in the service of the Omukama's Government, to exercise disciplinary control over persons holding or acting in such offices, and to remove such persons from office shall vest in the Omukama acting in accordance with the recommendation of the Bunyoro Public Service Commission.

(2) The powers conferred upon the Bunyoro Public Service Commission by this paragraph shall be exercised in conformity with such provision as may be made by Parliament with respect to the public service of Bunyoro.

(3) The provisions of sub-paragraph (1) of this paragraph shall not apply in relation to—

(*a*) any office to which the provisions of section 98 of the Constitution of Uganda applies;

(*b*) any office in a police force established for Bunyoro;

(*c*) to the extent that it may be agreed between the Government of Uganda and the Omukama's Government, persons seconded from the service of the Government of Uganda to the service of the Omukama's Government.

Chiefs.

29.—(1) At the head of each Saza in Bunyoro there shall be a Chief who shall be called a Saza Chief.

(2) Each Saza shall be divided into Gombololas and each such Gombolola shall be in the charge of a Chief who shall be called a Gombolola Chief. Each Gombolola may be divided into Miruka, into Miruka and villages, or into villages, and in each Muluka or village there may, if the Rukurato so resolves, be a Chief.

(3) The Gombolola Chiefs and other Chiefs referred to in sub-paragraph (2) of this paragraph shall assist Saza Chiefs in the performance of their duties.

Interpretation.

30.—(1) In this Schedule—

"Bunyoro" means the Kingdom of Bunyoro-Kitara;

"Minister" means a member of the Council of Ministers established by paragraph 5 of this Schedule;

"the Rukurato" means the Rukurato of Bunyoro;

"the Speaker" means the Speaker of the Rukurato.

(2) Any reference in this Schedule to the voting members of the Rukurato shall be construed as a reference to the members of the Rukurato entitled to vote therein in accordance with the provisions of paragraph 22 of this Schedule.

(3) In this Schedule, 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.

SCHEDULE 4 TO THE CONSTITUTION OF UGANDA

Section 4(4).

SPECIAL PROVISIONS RELATING TO THE KINGDOM OF TORO

ARRANGEMENT OF PARAGRAPHS

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Paragraph

1. The Omukama.
2. Succession to throne of Toro.
3. Recognition of Omukama.
4. Regents.

PART II

5. Council of Ministers.
6. Conduct of Omukama's Government.
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26. Legislature of Toro.
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28. Toro Public Service Commission.
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30. Chiefs.
31. Interpretation.

PART I

The Omukama.

1.—(1) The Ruler of Toro shall be the Omukama (King).

(2) The official title of the Omukama shall be " Rukirabasaija Omukama "

(3) The Omukama shall enjoy all the titles, dignities and pre-eminence that attach to the office of Omukama under the law and custom of Toro.

(4) All members of the Royal Clan, that is to say, descendants of Omukama Kaboyo Olimi I (Ababiito and Ababiitokati) shall enjoy all such customary titles and precedence as they have hitherto enjoyed.

Succession to throne of Toro.

2.—(1) The Omukama shall be entitled to nominate his successor to the throne of Toro among—

(*a*) the sons of the Omugowekitebe; or

(*b*) if the Omugowekitebe has no sons, the Omukama's other sons; or

(*c*) if the Omukama has no other sons, the Omukama's brothers or the sons of his brothers; or

(*d*) if there be no such person, the other male members of the Royal Family of Toro, of the lineage of the Omukama Kaboyo Olimi I.

(2) So soon as the Omukama has nominated his successor he shall record, or cause to be recorded, the name of the person nominated in a document signed by him and witnessed by the Omujwera Musuga, the Omujwera Batebe and another person selected by the Omukama and the name of the person so nominated shall be communicated to the Governor-General.

(3) The Omukama may change the nomination of his successor and when he does so the provisions of sub-paragraphs (1) and (2) of this paragraph shall apply as if he were nominating his successor for the first time.

(4) Whenever the Omukama dies or abdicates without nominating a successor, the Omujwera Musuga, the Omujwera Batebe and the other senior members of the royal clan shall nominate his successor from among such persons as might have been nominated by the late Omukama in accordance with sub-paragraph (1) of this paragraph, and shall by writing signed in their own hands communicate the name of the person so nominated to the Governor-General.

(5) A successor nominated in accordance with the provisions of this paragraph shall, when recognised by the Governor-General as Omukama of Toro succeed to the throne, title and dignity of the Omukama.

Recognition of Omukama.

3.—(1) The Governor-General on the death or abdication of the Omukama shall, within one month of being informed in writing of the name of the person nominated as successor, recognise such person as the Omukama and as entitled to succeed to the throne of Toro, unless he has reason to believe that the nomination has not been properly made.

(2) If the Governor-General has reason to believe that the nomination of the successor to the Omukama has not been properly made he shall refer the matter to the High Court of Uganda; and the High Court shall determine the matter in accordance with such procedure as the Chief Justice may direct.

(3) On a reference being made under the provisions of sub-paragraph (2) of this paragraph, the Governor-General—

(*a*) if the High Court determines the nomination to which the reference relates to have been properly made, shall forthwith recognise the successor who has been nominated; and

(*b*) if the High Court determines such nomination not to have been properly made, shall call upon the persons empowered to nominate under the provisions of paragraph 2 (4) of this Schedule to make a fresh nomination.

(4) The determination of the High Court of Uganda of any matter under this paragraph shall not be subject to appeal.

Regents.

4.—(1) (*a*) If at any time the Omukama is under eighteen years of age or is unable, otherwise than by reason of his absence from Toro, to perform his functions under this Schedule, or if as a result of a delay in the recognition of a successor to the Omukama it is expedient so to do, the Rukurato shall elect three persons to be Regents.

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

(i) when the Omukama becomes able to perform his functions under this Schedule; or

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

(iii) on the recognition of a person as the Omukama; or

(iv) if his appointment is terminated by a resolution of the Rukurato upon a motion proposed by not less than ten members of the Rukurato in favour of which there are cast the votes of not less than two-thirds of all the voting members of the Rukurato.

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

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

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

(i) upon the return of the Omukama to Toro; or

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

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

(iv) if the Omukama ceases to be able to perform his functions under this Schedule otherwise than by reason of absence from Toro.

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

(*d*) The powers referred to in this sub-paragraph shall not be exercised during any period in which the Omukama is under the age of eighteen years or is for any other cause other than absence from Toro unable to perform his functions under this Schedule.

(3) (*a*) Any function of the Omukama under this Schedule 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 Omukama, 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 Toro 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.

(4) A Regent shall not assume the functions of the office of a Regent unless he has first taken an oath for the due performance of the office in such form as may be prescribed by Toro law.

PART II

Council of Ministers.

5.—(1) There shall be a Council of Ministers for Toro which shall consist of such number of Ministers as may from time to time be agreed between the Omukama's Government and the Government of Uganda, who shall be responsible for such business of the Omukama's Government as may be so agreed and shall have such styles as may be determined by the Rukurato:

Provided that—

(*a*) the Ministers of Toro shall include the Omuhikirwa;

(*b*) the functions of a Minister shall not include administrative responsibility for the Treasury of the Omukama's Government which shall be in charge of a permanent official.

(2) Until it is otherwise agreed between the Omukama's Government and the Government of Uganda the Council of Ministers shall consist of—

(*a*) the Omuhikirwa, who shall be the leader of the Rukurato ;

(*b*) a Minister of Finance ;

(*c*) a Minister of Works ; and

(*d*) a Minister of Education.

(3) When there is occasion for the resignation of the Council of Ministers to be tendered, the Omuhikirwa shall tender the resignation of the Ministers collectively to the Omukama through the Speaker and the Omukama shall thereupon accept the resignation:

Provided that where the resignation is tendered in accordance with the provisions of paragraph 8 or 16 of this Schedule, the Omukama shall not accept the resignation until the Omuhikirwa submits to him the names of persons selected for the ministerial offices in accordance with paragraph 10 of this Schedule.

(4) Subject to the provisions of sub-paragraph (1) of this paragraph, each member of the Council of Ministers shall have such responsibility as may be determined by the Omuhikirwa.

Conduct of Omukama's Government.

6.—(1) The Council of Ministers as a whole shall be charged with the conduct of the Omukama's Government and each Minister shall be individually responsible for the policies of such departments of the Omukama's Government as may be placed in his charge.

(2) All acts of the Omukama's Government shall, save in so far as law and custom otherwise require, be done in the name of the Omukama.

(3) Where any function under this Schedule is exercisable by the Omukama, 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) Where it is provided in this Schedule that the Omukama may exercise a power upon the recommendation of any person or authority he shall exercise that power in accordance with the recommendation.

(5) A statement in writing signed by the Omuhikirwa that the Omukama has exercised any power that is required to be exercised upon the recommendation of the Omuhikirwa or of the Council of Ministers in accordance with the recommendation shall be conclusive evidence of that fact.

(6) A certified true copy of a minute of the Toro Public Service Commission recording that the Omukama has exercised any power that is required to be exercised upon the recommendation of the Commission in accordance with the recommendation of the Commission shall be conclusive evidence of that fact.

Omukama to be kept informed.

7. The Omuhikirwa shall keep the Omukama fully informed of all important matters concerning the Omukama's Government.

Procedure when Rukurato first meets after dissolution.

8.—(1) When the Rukurato meets for the first time after any dissolution thereof, the resignation of the Council of Ministers then in office shall be tendered.

(2) When the resignation of the Council of Ministers has been tendered in accordance with sub-paragraph (1) of this paragraph, after the Rukurato has elected a Speaker and a Deputy Speaker in accordance with the provisions of paragraph 21 of this Schedule, an Omuhikirwa shall be elected and appointed in accordance with paragraph 9 of this Schedule and other Ministers shall be elected and appointed in accordance with paragraph 10 of this Schedule.

Election of Omuhikirwa.

9.—(1) At such time as it is necessary to elect the Omuhikirwa, the Speaker shall by order published in such manner as he may think fit—

(*a*) direct that such election be held ;

(*b*) appoint a day, not being less than five days after such order is published, as nomination day ; and

(*c*) appoint a day, not being less than two days after the day appointed for nomination day, for the holding of a ballot, if necessary.

(2) Any two members of the Rukurato may nominate any other person whether or not he is a member of the Rukurato as a candidate for election as Omuhikirwa.

(3) If after the day appointed as nomination day only one person has been nominated for election as Omuhikirwa, the Speaker shall declare that person to be elected as Omuhikirwa-designate. If more than one candidate has been nominated for election, the Speaker shall order a ballot to be taken.

(4) If any ballot is ordered to be taken for the election of the Omuhikirwa, voting shall be by secret ballot, and the Speaker shall declare to be elected as Omuhikirwa-designate the candidate receiving the greatest number of votes.

(5) After the Speaker has declared any person to be elected as Omuhikirwa-designate, the Speaker shall present the Omuhikirwa-designate to the Omukama.

(6) If, when a ballot is taken under the provisions of this paragraph, two or more candidates receive the same number of votes and by reason thereof the Speaker is unable to declare any candidate to have been elected Omuhikirwa-designate, he shall submit the names of those candidates to the Omukama, who shall select one of them to be the Omuhikirwa-designate.

Appointment of other Ministers.

10.—(1) When the Omuhikirwa-designate has been elected or selected under the provisions of paragraph 9 of this Schedule, the Speaker shall fix a day by which nominations of candidates for the ministerial offices other than the office of the Omuhikirwa shall be submitted to him.

(2) Any two members of the Rukurato may nominate any other person whether or not he is a member of the Rukurato as a candidate for the other ministerial offices.

(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 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 Omuhikirwa-designate shall join in nominating more than three candidates ;

(*b*) the Omuhikirwa designate shall not nominate more than five candidates.

(4) The Speaker shall prepare a list of the candidates who have been duly nominated for the ministerial offices and shall cause copies of the list to be laid before the Rukurato.

(5) If the names of more persons than the number of Ministers (other than the Omuhikirwa) for the time being constituting the Council of Ministers appear in the list of candidates, the Rukurato shall on a day appointed by the Speaker elect by secret ballot as Ministers-designate that number of persons from those whose names appear in the list.

(6) The Omuhikirwa-designate shall assign each of the persons who have been nominated, or elected as the case may be, as Minister-designate of a particular Ministry and the Omuhikirwa designate shall submit the names of the persons selected under the foregoing provisions of this paragraph to the Omukama with a recommendation that each such person shall be appointed to a particular ministerial office.

(7) The Omukama shall formally appoint the Omuhikirwa-designate and the persons recommended for appointment under this paragraph as Omuhikirwa and as Ministers by performing a ceremony of vestiture

according to customary law on such date as the Omukama may appoint, being a date not more than fourteen days after the submission of the names of Ministers-designate under this paragraph.

Vacancies among Ministers.

11.—(1) If the offices of the Ministers become vacant at any time by reason of the resignation of the Council of Ministers under paragraph 16 of this Schedule an Omuhikirwa and Ministers shall be appointed in accordance with the procedure laid down in paragraphs 9 and 10 of this Schedule.

(2) (*a*) If the office of Omuhikirwa becomes vacant at any time otherwise than by reason of the resignation of the Council of Ministers under paragraph 16 of this Schedule an Omuhikirwa-designate shall be elected in accordance with the procedure laid down in paragraph 9 of this Schedule, and formally appointed as Omuhikirwa in the manner laid down in paragraph 10 (7) of this Schedule not later than seven days after his presentation to the Omukama.

(*b*) When an Omuhikirwa has been appointed the other Ministers holding office at the time of the appointment shall tender their resignations to the Omukama and the Omuhikirwa shall recommend to the Omukama in relation to each Minister either that he should accept or that he should refuse the resignation and the Omukama shall act in accordance with the recommendation.

(*c*) If by reason of the acceptance of resignations, the offices of the Ministers other than the Omuhikirwa become vacant—

(i) the Speaker shall fix a day by which nominations of candidates for the ministerial offices other than the office of the Omuhikirwa shall be submitted to him;

(ii) any two members of the Rukurato may nominate any other person as a candidate for the ministerial offices whether or not he is a member of the Rukurato;

(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 persons making them, to the Speaker on or before the day fixed by him in that behalf;

(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 Rukurato and if the names of more persons appear in the list than there are vacancies among the ministerial offices, the Rukurato shall on the third day thereafter, or on such other day as the Speaker shall consider convenient, by secret ballot elect as Ministers-designate persons equal in number to the vacancies;

(v) the Omuhikirwa shall submit the names of the persons selected under the foregoing provisions of this sub-paragraph to the Omukama with a recommendation that each such person shall be appointed to a particular ministerial office and the Omukama shall formally appoint the person selected to the ministerial offices for which they have been recommended in the matter laid down in paragraph 10 (7) of this Schedule not later than seven days after the submission of their names to the Omukama.

(3) (*a*) If a ministerial office other than that of the Omuhikirwa becomes vacant at any time otherwise than by reason of the resignation of the Council of Ministers, the Speaker shall, so soon as convenient fix a day by which nominations of candidates for office shall be submitted to him.

(*b*) Any two members of the Rukurato may nominate any other person as a candidate for the vacant office whether or not he is a member of the Rukurato.

(*c*) Nominations shall be submitted in writing signed by the persons making them, to the Speaker on or before the day fixed by him in that behalf.

(*d*) The Speaker shall prepare a list of the persons who have been duly nominated for the vacant office and shall have copies of the list laid before the Rukurato, and if there is more than one such person the Rukurato shall on the third day thereafter, or on such other day as the Speaker shall consider convenient, by secret ballot elect a person to the vacant office from the persons whose names appears in the list.

(*e*) The Omuhikirwa shall submit the name of any person selected under the foregoing provisions to the Omukama and the Omukama shall formally appoint him to the vacant office in the matter laid down in paragraph 10 (7) of this Schedule not later than seven days after the submission of his name to the Omukama.

Tenure of office of Ministers.

12.—(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 Omukama through the Omuhikirwa;

(*b*) if the resignation of the Council of Ministers is accepted by the Omukama; or

(*c*) if his appointment is terminated under paragraph 13 or 14 of this Schedule.

(2) 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 Omuhikirwa, or if the office of Omuhikirwa 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 the Rukurato) shall, during the period in which those offices remained vacant, be discharged by the permanent official in charge of the department for which the Minister was responsible immediately before his office became vacant.

Termination of appointment of Minister for misconduct or incapacity.

13.—(1) The Omukama shall terminate the appointment of a Minister if he is convicted of a serious criminal offence and is sentenced to imprisonment without the option of a fine.

(2) If a Minister is convicted of a serious criminal offence and is not sentenced to imprisonment without the option of a fine and in the opinion of the Omukama the offence might involve moral turpitude, the Omukama 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 Omukama accordingly, and thereupon the Omukama shall terminate the appointment of the Minister.

(3) If in the opinion of the Omukama a Minister may have become incapable of performing his functions as a Minister by reason of physical or mental infirmity, the Omukama 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 Omukama accordingly and thereupon the Omukama shall terminate the appointment of the Minister.

Termination of appointment of Minister for failure to carry out policy.

14.—(1) If in the opinion of the Omuhikirwa any Minister has failed to carry out the policy or the decisions of the Council of Ministers 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 Omuhikirwa shall recommend to the Omukama that he should terminate the appointment of that Minister and the Omukama 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 matter shall be referred to the Omukama whose decision shall be final.

Transfer of Ministers.

15.—(1) The Omukama may, on the recommendation of the Omuhikirwa, transfer the holder of any ministerial office, other than the office of Omuhikirwa, to another such ministerial office.

(2) When any person is to be transferred from one ministerial office to another under this paragraph, he shall tender his resignation from the office that he is relinquishing to the Omukama, who shall then receive his homage and allegiance in customary form in respect of the office to which he is being transferred.

Vote of no confidence in Council of Ministers.

16.—(1) If a motion declared by the Speaker under sub-paragraph (3) of this paragraph to be a motion of no confidence in the Council of Ministers on an important matter is carried by the Rukurato the resignation of the Council shall be tendered to the Omukama through the Speaker.

(2) Fourteen days' notice shall be given to the Rukurato by the Speaker before any 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 voting members of the Rukurato is a motion signifying no confidence in the Council of Ministers 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 twenty voting members of the Rukurato that specifically expresses no confidence in the Ministry shall be deemed for the purposes of this paragraph to be a motion of no confidence.

Rukurato.

17.—(1) The Rukurato (which shall be the Legislative Assembly of Toro) shall consist of—

(*a*) the Speaker (who shall be known as the Rwigi);

(*b*) the Ministers;

(*c*) such number of elected members, not being less than fifty nor more than sixty, as may be prescribed by Toro law;

(*d*) seven persons (to be known as specially elected members), to be elected by secret ballot by the elected members under the presidency and direction of the Chief Judge of Toro;

(*e*) four persons (to be known as nominated members), to be nominated by the Omukama after the election of the specially elected members;

(*f*) the ex-officio members, namely the Omujwera Musuga, the Omujwera Batebe, the Owekitiinisa Omusuna, the Abamasaza and the Kitunzi.

(2) Subject to sub-paragraph (3) of this paragraph, a person shall be qualified to be an elected, a specially elected member or a nominated member of the Rukurato if, and shall not be so qualified unless, he—

(*a*) 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 his ability to speak English); and

(*b*) is able to speak Lutoro.

(3) A person shall not be qualified to be an elected member, a specially elected member or a nominated member of the Rukurato if he—

(*a*) is disqualified to be a member of the National Assembly under section 40 (1) of the Constitution of Uganda; or

(*b*) is a Minister of the Government of Uganda, a Parliamentary Secretary or the Attorney-General of Uganda.

(4) The following provisions shall apply to the election of elected members to the Rukurato—

(*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 refer to the area included in a constituency shall be entitled to vote at elections for elected members of the Rukurato 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-General, after consultation with the Omukama, may by order make such modifications to that law for the purpose of its application to elections to the Rukurato, as he may consider necessary.

(5) Subject to the provisions of this paragraph, the specially elected members shall be elected in such manner as may be prescribed by Toro law.

Electoral Boundary Commission.

18.—(1) The Omukama shall, as soon as practicable after the coming into effect of this Schedule and whenever it shall be necessary for the review of the boundaries of constituencies, appoint an Electoral Boundary Commission consisting of a chairman and four other members.

(2) The Electoral Boundary Commission in the discharge of its functions under paragraph 19 of this Schedule, shall not be subject to the direction or control of any other person or authority.

(3) The members of the Electoral Boundary Commission shall be appointed for such period as may be agreed between the chairman of the Commission and the Omukama as being necessary for the performance of the functions of the Commission under paragraph 19 of this Schedule and during that period any such member shall not be removed from office by the Omukama 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.

(4) In the exercise of the powers conferred upon him by this paragraph the Omukama shall act in accordance with the advice of the Electoral Commission of Uganda.

Delimitation of constituencies.

19.—(1) For the purposes of the election of elected members of the Rukurato, Toro shall be divided into as many constituencies as there are elected members of the Rukurato in such manner as the Electoral Boundary Commission may determine.

(2) The boundaries of each constituency shall be such that the electorate is, as far as practicable, equal in all constituencies.

(3) The boundaries of the constituencies for elections to the Rukurato shall be reviewed by an Electoral Boundary Commission from time to time at intervals of not less than six and not more than eight years, and upon the completion of the review the Electoral Boundary Commission may make such alterations in the boundaries of the constituencies as it may consider necessary to give effect to the provisions of subparagraph (2) of this paragraph:

Provided that the boundaries of the constituencies shall be reviewed whenever the number of elected members of the Rukurato is altered by Toro law.

Tenure of office.

20.—(1) Every elected member, specially elected member or nominated member of the Rukurato shall vacate his seat in the Rukurato upon its dissolution.

(2) An elected member, a specially elected member or a nominated member of the Rukurato shall vacate his seat in the Rukurato—

(*a*) if he shall cease to be a citizen of Uganda;

(*b*) if he is absent from the sittings of the Rukurato for such period and in such circumstances as may be prescribed by the Standing Orders of the Rukurato;

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

(*d*) if any circumstances arise that would cause him to be disqualified for election under paragraph 17 of this Schedule.

Speaker and Deputy Speaker.

21.—(1) When the Rukurato meets for the first time after any dissolution thereof the members present shall before transacting any other business by secret ballot elect a Speaker (Rwigi) and a Deputy Speaker (Omukanga).

(2) As often as the office of the Speaker or the Deputy Speaker falls vacant otherwise than by reason of dissolution of the Rukurato, the members thereof shall as soon as practicable by secret ballot elect a person to that office.

(3) A person may be elected to be the Speaker whether or not he is a member of the Rukurato.

(4) No person shall be elected as the Deputy Speaker unless he is a member of the Rukurato.

(5) The Speaker shall receive such salary as may from time to time be determined by the Rukurato.

(6) The office of the Speaker or the Deputy Speaker shall become vacant—

(*a*) upon a dissolution of the Rukurato; or

(*b*) if the holder of the office resigns his office by writing under his hand addressed to the Omukama through the Omuhikirwa;

(*c*) in the case of the Deputy Speaker, if he ceases to be a member of the Rukurato otherwise than by reason of a dissolution thereof; or

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

Presiding in Rukurato.

22. There shall preside at any meeting of the Rukurato—

(*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 Rukurato from amongst its members:

Provided that, when the Rukurato meets to elect the Speaker or the specially elected members, the Chief Judge shall preside.

Quorum and Voting.

23.—(1) Save as otherwise provided in this Schedule—

(*a*) all questions proposed for decision in the Rukurato shall be determined by a majority of the votes of the members present and voting:

Provided that—

(i) neither the Speaker nor the Deputy Speaker nor any member of the Rukurato while presiding therein, shall have a vote or be entitled to take part in debate;

(ii) a person who is a member of the Rukurato by virtue of holding an office referred to in paragraph 17 (1) (*f*) of this Schedule shall be entitled to take part in debate but he shall not be entitled to vote;

(*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 Rukurato if there are present (beside the Speaker or other person presiding) less than one third of the members of the Rukurato.

(3) No member of the Rukurato shall be permitted to take part in proceedings of the Rukurato (other than the proceedings necessary for the purpose of this paragraph, unless he shall have made and subscribed before the Rukurato an oath or affirmation, promising to serve faithfully and to be loyal to the Omukama, in such form as may be prescribed by Toro law.

Standing Orders.

24. Subject to the provisions of this Schedule and of any Act of Parliament, the Rukurato may make Standing Orders for the regulation and orderly conduct of its proceedings.

Dissolution of Rukurato.

25.—(1) The Omukama shall dissolve the Rukurato if two-thirds of all the voting members of the Rukurato pass a resolution requesting him to dissolve it.

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

(3) The Omukama may dissolve the Rukurato if the resignation of a Council of Ministers is tendered in accordance with paragraph 16 of this Schedule upon the passing of a motion of no confidence in that Council and, after the expiration of one month from the passing of that motion, the names of Ministers-designate have not been submitted to the Omukama in accordance with paragraph 10 (6) of this Schedule.

Legislature of Toro.

26.—(1) The Legislature of Toro shall consist of the Omukama, acting with the advice and consent of the Rukurato.

(2) The power of the Legislature of Toro to make laws shall be exercised by bills passed by the Rukurato and assented to by the Omukama.

(3) When a bill has been passed by the Rukurato it shall be submitted by the Omuhikirwa to the Omukama, who shall sign the same in token of assent.

(4) A law enacted by the Legislature of Toro shall be published in English and in Lutoro in the *Uganda Gazette* 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.

Committees of Rukurato.

27.—(1) The Rukurato may establish standing and *ad hoc* committees:

Provided that there shall be an education committee of the Rukurato which shall be constituted in such a manner and have such functions as Parliament may prescribe.

(2) Until the Rukurato otherwise provides there shall be the following committees (in addition to the education committee)—

(*a*) a standing committee of which the Omuhikirwa shall be chairman;

(*b*) a finance committee of which the Minister of Finance shall be chairman;

(*c*) a works committee of which the Minister of Works shall be chairman.

(3) A committee established by the Rukurato under the provisions of this paragraph may include persons who are not members of the Rukurato, or may be authorised by the Rukurato to co-opt as members of the committee persons who are not members of the Rukurato:

Provided that at least two-thirds of the members of every such committee shall be members of the Rukurato.

(4) A committee established by the Rukurato under the provisions of this paragraph may invite any person (including a member of the Rukurato) to attend meetings and take part in its deliberations, but no such person shall vote at any such meeting.

Toro Public Service Commission

28.—(1) There shall be a Toro Public Service Commission which shall consist of a chairman and five other members.

(2) The members of the Toro Public Service Commission shall be appointed by the Omukama.

(3) The office of a member of the Toro Public Service Commission shall become vacant—

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

(*b*) if he resigns; or

(*c*) if his appointment is terminated by the Omukama.

(4) In the exercise of the powers conferred upon him by this paragraph the Omukama shall act in accordance with the recommendations of such authority as Parliament may prescribe.

Appointment of officers of Omukama's Government.

29.—(1) Subject to the provisions of this Schedule, power to appoint persons to hold or act in offices in the service of the Omukama's Government (including the office of Owisaza, Omugomborozi, Owitwale and Omukungu), to exercise disciplinary control over persons holding or acting in such offices, and to remove such persons from office shall vest in the Omukama acting in accordance with the recommendation of the Toro Public Service Commission.

(2) The powers conferred upon the Toro Public Service Commission by this paragraph shall be exercised in conformity with such provision as may be made by Parliament with respect to the public service of Toro.

(3) The provisions of this paragraph shall not apply in relation to—

(*a*) any office to which the provisions of section 98 of the Constitution of Uganda applies;

(*b*) any office in a police force established for Toro;

(*c*) to the extent that it may be agreed between the Uganda Government and the Omukama's Government, persons seconded from the service of the Uganda Government to the service of the Omukama's Government.

(4) Any person holding or acting in an office in the service of the Omukama's Government shall be deemed to resign that office if he accepts appointment as a Minister or as the Speaker.

Chiefs.

30.—(1) In each Isaza in Toro there shall be a chief called Owisaza.

(2) Each Isaza shall be divided into Amagomborra and each Igomborra shall be in the charge of a Chief called Omugomborozi. Each Gomborra shall be divided into Amatwale, and each Itwale shall be in charge of a chief called Owitwale. Every Mukungu in any Itwale shall be in the charge of a chief called Omukungu.

Interpretation.

31.—(1) In this Schedule—

"Minister" means a member of the Council of Ministers established by paragraph 5 of this Schedule;

"the Rukurato" means the Rukurato of Toro;

"the Speaker" means the Speaker of the Rukurato;

"Toro" means the Kingdom of Toro.

(2) Any reference in this Schedule to the voting members of the Rukurato shall be construed as a reference to the members of the Rukurato entitled to vote therein in accordance with the provisions of paragraph 23 of this Schedule.

(3) In this Schedule, 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.

SCHEDULE 5 TO THE CONSTITUTION OF UGANDA

Section 4(5).

SPECIAL PROVISIONS RELATING TO THE TERRITORY OF BUSOGA

ARRANGEMENT OF PARAGRAPHS

PART I

Paragraph
1. The Kyabazinga.
2. Absence or incapacity of Kyabazinga.

PART II

3. Council of Ministers.
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5. Kyabazinga to be kept informed.
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7. Appointment of Katukiro and other Ministers.
8. Vacancies among Ministers.
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14. Lukiiko.
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16. Speaker and Deputy Speaker.
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19. Quorum and votes.
20. Dissolution of Lukiiko.
21. Legislature of Busoga.
22. Committees of Lukiiko.
23. Busoga Public Service Commission.
24. Appointment, etc. of officers of Busoga Government.
25. Chiefs.
26. Interpretation.

PART I

The Kyabazinga.

1.—(1) Isebantu Kyabazinga (hereinafter referred to as the Kyabazinga) who is the Ruler of Busoga, shall enjoy all the titles, dignities and pre-eminence that attach to the office of Kyabazinga under the law and custom of Busoga.

(2) The Kyabazinga shall be elected from among the Baisengobi clan in such manner as the Lukiiko may, by resolution, prescribe.

(3) Subject to the provisions of sub-paragraph (4) of this paragraph, the Kyabazinga once elected shall remain in office until a Lukiiko subsequent to the Lukiiko which originally elected him or any succeeding Lukiiko terminates his term of office.

(4) The office of the Kyabazinga shall become vacant if the holder of the office—

(*a*) dies;

(*b*) resigns by writing under his hand addressed to the Speaker;

(*c*) is unable to perform the functions of his office (whether arising from infirmity of body or mind or from any other cause); or

(*d*) has attained the age of seventy years,

or if the appointment of the holder of the office is terminated by a resolution of the Lukiiko passed by a majority of at least two-thirds of all the voting members.

(5) Upon the office of Kyabazinga becoming vacant, an election shall forthwith be held to elect a new Kyabazinga in the manner prescribed by the Lukiiko.

(6) Upon taking office, the Kyabazinga shall take an oath for the due performance of his duties as prescribed by Busoga law.

(7) A Kyabazinga elected in accordance with the provisions of this paragraph shall, when recognised by the Governor-General as Kyabazinga, assume the title and dignities of the Kyabazinga.

Absence or incapacity of Kyabazinga.

2.—(1) In the event of the absence of the Kyabazinga from Busoga or of his inability to perform the functions of his office, the Lukiiko shall elect two persons from amongst its members to discharge temporarily the functions of the Kyabazinga.

(2) The persons appointed to discharge temporarily the functions of the Kyabazinga shall not take office until they have first taken an oath prescribed by Busoga law.

(3) Any function of the Kyabazinga shall be discharged by the two persons temporarily replacing him in the same manner, so far as custom allows, as that in which the functions would be performed by the Kyabazinga.

(4) A person elected under sub-paragraph (1) of this paragraph shall cease to hold office—

(*a*) upon the return of the Kyabazinga to Busoga;

(*b*) if he resigns by writing under his hand addressed to the Speaker;

(*c*) when the Kyabazinga is able to perform his functions once again; or

(*d*) if his appointment is terminated by a resolution of the Lukiiko.

(5) If a vacancy occurs among the two persons elected under sub-paragraph (1) of this paragraph the Lukiiko shall forthwith elect another person to fill that vacancy.

PART II

Council of Ministers.

3.—(1) There shall be a Council of Ministers for Busoga which shall consist of such number of Ministers as may from time to time be agreed between the Busoga Government and the Government of Uganda, who shall be responsible for such business of the Busoga Government as may be so agreed and shall have such styles as may be determined by the Lukiiko:

Provided that—

(*a*) the Ministers of Busoga, shall include the Katukiro;

(*b*) the functions of a Minister shall not include responsibility for the Treasury of the Busoga Government which shall be in charge of a permanent official.

(2) Until it is otherwise agreed between the Busoga Government and the Government of Uganda, the Council of Ministers shall consist of—

(*a*) the Katukiro, who shall be the leader of the Lukiiko;

(*b*) a Minister of Finance;

(*c*) a Minister of Education;

(*d*) a Minister of Works.

(3) Subject to the provisions of sub-paragraph (4) of this paragraph, when there is occasion for the resignation of the Council of Ministers to be tendered, the Katukiro shall tender the resignation of the Ministers collectively to the Kyabazinga through the Speaker and the Kyabazinga shall thereupon accept the resignation.

(4) Where the resignation of the Council of Ministers is tendered in accordance with the provisions of paragraph 6 or paragraph 13 of this Schedule, the Kyabazinga shall not accept the resignation until the Katukiro submits the names of persons selected for ministerial office in accordance with paragraph 7 of this Schedule.

(5) Subject to paragraph 3 (1) of this Schedule, each member of the Council of Ministers shall have such responsibilities as may be determined by the Katukiro.

Conduct of Busoga Government.

4.—(1) The Council of Ministers as a whole shall be charged with the conduct of the Busoga Government and each Minister shall be individually responsible for the policies of such departments of the Government as may be placed in his charge.

(2) All acts of the Busoga Government shall, save in so far as law and custom otherwise require, be done in the name of the Kyabazinga.

(3) Where any function under this Schedule is exercisable by the Kyabazinga, 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) Where it is provided in this Schedule that the Kyabazinga may exercise a power upon the recommendation of any person or authority, he shall exercise that power in accordance with the recommendation.

(5) A statement in writing signed by the Katukiro that the Kyabazinga has exercised any power that is required to be exercised upon the recommendation of the Katukiro or of the Council of Ministers in accordance with the recommendation, shall be conclusive evidence of that fact.

(6) A copy of a minute of the Busoga Public Service Commission certified as true by the Chairman of the Commission recording that the Kyabazinga has exercised any power that is required to be exercised upon the recommendation of the Commission in accordance with the recommendation, shall be conclusive evidence of that fact.

Kyabazinga to be kept informed.

5. The Katukiro shall keep the Kyabazinga fully informed on all important matters concerning the Busoga Government.

Procedure when Lukiiko first meets after dissolution.

6. When the Lukiiko meets for the first time after any dissolution thereof, the resignation of the Council of Ministers then in office shall be tendered.

Appointment of Katukiro and other Ministers.

7.—(1) When this Schedule comes into effect and thereafter whenever the resignation of the Council of Ministers has been tendered in accordance with paragraph 6 of this Schedule, the Kyabazinga shall select as Katukiro-designate a member of the Lukiiko who appears to the Kyabazinga to be able to command a majority in the Lukiiko and who is willing to be appointed as Katukiro.

(2) The Katukiro-designate shall select persons to fill the other ministerial offices from among the members of the Lukiiko.

(3) The Katukiro-designate shall assign each of the persons whom he has selected to a ministerial office as Minister-designate of a particular Ministry and shall submit their names to the Kyabazinga.

(4) The Kyabazinga shall thereupon appoint the Katukiro designate to be Katukiro and shall invest him with the ceremonial insignia of office.

(5) The Kyabazinga shall then appoint the other Ministers designate as Ministers in their respective offices:

Provided that no Minister shall exercise the functions of his office unless he shall first have taken an oath prescribed by Busoga law.

(6) If no Council of Ministers is formed in accordance with the provisions of this paragraph within one month of the date of the first sitting of the Lukiiko after a dissolution or after one month from the coming into effect of this Schedule, the Kyabazinga shall dissolve the Lukiiko and new elections to the Lukiiko shall take place.

Vacancies among Ministers.

8.—(1) If the offices of the Ministers become vacant at any time by reason of the resignation of the Council of Ministers under paragraph 13 of this Schedule and the acceptance of that resignation by the Kyabazinga, a Katukiro and Ministers shall be appointed in accordance with the procedure laid down in paragraph 7 of this Schedule.

(2) (*a*) If the office of Katukiro becomes vacant at any time otherwise than by reason of the resignation of the Council of Ministers under paragraph 13 of this Schedule, a Katukiro shall be selected in the manner provided by paragraph 7 (1) of this Schedule and appointed by the Kyabazinga.

(*b*) When a Katukiro has been appointed the other Ministers holding office at the time of the appointment shall tender their resignations to the Kyabazinga and the Katukiro shall recommend to the Kyabazinga in relation to each Minister either that he should accept or that he should refuse the resignation and the Kyabazinga shall act in accordance with the recommendation.

(*c*) If by reason of the acceptance of resignations the offices of the Ministers other than the Katukiro become vacant, the Katukiro shall select Ministers-designate to fill the vacancies from amongst the members of the Lukiiko and shall submit their names to the Kyabazinga for appointment.

(*d*) The Kyabazinga shall then appoint the persons selected to the vacant ministerial offices.

(3)—(*a*) If a ministerial office other than that of the Katukiro becomes vacant at any time otherwise than by reason of the resignation of the Council of Ministers, the Katukiro shall select a Minister-designate to fill the vacancy from amongst the members of the Lukiiko and shall submit his name to the Kyabazinga for appointment.

(*b*) The Kyabazinga shall then appoint the person selected to the vacant ministerial office.

Tenure of office of Ministers.

9.—(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 Kyabazinga through the Speaker in the case of the Katukiro, and addressed to the Kyabazinga through the Katukiro in the case of any other Minister;

(*b*) if the resignation of the Council of Ministers is accepted by the Kyabazinga; or

(*c*) if his appointment is terminated under paragraph 10 or paragraph 11 of this Schedule.

(2) Whenever the office of the Katukiro becomes vacant the ceremonial insignia shall be delivered to the Kyabazinga 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 Katukiro or, if the office of the Katukiro 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 the Lukiiko) shall during the period in which the said offices remain vacant, be discharged by the permanent official in charge of the department for which the Minister was responsible immediately before his office became vacant.

Termination of Ministers' appointment for misconduct or incapacity.

10.—(1) The Kyabazinga 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 serious criminal offence and is not sentenced to imprisonment without the option of a fine and the offence in the opinion of the Kyabazinga might involve moral turpitude, the Kyabazinga 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 Kyabazinga accordingly and thereupon the Kyabazinga shall terminate the appointment of the Minister.

(3) If in the opinion of the Kyabazinga, a Minister may have become incapable of performing his functions as a Minister by reason of physical or mental infirmity, the Kyabazinga 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 Kyabazinga accordingly and thereupon the Kyabazinga shall terminate the appointment of the Minister.

Termination of appointment of Minister for failure to carry out policy.

11. If in the opinion of the Katukiro, any Minister has failed to carry out the policies or the decisions of the Council of Ministers either persistently or in respect of any important matter, the Katukiro may recommend to the Kyabazinga that he should terminate the appointment of that Minister and the Kyabazinga shall terminate the appointment accordingly.

Transfer of Ministers.

12.—(1) The Kyabazinga may, on the recommendation of the Katukiro, transfer the holder of any ministerial office other than the office of the Katukiro to another such ministerial office.

(2) Where any person is to be transferred from one ministerial office to another under this paragraph he shall tender his resignation forthwith from the office that he is relinquishing to the Kyabazinga.

Vote of no confidence in Council of Ministers.

13.—(1) If a motion declared by the Speaker under sub-paragraph (3) of this paragraph to be a motion of no confidence in the 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 voting members of the Lukiiko is carried by the Lukiiko the resignation of the Ministry shall be tendered to the Kyabazinga by the Katukiro 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 the 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 Council of Ministers 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 Council of Ministers shall be deemed for the purpose of this paragraph to be a motion of no confidence in the Council of Ministers on an important matter and shall be declared by the Speaker to be such a motion.

Lukiiko.

14.—(1) The Lukiiko (which shall be the Legislative Assembly of Busoga) shall consist of—

(*a*) the Speaker;

(*b*) the Ministers;

(*c*) sixty-seven elected members;

(*d*) six specially elected members to be elected by secret ballot by the elected members;

(*e*) the eleven hereditary Saza Chiefs specified in Appendix A to this Schedule.

(2) Subject to sub-paragraph (3) of this paragraph, a person shall be qualified for election as an elected or a specially elected member of the Lukiiko if, and shall not be so qualified unless, he—

(*a*) has the qualifications prescribed by the Constitution of Uganda for election as an elected member of the National Assembly (other than any qualifications relating to his ability to speak English); and

(*b*) is able to read and write Luganda.

(3) A person shall not be qualified to be an elected or specially elected member of the Lukiiko if he—

(*a*) is disqualified to be a member of the National Assembly under the provisions of section 40 (1) of the Constitution of Uganda; or

(*b*) is a Minister of the Government of Uganda, a Parliamentary Secretary or the Attorney-General of Uganda.

(4) The following provisions shall apply to the election of elected members to the Lukiiko—

(*a*) each constituency shall be represented by one elected member;

(*b*) each of the sub-counties of Busoga with the exception of those specified in Appendix B to this Schedule shall be one constituency;

(*c*) each of the sub-counties specified in the first column of Appendix B to this Schedule shall be divided into two constituencies to comprise the parishes specified in the second column of the said Appendix;

(*d*) every person whose name appears on the parts of the register of electors prepared for the election of elected members to the National Assembly which refer to the area included in a constituency shall be entitled to vote at elections for elected members of the Lukiiko to represent that constituency;

(*e*) 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-General, after consultation with the Kyabazinga, may by order make such modifications to that law for the purposes of its application to the elections to the Lukiiko as he may consider necessary.

(5) Subject to the provisions of this paragraph, the specially elected members shall be elected in such a manner as may be prescribed by Busoga law.

Tenure of office of members.

15.—(1) Every elected member or specially elected member of the Lukiiko shall vacate his seat therein upon its dissolution.

(2) An elected or a specially elected member of the Lukiiko shall vacate his seat in the Lukiiko—

(*a*) if he ceases to be a citizen of Uganda;

(*b*) if he is absent from the sittings of the Lukiiko for such period and in such circumstances as may be prescribed by the Standing Orders of the Lukiiko;

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

(*d*) if any circumstances arise that would cause him to be disqualified for election under paragraph 14 of this Schedule.

Speaker and Deputy Speaker.

16.—(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.

(2) As often as the office of a Speaker or Deputy Speaker falls vacant otherwise than by reason of the dissolution of the Lukiiko the members thereof shall, as soon as practicable, elect a person to that 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 the Lukiiko.

(6) The office of the Speaker or 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 Kyabazinga;

(*c*) in the case of the Deputy Speaker, if he ceases to be a member of the Lukiiko otherwise than by reason of the 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 voting members of the Lukiiko.

Presiding in Lukiiko.

17. 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:

Provided that when the Lukiiko meets to elect a Speaker or the specially elected members the Chief Judge of Busoga shall preside.

Standing Orders.

18. Subject to the provisions of this Schedule and of any Act of Parliament, the Lukiiko may make Standing Orders for the regulation and orderly conduct of its proceedings.

Quorum and votes.

19.—(1) Save as otherwise provided in this Schedule—

(*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—

(i) 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;

(ii) a person who is a member of the Lukiiko by virtue of holding the office of one of the hereditary Saza Chiefs specified in Appendix A to this Schedule shall be entitled to take part in debate but he shall not be entitled to vote;

(*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 (besides the Speaker or other person presiding) less than twenty voting members of the Lukiiko.

Dissolution of Lukiiko.

20.—(1) The Kyabazinga shall dissolve the Lukiiko if two-thirds of all the voting members of the Lukiiko pass a resolution requesting him to dissolve it.

(2) The Kyabazinga may dissolve the Lukiiko if the resignation of the Council of Ministers is tendered in accordance with paragraph 13 of this Schedule upon the passing of a motion of no confidence in that Council and, after the expiration of one month from the passing of the motion, he considers that there is no prospect of his being able to appoint as Katukiro a person who can command the support of a majority of the members of the Lukiiko.

(3) 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.

Legislature of Busoga.

21.—(1) The Legislature of Busoga shall consist of the Kyabazinga acting with the advice and consent of the Lukiiko.

(2) The power of the Legislature of Busoga to make laws shall be exercised by bills passed by the Lukiiko and assented to by the Kyabazinga.

(3) When a bill has been passed by the Lukiiko, it shall be submitted by the Katukiro to the Kyabazinga who shall sign the same in token of assent.

(4) A law enacted by the Legislature of Busoga shall be published in English and in Luganda in the *Uganda Gazette* 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.

Committees of Lukiiko.

22.—(1) The Lukiiko may establish standing and *ad hoc* committees:

Provided that there shall be an education committee of the Lukiiko which shall be constituted in such manner and shall have such functions as Parliament may prescribe.

(2) Until the Lukiiko otherwise provides there shall be (in addition to the education committee) a finance committee.

(3) Every standing committee established by the Lukiiko under the provisions of this paragraph shall be under the chairmanship of the Minister who is responsible for the subjects with which the committee is dealing.

(4) A committee established by the Lukiiko under the provisions of this paragraph may include persons who are not members of the Lukiiko or may be authorised by the Lukiiko to co-opt as members of the committee persons who are not members of the Lukiiko:

Provided that at least two-thirds of the members of every such committee shall be members of the Lukiiko.

(5) A committee established by the Lukiiko under the provisions of this paragraph may invite any person (including a member of the Lukiiko) to attend meetings and take part in its deliberations but no such person shall vote at any such meeting.

Busoga Public Service Commission.

23.—(1) There shall be a Busoga Public Service Commission which shall consist of a chairman and four other members.

(2) The members of the Busoga Public Service Commission shall be appointed by the Kyabazinga.

(3) The office of a member of the Busoga Public Service Commission shall become vacant—

(*a*) in the case of the Chairman at the expiration of four years from the date of his appointment and in the case of a member other than the chairman at the expiration of three years from the date of his appointment;

(*b*) if he resigns; or

(*c*) if his appointment is terminated by the Kyabazinga.

(4) In the exercise of the powers conferred upon him by this paragraph, the Kyabazinga shall act in accordance with the recommendations of such authority as Parliament may prescribe.

Appointments etc. of officers of Busoga Government.

24.—(1) Subject to the provisions of this Schedule, power to appoint persons to hold or act in offices in the service of the Busoga Government (including the office of Saza Chief, Gombolola Chief and chief in charge of a Muluka or parish), to exercise disciplinary control over persons holding or acting in such offices, and to remove such persons from office shall vest in the Kyabazinga acting in accordance with the recommendation of the Busoga Public Service Commission.

(2) The powers conferred upon the Busoga Public Service Commission by this paragraph shall be exercised in conformity with such provision as may be made by Parliament with respect to the public service of Busoga.

(3) The provisions of sub-paragraph (1) of this paragraph shall not apply in relation to—

(*a*) any office to which the provisions of section 98 of the Constitution of Uganda applies;

(*b*) any office in a police force established for Busoga; or

(*c*) to the extent that it may be agreed between the Government of Uganda and the Busoga Government, persons seconded from the service of the Government of Uganda to the service of the Busoga Government.

(4) Any person holding or acting in an office in the service of the Busoga Government shall be deemed to resign that office if he accepts appointment as a Minister or as Speaker of the Lukiiko.

Chiefs.

25.—(1) At the head of each Saza in Busoga there shall be a chief who shall be called a Saza Chief and who shall be responsible to the Katukiro for the administration of his Saza.

(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 may be divided into Miruka and if a Gombolola is divided into Miruka, then there shall be a chief in each such Muluka who shall be styled a Muluka Chief.

(3) The Gombolola Chiefs and such Miruka Chiefs as are established under the provisions of sub-paragraph (2) of this paragraph shall assist the Saza Chiefs in the performance of their duties.

(4) The following traditional chiefs are recognised in Busoga—

(*a*) the Hereditary Saza Chiefs specified in Appendix A to this Schedule;

(*b*) the Mitala Chiefs; and

(*c*) the Bisoko Chiefs.

Interpretation.

26.—(1) In this Schedule—

"Busoga" means the territory of Busoga;

"the Lukiiko" means the Lukiiko of Busoga;

"Minister" means a member of the Council of Ministers established by paragraph 3 of this Schedule;

"Speaker" means the Speaker of the Lukiiko.

(2) Any reference in this Schedule to the voting members of the Rukurato shall be construed as a reference to the members of the Rukurato entitled to vote therein in accordance with the provisions of paragraph 19 of this Schedule.

(3) In this Schedule, 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.

Appendix A to Schedule 5 to the Constitution of Uganda

Hereditary Saza Chiefs:—

The Gabula of Bugabula.
The Ngobi of Kigulu.
The Zibondo of Bulamogi.
The Tabingwa of Luuka.
The Wakoli of Bukooli.
The Menya of Bugweri.
The Luba of Bunya.
The Nanyumba of Bunyoli.
The Kisiki of Busiki.
The Ntembe of Butembe.
The Nkono of Bukono.

APPENDIX B TO SCHEDULE 5 TO THE CONSTITUTION OF UGANDA

Sub County of County	*Constituencies*
1. Musale of Bugabula	*Musale A* Mumyuka Sabaddu Mutuba II Musale *Musale B* Sabagabo Sabawali Mutuba I
2. Mutuba II of Bugabula	*Mutuba IIA* Mumyuka Sabaddu Mutuba I Mutuba III Mutuba IV *Mutuba IIB* Sabagabo Sabawali Musale Mutuba II
3. Mutuba VII of Bugabula	*Mutuba VIIA* Mumyuka Sabagabo Sabawali *Mutuba VIIB* Sabaddu Musale Mutuba I Mutuba II
4. Sabaddu of Butembe Bunya	*Sabaddu A* Mumyuka Sabaddu Mutuba II Sabagabo *Sabaddu B* Sabawali Musale Mutuba I
5. Sabagabo of Butembe Bunya	*Sabagabo A* Mumyuka and Mutuba II Musale Sabawali *Sabagabo B* Sabaddu and Mutuba I Sabagabo
6. Sabawali of Butembe Bunya	*Jinja North* Sabagabo Walukuba Sabaddu Mpumudde Musale Kimaka Sabawali Masese *Jinja South* Mumyuka

Sub County of County	*Constituencies*
7. Mutuba I of Butembe Bunya	*Mutuba IA* Mumyuka and Mutuba II Musale Sabawali *Mutuba IB* Sabaddu Sabagabo Mutuba I
8. Mumyuka of Bukooli	*Mumyuka A* Mumyuka Mutuba I Mutuba II Mutuba III *Mumyuka B* Sabagabo Sabaddu Sabawali Musale
9. Sabaddu of Bukooli	*Sabaddu A* Mumyuka Sabagabo Sabawali Musale *Sabaddu B* Sabaddu Mutuba I and III Bugiri Town Mutuba II

SCHEDULE 6 TO THE CONSTITUTION OF UGANDA

Section 43.

PROCEDURE FOR ELECTION OF ELECTED MEMBERS BY THE LEGISLATIVE ASSEMBLY OF THE KINGDOM OF BUGANDA

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 section 43 (3) 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 Parliament;

"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 paragraph 4 (1) 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 paragraph 4 (2) 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 paragraph 12 (4) of this Schedule;

(*b*) there appears on it any writing, sign or mark by which the voter can be identified;

(*c*) in the case of an election held in pursuance of paragraph 4 (1) 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 paragraph 4 (2) 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 provisions of paragraph 17 (2) 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 provisions 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 in the Kingdom of Buganda established under section 46 of the Constitution of Uganda.

(2) The Clerk at the time of a general election shall send to the Electoral Commission of Uganda the names of the candidates duly elected who shall publish their names in the same manner as the Commission 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 SCHEDULE 6 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 74.

SCHEDULE 7 TO THE CONSTITUTION OF UGANDA

PART I

Matters with respect to which the Legislature of Buganda has exclusive power to make Laws

1. The Kabakaship.

2. The powers, obligations and duties of the Kabaka as such.

3. The status of the Kabaka's Ministers as such and their powers, obligations and duties as such (other than those conferred by or under a law enacted by Parliament).

4. The public service of Buganda.

5. Matters incidental to the Lukiiko and other authorities established by the Constitution of Buganda.

6. Such taxation and matters relating thereto as may be agreed between the Kabaka's Government and the Government of Uganda.

7. The public debt of Buganda.

8. Buganda public holidays and festivals.

9. Traditional and customary matters relating to Buganda alone.

10. Such other matters (not being matters specified in Part II of this Schedule) as the National Assembly may, by resolution, designate as matters that are of primarily domestic concern to Buganda.

PART II

Matters with respect to which Parliament has exclusive power to make Laws

1. External affairs.

2. Extradition, fugitive offenders; admission into, and emigration and expulsion from Uganda.

3. Passports, visas; quarantine.

4. Defence, including—

(*a*) military and other armed forces, including visiting forces;

(*b*) enemy aliens and enemy property.

5. Internal security, including—

(*a*) the police forces;

(*b*) press censorship;

(*c*) importation, registration and licensing of firearms, ammunition and explosives.

6. The Penal and Criminal Procedure Codes.

7. Courts, other than courts dealing with Buganda clan cases, including—

(*a*) the jurisdiction, powers, practice, procedure and organisation of such courts;

(*b*) persons entitled to practise before the courts.

8. The public service of Uganda, including pensions, compensation, gratuities and conditions of service.

9. Finance, including—

(*a*) currency, legal tender and coinage;

(*b*) national savings and savings banks;

(*c*) external and internal loans (including loans for the purposes of the Kabaka's Government);

(*d*) banking, money-lending, pawnbrokers, control of credit;

(*e*) bills of exchange, cheques, promissory notes and other similar instruments;

(*f*) foreign exchange;

(*g*) capital issues, stock and commodity exchanges;

(*h*) insurance, building societies and investment trusts;

(*i*) taxation (other than that referred to in item 6 of Part I of this Schedule).

10. Medical, health and veterinary services, including the following—

(*a*) mental treatment;

(*b*) poisons and dangerous drugs;

(*c*) control of diseases both human and animal.

11. Miscellaneous—

(*a*) land registration;

(*b*) civil aviation and aerodromes;

(*c*) the regulation of trade and commerce with foreign countries and between Buganda and the rest of Uganda;

(*d*) weights and measures;

(*e*) professional qualifications.

12. Any other matter which, under any provision of the Constitution of Uganda (other than section 74 thereof) or of the Constitution of Buganda, may be provided for by any provision made by Parliament having the force of law in Buganda.

Section 75.

SCHEDULE 8 TO THE CONSTITUTION OF UGANDA

Matters with respect to which the Legislature of a Federal State (other than the Kingdom of Buganda) has exclusive power to make laws.

1. The office of the Ruler of the State.

2. The powers, obligations and duties of the Ruler of the State as such.

3. Public holidays and festivals of the State.

4. Traditional and customary matters relating to the State alone.

5. Such other matters as may be agreed between the Government of Uganda and the Government of the State.

6. Any other matter which, under any provision of the Constitution of Uganda (other than section 75 thereof) or of the Schedule mentioned in section 4 of that Constitution that has effect in the State, may be provided for by the Legislature of the State.

Section 107.

SCHEDULE 9 TO THE CONSTITUTION OF UGANDA

AGREEMENT BETWEEN THE UGANDA AND BUGANDA GOVERNMENT DELEGATIONS ON THE FINANCIAL RELATIONSHIPS BETWEEN THE GOVERNMENT OF UGANDA AND THE KABAKA'S GOVERNMENT

1. The Delegations of the Central and Kabaka's Governments have agreed that Buganda's financial requirements, in addition to her independent sources of revenue (including graduated tax), and calculated on lines similar to the figures for local authorities block grants, should be provided as follows:—

(*a*) fifty per cent. by assignment of certain revenues raised in Buganda (with minimum yield guaranteed)—it is intended that these should be from petrol and diesel duty and the items mentioned in paragraph 3 below; and

(*b*) fifty per cent. by an annual statutory contribution from general revenue (not to be reduced without consultation with the Kabaka's Government).

2. At intervals of from three to five years there will be a review of these arrangements, not only to consider the rate of annual statutory contribution, but also to consider—in the light of actual yields—whether there should be any change in the revenues selected for assignment.

3. Revenue from stamp duty on mailo transfers and from licences on powered two-wheeled vehicles will be included in the assignments above. As to the other recommendations in paragraph 67 of the Fiscal Commission's report, it is now agreed that the Kabaka's Government should be able to levy entertainment tax on entertainments for which it is the licensing authority. The Buganda Delegation, however, reject the proposal that Buganda should raise revenue from the licensing of unpowered bicycles or unmanufactured "black" tobacco.

4. Additional sums which may be required in respect of further services for which the Kabaka's Government assumes financial responsibility will be made available by increasing the amount of the statutory contribution.

5. As, in accordance with its own wishes, the Kabaka's Government is excluded from the local authorities grant structure, it will not be eligible for deficiency or "catching up" grants, nor for grants to assist with the cost of salary increments.

SCHEDULE 10 TO THE CONSTITUTION OF UGANDA

Section 126.

TOWNS UNDER CENTRAL ADMINISTRATION

Arua.
Entebbe.
Fort Portal.
Gulu.
Hoima.
Jinja.
Kabale.
Kitgum.
Lira.
Masindi.
Mbale.
Mbarara.
Moroto.
Moyo.
Mubende.
Njeru.
Soroti.
Tororo.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

By virtue of the provisions of the Uganda Independence Act 1962, Uganda will attain fully responsible status within the Commonwealth on 9th October 1962. This Order makes provision for a new Constitution for Uganda from that date.