1957 No. 2168

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

Made - - - -	13*th December*, 1957
Laid before Parliament	19*th December*, 1957
Coming into Operation	*On a day to be appointed under Section* 1 (2)*

At the Court at Buckingham Palace, the 13th day of December, 1957

Present,

The Queen's Most Excellent Majesty in Council

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

Citation, publication and commencement

1.—(1) This Order may be cited as the Uganda (Police Service Commission) Order in Council, 1957.

(2) This Order shall be published in the Official Gazette of the Protectorate and shall come into operation on a day to be appointed by the Governor by Proclamation in the Gazette, which day shall not be earlier than the day after the day on which this Order shall have been laid before both Houses of Parliament.

Interpretation

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

"the Commission" means the Police Service Commission established by this Order;

"the Commissioner" means the Commissioner of Police and includes any person for the time being lawfully discharging the functions of the office of Commissioner of Police;

"the Governor" means the Governor and Commander-in-Chief of the Protectorate and includes any officer for the time being administering the Government and, to the extent to which a Deputy for the Governor is authorised to act, that Deputy;

"the Police Force" means the Uganda Police Force;

"police officer" means any member of the Police Force;

"the Protectorate" means the Protectorate of Uganda;

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

* Day not yet (April 1958) appointed. (a) 53 & 54 Vict. c. 37.

"public officer" means the holder of any public office and includes any person appointed to act in any such office;

"the public service" means the service of the Crown in respect of the Government of the Protectorate.

(2) For the purposes of this Order a person shall not be considered to be a public officer by reason only of the fact that he

(i) is a member of the Executive Council of the Protectorate; or

(ii) is a member of the Legislative Council of the Protectorate; or

(iii) holds the office (when created) of Speaker of the Legislative Council of the Protectorate; or

(iv) is a member of the Commission.

(3) Save as in this Order otherwise provided, or required by the context, the Interpretation Act, 1889(a), shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Powers of appointment etc. of police officers

3.—(1) The appointment, promotion, termination of appointment, dismissal and disciplinary control of police officers is hereby vested in the Governor acting in his discretion.

(2) The Governor, acting in his discretion, may, by regulations published in the Official Gazette of the Protectorate, provide for the delegation to any police officer or class of police officer or any public officer or class of public officer, subject to such conditions as may be prescribed in any such regulations, of any of the powers vested in the Governor by subsection (1) of this section.

(3) (*a*) If it is provided by or under any law enacted before the commencement of this Order that any police officer or class of police officer shall exercise powers of appointment, promotion, termination of appointment, dismissal and disciplinary control, or any of such powers, over any other police officer or class of police officer, such power or powers shall be deemed to have been delegated to that officer or class of officer by the Governor in accordance with the provisions of subsection (2) of this section and accordingly such power or powers shall be exercisable by that officer, subject to the provisions of subsection (4) of this section, unless and until it is revoked by the Governor in his discretion.

(*b*) Any provision of any law enacted before the commencement of this Order and any instrument made under any such law shall, to the extent that it confers power upon any police officer or class of police officer, public officer or class of public officer to exercise control over any police officer or class of police officer, cease to have effect, unless it shall have been sooner repealed or revoked, upon the revocation of the power by the Governor in his discretion.

(4) The provisions of this section shall be subject to the provisions of any Instructions which may be issued by Her Majesty under Her Sign Manual and Signet or through a Secretary of State, and any power conferred by this section or delegated under this section shall be exercised in accordance with the provisions of such Instructions.

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

Police Service Commission

4.—(1) There shall be, in and for the Protectorate, a Police Service Commission, and, subject to the provisions of subsection (3) of this section, the Commission shall consist of such persons, appointed by the Governor in such manner, as may be prescribed by regulations made under section 6 of this Order.

(2) The Governor in his discretion may terminate the appointment of any member of the Commission at any time and, subject as aforesaid, the members of the Commission shall hold office upon such terms and conditions as may be prescribed by regulations made under section 6 of this Order.

(3) No person shall be appointed as a member of the Commission if he is—

(*a*) a member of the Executive Council or of the Legislative Council of the Protectorate;

(*b*) a member of the Buganda Lukiko or of any district council established under the District Administration (District Councils) Ordinance, 1955(**a**), or the African Local Governments Ordinance(**b**);

(*c*) an officer of any society or association which the Governor is satisfied is of a political nature; or

(*d*) any person, whether in the Police Force or the public service or not, who is a member of any staff association or of any trade union or of any body (other than the Public Service Commission of the Protectorate) as to which the Governor is satisfied that its object, or one of its objects, is to control or influence salaries, wages, pensions or conditions of service of any class of employed person.

(4) The salaries and allowances of the members of the Commission shall be such as may from time to time be fixed by the Governor and shall be paid out of the general revenues of the Protectorate.

Functions of the Commission

5.—(1) The Governor in his discretion may refer to the Commission for its advice any question relating to the appointment (including promotion), or termination of appointment or to the dismissal or other disciplinary control of police officers or of any police officer or to any other matter which, in his opinion, affects the Police Force or any police officer.

(2) The Governor, acting in his discretion, may, by regulations published in the Official Gazette of the Protectorate, authorise any public officer or class of public officer or any police officer or class of police officer to seek on his behalf the advice of the Commission on any matters on which the Governor may seek advice under the provisions of subsection (1) of this section.

(3) It shall be the duty of the Commission to advise the Governor on any question which he shall refer to them by virtue of the provisions of this section, but the Governor shall not be required to act in accordance with the advice given to him by the Commission.

(4) The Chairman of the Commission shall at all times have direct access to the Governor.

(**a**) Laws of Uganda, 1955, p. 4.
(**b**) Cap. 74, Laws of Uganda (1951 Revision) Vol. II, p. 1058.

Regulations regarding the Commission

6.—(1) Subject to the provisions of this Order, the Governor in his discretion may make regulations and give instructions for giving effect to sections 4 and 5 of this Order, and in particular and without prejudice to the generality of the foregoing power may by such regulations and instructions make provision for all or any of the following matters, that is to say—

(*a*) the membership, including the appointment of the Chairman, of the Commission;

(*b*) the appointment, tenure of office and terms of service of members of the Commission;

(*c*) the protection and privileges of members of the Commission in respect of the performance of their duties and the privilege of communications to and from the Commission or its members in case of legal proceedings;

(*d*) the organisation of the work of the Commission and the manner in which the Commission shall perform its functions;

(*e*) the manner and circumstances in which any recommendation, in respect of any question that has been referred to the Commission, made by the Commissioner shall be submitted to the Commission by such officer and by the Commission to the Governor;

(*f*) consultation by the Commission with persons other than members of the Commission;

(*g*) the appointment, tenure of office and terms of service of staff to assist the Commission in the performance of its functions;

(*h*) the delegation to any member of the Commission of all or any of the powers or duties of the Commission;

(*i*) the definition and trial of offences connected with the functions of the Commission and the imposition of penalties for such offences:

Provided that no such penalty shall exceed a fine of two hundred pounds and imprisonment for a term of one year;

(*j*) requiring persons to attend before the Commission to answer questions relating to any inquiry held by the Commission or to any business or duties of the Commission;

(*k*) the exclusion from the purview of the Commission of any or all of the matters mentioned in subsection (1) of section 5 of this Order in respect of any police officer or of any specified class of police officer.

(2) The Interpretation and General Clauses Ordinance of the Protectorate(a), as amended from time to time, shall apply to any regulations or instructions made or given under this section.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order makes provision for the establishment of a Police Service Commission for Uganda.

(a) Cap. 1, Laws of Uganda (1951 Revision) Vol. I, p. 2.