

CHAPTER 257

THE ADMINISTRATION OF PARLIAMENT ACT.

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CHAPTER 257

THE ADMINISTRATION OF PARLIAMENT ACT.

Commencement: 15 August, 1997.

An Act to provide for the administration of Parliament and for the employment and remuneration of officers and staff of Parliament and for other purposes connected therewith.

PART I—INTERPRETATION.

1. Interpretation.

In this Act, unless the context otherwise requires—

- (a) “classification” means arrangement of officers and offices in classes and includes the allotment to officers or offices of salaries or limits of salary according to the value of their work;
- (b) “clerk” means the clerk to Parliament;
- (c) “commission” means the Parliamentary Commission established under this Act;
- (d) “financial year” has the same meaning as in the Constitution;
- (e) “leader of Government business” means a Minister of Government so designated by the President;
- (f) “office” means an office in the service created under section 14 but does not include the office of the clerk;
- (g) “service” means the parliamentary service established under section 9;
- (h) “unattached officer” means an officer who is not occupying an office.

PART II—THE PARLIAMENTARY COMMISSION.

2. Establishment of the commission.

- (1) There shall be a commission called the Parliamentary Commission.

(2) The commission shall be composed of the Speaker, the leader of Government business, the Minister responsible for finance and three members of Parliament elected by Parliament none of whom shall be a Minister.

(3) The commission shall be a body corporate with perpetual succession and a common seal and with power to sue and be sued in its corporate name and to do or suffer to be done all things which may be or are suffered by a body corporate.

(4) The Speaker shall be the chairperson of the commission.

* (5) The clerk to Parliament shall be the secretary to the commission and shall arrange the business for and cause to be recorded and kept the minutes of the meetings of the commission.

3. Tenure of office.

A member of the commission shall hold office for the duration of the Parliament in which he or she is elected but shall not vacate the office until a member is nominated or elected in his or her place, as the case may be, immediately after a general election.

4. Vacation of office of a commissioner.

A member of the commission shall cease to hold office on vacating his or her seat in accordance with article 83 of the Constitution.

* **5. Removal of a commissioner.**

A member of the commission, other than the Speaker and the leader of Government business, may be removed from office by Parliament for inability to perform the functions of his or her office arising from infirmity of body or mind, misbehaviour, misconduct or incompetence.

6. Functions of the commission.

The functions of the commission shall include—

- (a) to appoint, promote and exercise disciplinary control over persons holding public office in Parliament;

- (b) to review the terms and conditions of service, standing orders, training and qualifications of persons holding office in Parliament;
- (c) to provide security staff to maintain proper security for the members of Parliament and facilities within the precincts of Parliament;
- (d) to provide a parliamentary reporting service;
- (e) to provide such other staff and facilities as are required to ensure the efficient functioning of Parliament;
- (f) to cause to be prepared in each financial year estimates of revenues and expenditure for Parliament for the next financial year;
- (g) to make recommendations to Parliament on or, with the approval of Parliament, determine the allowances payable and privileges available to the Speaker, Deputy Speaker and members of Parliament;
- (h) to do such other things as may be necessary for the well-being of the members and staff of Parliament.

PART III—PARLIAMENTARY SERVICE

7. Decisions of the commission.

(1) Every decision of the commission shall, as far as possible, be by consensus.

(2) Where on any matter consensus cannot be obtained, the matter shall be decided by voting; and the matter shall be taken to have been decided if supported by the votes of the majority of members present and voting.

(3) The chairperson of the commission shall have neither an original nor a casting vote.

(4) In any vote under subsection (2), each member of the commission shall have one vote, and none shall have a casting vote.

(5) The quorum of the commission at any meeting shall be four.

(6) The commission may act notwithstanding the absence of any member or any vacancy in the office of a member.

(7) Subject to this Act, the commission may regulate its own procedure.

8. Meetings of the commission.

- (1) The commission shall meet at least once in two months.
- (2) All meetings of the commission shall be convened by the Speaker by giving not less than seven days' notice to the members.
- (3) The commission may also have extraordinary meetings as and when it is necessary.
- (4) Any three of the members of the commission may, in writing signed by each of them, demand an extraordinary meeting of the commission, specifying the agenda to be considered at that meeting.

(5) The Speaker shall, on receipt of the demand for an extraordinary meeting, summon such a meeting giving three days' notice, but if the Speaker fails to summon the meeting within three days after receipt of the demand, any of the three members who originally demanded for the meeting may summon the meeting giving three days' notice.

9. The parliamentary service.

(1) There shall be a parliamentary service which shall be composed of persons appointed under section 6(a) and shall be subject to the direction and control of the commission.

(2) The service shall form part of the public service of Uganda.

10. Clerk.

The clerk shall be the head of the parliamentary service and shall be responsible to the Speaker for the general working and efficient conduct of the business of the service.

11. Delegation by the clerk.

The clerk may, in consultation with the Speaker, by writing signed by him or her, delegate any functions of clerk under this Act to any officer in the service.

12. Responsibilities of the Speaker.

The Speaker shall make recommendations to the commission as and when the need arises on—

- (a) any alterations in the organisation, staffing or management of the service that are in his or her opinion necessary for the expedient or more economical, efficient or convenient working of the service or any branch of it; and
- (b) any alterations that are in his or her opinion necessary in the salaries or allowances of any officers or employees under his or her control,

and the commission shall take action on the recommendations.

13. Consultation with Public Service Commission.

The commission shall, in determining the terms and conditions of employment of members of the service under section 6 or 12, consult with the Public Service Commission.

14. Creation of offices.

The commission may upon the recommendation of the Speaker—

- (a) create such number of offices as will ensure the efficient functioning of the service; and
- (b) create, abolish, reclassify and change any designation of offices in the service.

15. Recruitment.

(1) The commission may cause to be published in the Uganda Gazette or elsewhere invitations to persons to apply for appointment, promotion or transfer to any vacant office in the service.

- (2) The commission shall specify in a notice under subsection (1)—
 - (a) the office or class of offices in respect of which applications for appointment, promotion or transfer are invited;
 - (b) the salaries or limits of salaries that shall be applicable on appointment, promotion or transfer;
 - (c) where applicable, the age limits and qualifications required;
 - (d) such other matter, if any, which the commission may consider desirable but not inconsistent with this Act.

16. Terms of employment.

If an officer was immediately before his or her appointment to the service an officer in the public service, his or her service as an officer of the public service shall be counted as service in the parliamentary service for purposes of—

- (a) leave;
- (b) pay in lieu of leave;
- (c) calculating pension and other gratuities.

17. Leave to serve under other Acts.

(1) If an officer in the service is appointed under another Act other than this Act, the Speaker may, on application, grant the officer leave of absence without pay for the period of absence.

(2) The period during which an officer is absent on leave under subsection (1) shall be counted as part of his or her period of service.

(3) Where an officer is granted leave under this section, his or her other office in the service becomes vacant on commencement of the leave; and he or she is an unattached officer for the period of leave.

(4) At the end of the period of leave, an unattached officer subject to retirement age or dismissal for misconduct shall be entitled to be appointed to an office not lower in classification than his or her former office.

(5) Where there is no vacancy to which an officer may be suitably appointed in accordance with subsection (4), the officer shall continue as an unattached officer until a suitable vacancy occurs.

18. Oath.

Before assuming the duties of his or her office, an officer shall take before the Speaker any oath under the Oaths Act prescribed by regulations made under section 37, being an oath appropriate to an equivalent office in the public service.

PART IV—FINANCE

19. Financial year estimates.

(1) In each financial year the commission shall prepare and submit to the President estimates for that year of the expenses of departments of Parliament and any other expenses incurred for the service of the house.

(2) The President shall cause the estimates to be laid before Parliament without revision but with any recommendations that Government may have on them.

20. Expenses of Parliament.

The administrative and operational expenses of Parliament, including all salaries, allowances, gratuities and pensions payable to or in respect of a person serving in Parliament, shall be charged on the Consolidated Fund.

21. Bank accounts.

The commission shall open and maintain such bank accounts as are necessary for the exercise of its functions and shall pay into them—

- (a) all monies received from the Government for the purposes of this Act;
- (b) all monies appropriated by law for the purpose of carrying out or giving effect to this Act;
- (c) all other monies received by Parliament in the exercise of its functions.

22. Commission to establish procedures.

The commission may establish procedures and expenditure involving—

- (a) official overseas travel;

- (b) purchases necessary for the various departments of Parliament.

23. Tender board.

The commission may establish a tender board for Parliament to control and regulate the purchase and disposal of property and supply of works and services to or for the purposes of Parliament.

PART V—DEPARTMENTS OF PARLIAMENT.

24. Establishment of departments.

There shall be established the following departments in the parliamentary service—

- (a) department of the Speaker;
- (b) department of sergeant-at-arms;
- (c) department of the library, research and documentation;
- (d) department of the official report;
- (e) department of legislative counsel; and
- (f) department of finance and administration.

25. Creation of departments.

The commission may, in addition to the departments specified in section 24, create other departments to ensure the efficient functioning of the departments' service.

26. Abolition and merger.

The commission may abolish or merge any of the departments of the service.

PART VI—SALARY AND ALLOWANCES.

27. Salary classification.

(1) Officers shall be given such classifications as are fixed by the Speaker subject to approval of the commission and in consultation with the Public Service Commission.

(2) A classification under subsection (1) may provide for a rate of annual salary or a scale of rates of annual salary.

28. Allowances.

Officers and employees in the service may be paid such allowances in such cases and subject to such conditions as are determined by the commission.

29. Hours of duty.

(1) The hours of duty of officers and employees shall be determined by the commission.

(2) Notwithstanding subsection (1), officers and employees of the service shall, whenever required by the clerk, perform duties outside their normal hours in order to meet the exigencies of parliamentary business.

30. Leave.

Every officer is entitled to an annual leave and leave of absence for such periods as the commission may by regulation determine.

31. Deductions from entitlements.

Deductions may be made from the entitlements of officers and employees for any service provided by the State.

32. Allowances of members of the commission.

Members of the commission shall be paid such allowances as may be determined by the commission with the approval of Parliament.

PART VII—DISCIPLINE.

33. Disciplinary procedures.

The commission shall, by statutory instrument, make regulations providing for—

- (a) disciplinary offences and penalties for breach of such offences;

- (b) the right to a fair hearing when an officer or employee is being proceeded against for a disciplinary offence;
- (c) the right to appeal to the Public Service Commission in case of dismissal.

PART VIII—RESIGNATION, RETIREMENT AND RETRENCHMENT.

34. Retirement age.

An officer who has attained the age of fifty-five years is entitled to retire from the service but shall retire on attaining the age of sixty years.

35. Incapacity or infirmity.

If by reason of mental or bodily infirmity an officer is unfit to discharge the duties of his or her office, the commission may retire the officer from the service.

36. Commission to determine entitlement.

Where an office is abolished or reclassified, the commission may discontinue the service of the holder of the office; and his or her entitlements shall be determined by the commission in a manner consistent with that prescribed for the public service.

PART IX—MISCELLANEOUS.

37. Regulations.

(1) The commission shall make regulations and other statutory instruments for the effective performance of the functions of the commission and the service.

(2) Any statutory instrument made under this section shall be laid before Parliament and may be annulled by Parliament by resolution within twenty-one days after it being laid.

(3) The commission may, by regulations made under this section, adopt the provisions of any enactment subject to such modifications as the

commission may, on the recommendation of Parliament, consider reasonable.

38. Accounts and audits.

The commission shall keep proper books of account and records in relation to them, and the accounts shall be audited and reported on by the Auditor General in accordance with article 163 of the Constitution.

39. Annual report.

The commission shall as soon as possible after the expiration of each financial year and in any case not later than 30th September in each year submit to Parliament an annual report dealing generally with the activities and operations of the commission within the year, which shall include such other information as Parliament may request.

History: Act 6/1997; Act 17/1998.

Cross References

Constitution of 1995.
Oaths Act, Cap. 19.