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BILLS
SUPPLEMENT No. 8

17th June, 2016.

BILLS SUPPLEMENT

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Bill No. 13 *Leadership Code (Amendment) Bill* **2016**

THE LEADERSHIP CODE (AMENDMENT) BILL, 2016

MEMORANDUM

1. Objects and Principles of the Bill

The objects and principles of this Bill are to amend the Leadership Code Act, 2002, Act No.17 of 2002 to give effect to article 235A of the Constitution; to establish the Leadership Code Tribunal; to provide for the composition and functions of the Leadership Code Tribunal; to strengthen the enforcement of the Code and to provide for other related matters.

The proposal to establish the Leadership Code Tribunal is intended to enforce the values of integrity and proper conduct in the leadership of Uganda, values which are critical in the pursuit of development, democracy, good governance and promotion of the rule of law.

2. Defects in the existing law

At present, there is no Tribunal to enforce the Leadership Code Act, 2002 as was held in the case of **John Ken Lukyamuzi Vs Attorney General & Electoral Commission SCCA No. 02 of 2007**, that the Inspectorate of Government is not the appropriate Tribunal provided for under article 83(1)(e) of the Constitution.

Further, some provisions of the Code were declared unconstitutional by the Constitutional Court in the case of **Fox Odoi-Oywelowo & James Akampumuza Vs Attorney General Constitutional; Petition No. 8 of 2003**, hence the need to repeal them.

3. Remedies

It has therefore, become necessary to operationalise article 235A of the Constitution which gives Parliament the power to prescribe by law the Leadership Code Tribunal, its composition, jurisdiction and functions in order to effectively implement the Leadership Code Act, 2002, Act No.17 of 2002 (See clauses 1, 2 and Part VIA); also to repeal the provisions of the Code that were declared unconstitutional by the Constitutional Court.

Provisions of the Bill

4. **Clause 1** of the Bill seeks to amend section 2 of the Leadership Code Act (the principal Act) by inserting new definitions namely, "Inspectorate" and "Tribunal".
5. **Clause 2** seeks to replace section 3 of the principal Act concerning enforcement and functions of the Inspectorate of Government, in order to incorporate the Tribunal as one of the enforcement agencies of the Code.
6. **Clause 3** seeks to amend section 4(3) of the principal Act to require a leader before the expiry of his or her term of office to declare the income, assets and liabilities of his or her spouse, child or dependant, for purposes of harmonising the subsection with section 4(1) which requires a leader to declare income, assets and liabilities of his or her children and spouse.
7. **Clause 4** seeks to repeal section 5(2) (b), the repeal is a consequential amendment arising out of the Supreme Court ruling in the case of **Fox Odoi-Oywelowo Vs Attorney General; Constitutional Petition No.8 of 2003** where sections 19(1), 20(1) and section 35(b), (c)(iii) were declared unconstitutional because they fetter the discretion given to the President under the Constitution by creating district procedures for removal from offices from that provided in the Constitution.
8. **Clause 5** seeks to replace section 6 of the principal Act to criminalise failure to submit correct information as opposed to a breach of the Code as is currently provided for in order to make it more deterrent.

9. **Clause 6** seeks to amend section 7 of the principal Act to give the Inspector General of Government discretionary powers to decline an application to access the contents of a declaration in the interest of the security or sovereignty of the state or the right to privacy, in order to cater for the right of access to information as envisaged in article 41 of the Constitution.
10. **Clause 7** seeks to replace section 10 of the principal Act to make it clear that a gift or donation of whatever kind or value given to a leader on any public occasion shall be treated as a gift or donation to the Government for purposes of requiring leaders to declare all gifts and donations regardless of the value to the Inspectorate.
A leader can however accept a personal gift or donation from a relative or personal friend as is recognised by custom.
11. **Clause 8** seeks to amend section 12(2), the amendment is a consequential amendment arising out of the Supreme Court ruling in the case of **Fox Odoi-Oywelowo Vs Attorney General; Constitutional Petition No.8 of 2003** where sections 19(1),20(1)and section 35(b),(c)(iii) were declared unconstitutional because they fetter the discretion given to the President under the Constitution by creating district procedures for removal from offices from that provided in the Constitution.
12. **Clause 9** seeks to insert a new section 12A,to provide for conflict of interest. The amendment prohibits a leader in the course of his or her official duties from dealing with a matter in which he or she or his or her immediate family has a direct or indirect interest and requires the leader to declare that interest before the commencement of the proceedings of a public body, board, council, commission or committee.
13. **Clause 10** seeks to amend section 14(3)(c), the amendment is a consequential amendment arising out of the Supreme Court ruling in the case of **Fox Odoi-Oywelowo Vs Attorney General;Constitutional Petition No. 8 of 2003** where sections 19(1),20(1)and section 35(b),(c)(iii) were declared unconstitutional because they fetter the discretion given to the President under the Constitution.

14. **Clause 11** seeks to amend section 15 to prohibit a leader from engaging in highhanded and outrageous conduct. The amendment serves to add to the list of prohibited conduct under section 15.
15. **Clause 12** seeks to amend section 17 of the principal Act to prescribe an offence, for a former leader who acts for or on behalf of any person or renders advice to a person in a case in which the Government is a party, in order to deter former leaders from using information obtained in the course of their service to the detriment of Government.
16. **Clause 13** seeks to amend section 18 to substitute for the word "inquire" the word "investigate" in subsections (2) and (3) and also to require a person against whom a complaint has been lodged to respond to the complaint in order to allow a respondent the right to defend himself or herself.
17. **Clause 14** seeks to replace section 19 of the principal Act to require the Inspector General of Government upon the completion of an investigation to make a report and refer the matter to the Tribunal for adjudication. The Tribunal on finding a person whose dismissal from office is prescribed by the Constitution, guilty, shall make a report to the authorised person for appropriate action. Section 19(1) was declared unconstitutional by the Constitutional Court in the case of **Fox Odoi- Oywelowo & James Akampumuza Vs Attorney General; Constitutional Petition, No.8 of 2003**, because it fetters the discretion given to the President to exercise disciplinary control over certain public officers under the Constitution since that section sought to compel the authorised person to give effect to the Inspectorate of Government's decision.
18. **Clause 15** seeks to amend the principal Act by inserting Part VIA to provide for the Leadership Code Tribunal in accordance with article 235A of the Constitution. The Part provides for the following—
 - (a) the establishment of the Tribunal, its composition, jurisdiction and functions; and

(b) appeals from the decisions of the Tribunal which shall lie with the High Court.

19. **Clause 16** seeks to replace section 20 of the principal Act to require the registrar to inform the authorised person in writing, the decision of the Tribunal. This is because section 20(1) was declared unconstitutional by the Constitutional court in the case of **Fox Odoi- Oywelowo & James Akampumuza Vs Attorney General Constitutional Petition No.8 of 2003**, because it fetters the discretion given to the President under the Constitution.
20. **Clause 17** seeks to replace section 21(1) of the principal Act to require a leader who has been found by the Tribunal to have obtained property in breach of the Code to forfeit the property to the Government, in order to comply with the decision in the case of **John Ken Lukyamuzi Vs Attorney General & Electoral Commission SCCA No. 02 of 2007**, the effect of which is that, only the Tribunal can enforce such an order and not the Inspectorate of Government.
21. **Clause 18** seeks to replace section 23 of the principal Act to provide for the power of the Inspectorate to procure information and require any person to appear before the Inspectorate to furnish such information and produce any documents, papers or things that may be in the possession or under the control of that person necessary in any inquiry.
22. **Clause 19** seeks to amend section 24(3) of the principal Act to prescribe a higher penalty for a person who unlawfully discloses the identity of an informer from one hundred currency points to one hundred and twenty currency points and from two to five years imprisonment to harmonise it with section 14 of the Whistleblowers Protection Act, 2010.
23. **Clause 20** seeks to replace section 26 of the principal Act to provide for the observance of the rules of natural justice by the Inspectorate while investigating allegations under the Code, by substituting for the word “inquiring” the word “investigating”.

24. **Clause 21** seeks to amend section 27 of the principal Act by substituting for the words “at an inquiry” the words “during investigation “in line with the decision in the case of **Engineer Thomas Mulondo Vs IGG and two Others HCMA No.7 of 2009**.
25. **Clause 22** seeks to replace section 28 of the principal Act to prescribe an offence for a person who knowingly makes a false, malicious or frivolous allegation in order to harmonise it with section 17 of the Whistleblowers Protection Act, 2010.
26. **Clause 23** seeks to amend section 31 of the principal Act to-
- (a) prescribe the Minister as the “authorised person” in the case of a breach of the Code by a member of the Tribunal;
 - (b) repeal subsection (2) in line with the decision in the case of **Engineer Thomas Mulondo Vs IGG and two Others HCMA No.7 of 2009** as the provision fetters the discretion given to the District Council under article 185 of the Constitution; and
 - (c) prescribe for verification of declarations or investigations of any breach of the Code by the Inspector General of Government and the Deputy Inspector General of Government.
27. **Clause 24** seeks to amend section 32 of the principal Act to comply with articles 188 and 200 of the Constitution respectively and to give effect to the decision in the case of **Fox Odoi-Oywelowo & James Akampumuza V Attorney General; Constitutional Petition No.8 of 2003**.
28. **Clause 25** seeks to repeal section 33 of the principal Act to give effect to the decision in the case of **John Ken Lukyamuzi Vs Attorney General & Electoral Commission; SCCA No. 02 of 2007**, that the Inspectorate of Government is not the Tribunal.

29. **Clause 26** seeks to amend section 34 of the principal Act to repeal subsection (2) (b) which provides that no inquiry, proceeding or report of the Inspectorate shall be questioned, reviewed or quashed in any court except on appeal, since the report of the Inspectorate of Government is no longer final and has to be submitted to the Tribunal for adjudication.
30. **Clause 27** seeks to amend section 35 of the principal Act, to repeal paragraphs (b), (c)(iii) and (d), the paragraphs were declared unconstitutional in the case of **Fox Odoi- Oywelowo Vs Attorney General; Constitutional petition No.8 of 2003** for seeking to fetter the powers of the President under the Constitution.
31. **Clause 28** is a transitional provision to lawfully cover decisions and directions taken or given by the Inspectorate of Government before the establishment of the Tribunal.
32. **Clause 29** seeks to amend Part A (Political leaders) of Schedule 2 of the principal Act—
- (a) in paragraph 4 to substitute for the words “Chairperson and Vice Chairperson of the National Conference under the Movement Political System” the words “Chairperson, Vice-Chairperson and Secretary General of a Political Party or Organisation.”
- This is to reflect the multi-party political system.
- (b) to repeal paragraphs 6 and 9 to omit references to the National Political Commissar and Director or Deputy Director of the Movement political system.
33. **Clause 30** seeks to amend Schedule 3 of the principal Act as follows—
- (a) in Part A (Political leaders)—

- (i) in paragraph 4 to substitute for the words "Chairperson and Vice Chairperson of the National Conference under the Movement Political System" the words "Chairperson, Vice-Chairperson and Secretary General of a Political Party or Organization."

This is to reflect the multi-party political system.

- (ii) to repeal paragraph 6 to omit references to the National Political Commissar and Directors or Deputy Directors of Movement political system.

- (b) in Part B paragraph 16 to substitute for the words "Chairperson Central Tender Board" the words "Chairperson of the contracts committee".

REV. FR. SIMON LOKODO, (MP)

Minister of State for Ethics and Integrity.

THE LEADERSHIP CODE (AMENDMENT) BILL, 2016

ARRANGEMENT OF CLAUSES

Clause

1. Amendment of section 2 of the principal Act.
2. Replacement of section 3 of the principal Act.
3. Amendment of section 4 of the principal Act.
4. Amendment of section 5 of the principal Act.
5. Replacement of section 6 of the principal Act.
6. Amendment of section 7 of the principal Act.
7. Replacement of section 10 of the principal Act.
8. Amendment of section 12 of the principal Act.
9. Insertion of section 12A in the principal Act.
10. Amendment of section 14 of the principal Act.
11. Amendment of section 15 of the principal Act.
12. Amendment of section 17 of the principal Act.
13. Amendment of section 18 of the principal Act.
14. Replacement of section 19 of the principal Act.
15. Insertion of new Part VIA.
16. Replacement of section 20 of the Principal Act.
17. Amendment of section 21 of the principal Act.
18. Replacement of section 23 of the principal Act.
19. Amendment of section 24 of the principal Act.
20. Replacement of section 26 of the principal Act.
21. Amendment of section 27 of the principal Act.
22. Replacement of section 28 of the principal Act.
23. Amendment of section 31 of the principal Act.
24. Replacement of section 32 of the principal Act.
25. Repeal of section 33 of the principal Act.
26. Amendment of section 34 of the principal Act.
27. Amendment of section 35 of the principal Act.
28. Transitional provision.
29. Amendment of Second Schedule.
30. Amendment of Third Schedule.

A Bill for an Act

ENTITLED

THE LEADERSHIP CODE (AMENDMENT) ACT, 2016

An Act to amend the Leadership Code Act, 2002, to give effect to article 235A of the Constitution by providing for the establishment, composition, jurisdiction and functions of the Leadership Code Tribunal; to strengthen the enforcement of the Code and for other related matters.

BE IT ENACTED by Parliament as follows:

1. Amendment of section 2 of the Leadership Code Act, 2002.

The Leadership Code Act, 2002 in this Act referred to as the principal Act is amended in section 2—

- (a) by inserting immediately after the definition of “Government” the following—

“Inspectorate” means the Inspectorate of Government;

- (b) by inserting immediately after the definition of “spouse” the following—

“Tribunal” means the Leadership Code Tribunal established by section 19A;”.

2. Replacement of section 3 of the principal Act.

For section 3 of the principal Act there is substituted the following—

“3. Enforcement and functions of Inspectorate.

(1) The Leadership Code shall be enforced by the Inspectorate and the Tribunal.

(2) In enforcing this Code, the Inspectorate shall carry out the following functions—

- (a) receive and examine declarations lodged with it under this Code;
- (b) investigate or cause an investigation to be conducted into any alleged breach of this Code by a leader;
- (c) make a report on any breach of this Code and refer the matter to the Tribunal for adjudication;
- (d) make or recommend awards, disbursements and such payments or rewards as it may consider appropriate in connection with any assistance rendered in the enforcement of this Code;
- (e) collaborate with other law enforcement agencies to facilitate the enforcement of this Code;
- (f) investigate the actions or omissions of a former leader for the breach of this Code; and
- (g) carry out any other functions prescribed by or under this Code.”

3. Amendment of section 4 of the principal Act.

Section 4 of the principal Act is amended by substituting for subsection (3) the following—

“(3) A leader shall, before the expiration of his or her term of office, declare his or her income, assets and liabilities, the names, income, assets and liabilities of his or her spouse, child or dependant under this Code, if his or her term of office expires six months after his or her last declaration.”

4. Amendment of section 5 of the principal Act.

Section 5 of the principal Act is amended by repealing subsection (2)(b).

5. Replacement of section 6 of the principal Act.

For section 6 of the principal Act there is substituted the following—

“6. Failure to submit correct information.

A leader who knowingly or recklessly submits a declaration or gives an account of any matter which is false, misleading or insufficient in any material particular commits an offence.”

6. Amendment of section 7 of the principal Act.

Section 7 of the principal Act is amended—

- (a) by renumbering section 7 as section “7(1)”; .
- (b) by substituting for the word “shall” appearing in the second line, the word “may”;
- (c) by inserting immediately after subsection (1) the following—

“(2) The Inspectorate shall, in considering an application under subsection (1) take into account whether or not the information is likely to prejudice the security or sovereignty of the state or interfere with the right to privacy of any person.”

7. Replacement of section 10 of the principal Act.

For section 10 of the principal Act there is substituted the following—

“10. Gifts or benefits in kind.

(1) A gift or donation to a leader at any public or ceremonial occasion shall be treated as a gift or donation to the Government or the institution represented by the leader and shall be declared to the Inspector General; but the Government or the institution shall keep an inventory of the gift.

(2) Where a leader declares a gift or donation under subsection (1), the gift shall be disposed of in accordance with the Public Procurement and Disposal of Public Assets Act, 2003.

(3) A leader may accept a personal gift or donation from a relative or personal friend to such an extent and on such occasion as is recognised by custom.

(4) Where a gift or donation is in the form of money it shall be deposited in the Consolidated Fund by the authorised person of the institution represented by the leader.”

8. Amendment of section 12 of the principal Act.

Section 12 of the principal Act is amended by substituting for subsection (2) the following—

“(2) A leader who contravenes subsection (1) breaches this code and is liable to vacate office.”

9. Insertion of section 12A in the principal Act.

“Conflict of interest.

(1) A leader who, in the course of his or her official duties, deals with a matter in which he or she or his or her immediate family has a direct or indirect interest or is in a position to influence the matter directly or indirectly and who knowingly, fails to disclose the nature of that interest and votes or participates in the proceedings of a public body, board, council, commission or committee, commits a breach of this Code.

(2) A conflict of interest shall arise where—

- (a) a leader deals with a matter in which he or she has a personal interest where he or she is in a position to influence the matter, directly or indirectly, in the course of his or her official duties;

- (b) the position the leader holds and the services he or she gives to a person or private body is in conflict with his or her official duties;
- (c) a leader participates in the deliberations of a public body, board, council, commission or committee of which he or she is a member at any meeting at which any matter in which he or she has a personal interest is to be discussed; or
- (d) a leader attends a meeting of a public body, board, council, commission or committee and fails or neglects to disclose the nature and extent of his or her personal interest.

(3) "Personal interest" in this section in relation to a leader, includes the personal interest of a spouse, child, dependant, agent, or business associate of which the leader has knowledge or would have had knowledge if he or she had exercised due diligence having regard to all the circumstances."

10. Amendment of section 14 of the principal Act

Section 14 of the principal Act is amended by repealing subsection (3)(c).

11. Amendment of section 15 of the principal Act.

Section 15 of the principal Act is amended—

- (a) in subsection (1)(a) by repealing the word "improperly";
- (b) in subsection (1)(b) by inserting immediately after the words "public body" the words "or any other person"
- (c) by inserting immediately after paragraph (e) the following—

“(f) engage in highhanded, outrageous, infamous, indecent, disgraceful conduct or other conduct prejudicial to his or her status in Government or in the public body.”

12. Amendment of section 17 of the principal Act.

Section 17 of the principal Act is amended—

(a) by substituting for subsection (2) the following—

“A former leader shall not give advice to his or her client using information that is not available to the public concerning the programs or policies of the Government, a public body or department with which he or she had a direct or substantial relationship, during the period of ten years immediately prior to ceasing to be a leader.”

(b) by inserting immediately after subsection (2) the following—

“(3) A former leader who contravenes subsection (1) or (2) commits an offence.”

13. Amendment of section 18 of the principal Act.

Section 18 of the principal Act is amended—

(a) in subsection (2)—

(i) by substituting for the words “inquire into” the word “investigate”; and

(ii) by substituting for the words “inquired into” the word “investigated”;

(b) in subsection (3)—

- (i) by substituting for the words “inquire into” the word “investigate”;
 - (ii) by substituting for the words “inquired into” the word “investigated”; and
 - (iii) by substituting for the word “inquiry” the word “investigation”.
- (c) in subsection (4), by repealing the words “and shall be afforded a hearing”;
- (d) by inserting immediately after subsection (4) the following—

“(4a) A leader against whom a complaint has been lodged, shall be given an opportunity to respond to the complaint made against him or her.”

14. Replacement of section 19 of the principal Act.

For section 19 of the principal Act, there is substituted the following—

“19. Report of the Inspectorate.

(1) Upon the completion of an investigation under section 18, the Inspector General shall, in case of a breach make a report and refer the matter to the Tribunal for adjudication.

(2) The report of the Inspector General under subsection (1) shall state whether the leader is or is not in breach’ of this Code in respect of the matters investigated, and shall set out—

- (a) the nature of the breach or offence which the leader has been found to have committed;
- (b) the circumstances of the breach or offence;
- (c) a brief summary of the evidence received during the investigation of the breach or offence; and
- (d) the findings.”

15. Insertion of Part VIA.

The principal Act is amended by inserting immediately after section 19 the following—

“PART VIA—LEADERSHIP CODE TRIBUNAL

19A. Establishment of Tribunal.

(1) There is established a Leadership Code Tribunal.

(2) The Tribunal shall consist of a Chairperson and four other members.

19B. Appointment of chairperson of Tribunal.

(1) The President shall, in consultation with the Judicial Service Commission and with the approval of Parliament, appoint the Chairperson of the Tribunal.

(2) A person is not qualified to be appointed Chairperson unless he or she is qualified to be appointed a Judge of the High Court.

19C. Appointment of other members of Tribunal.

The other members of the Tribunal shall be appointed by the President in consultation with the Public Service Commission and the approval of Parliament.

19D. Qualifications for appointment.

(1) A person may be appointed as a member of the Tribunal if the person—

- (a) is of high moral character and proven integrity;
- (b) has not been convicted of any offence involving moral turpitude;
- (c) is of sound mind;
- (d) has not been declared bankrupt; and
- (e) is a citizen of Uganda.

(2) A member of the Tribunal shall be a person qualified in law, administration or finance.

(3) Of the four members of the Tribunal other than the chairperson, two shall be persons qualified in law, with at least ten years' experience as advocates.

19E. Tenure of office

(1) The Chairperson and members of the Tribunal shall hold office for three years and are eligible for re-appointment for one further term.

(2) The Chairperson and members of the Tribunal may be appointed on part time or full-time basis.

19F. Conditions of appointment.

(1) Subject to this Act, the Chairperson or a member of the Tribunal shall hold office on such terms and conditions as are prescribed in his or her letter of appointment.

(2) A person shall resign his or her office on appointment as Chairperson or member of the Tribunal, if that person is —

- (a) a member of Parliament;
- (b) a member of a local government council; or
- (c) a public officer.

19G. Oath of office.

A person appointed as Chairperson or member of the Tribunal shall, before assuming the duties of his or her office, take and subscribe the Oath of Allegiance and the Judicial Oath set out in the Fourth Schedule to the Constitution.

19H. Termination of appointment.

(1) The Chairperson or a member of the Tribunal may resign his or her office upon giving notice of one month in writing to the President.

(2) The Chairperson or a member may be removed from office by the President for—

- (a) inability to perform the functions of his or her office arising from infirmity of body or mind;
- (b) misbehavior or misconduct;
- (c) incompetence;
- (d) being an undischarged bankrupt; or
- (e) conviction of an offence and sentenced to imprisonment for six months or more by a competent court in Uganda or other jurisdiction.

(3) The President shall remove the Chairperson or a member of the Tribunal if the question of his or her removal has been referred to a committee appointed under subsection (4) and the committee has recommended to the President that the member ought to be removed from office on any ground described in subsection (2).

(4) The question whether the Chairperson or a member of the tribunal should be removed, shall be referred to a committee appointed by the President consisting of three persons who are or who have held office as judges or who are advocates of at least ten years' standing.

(5) The committee appointed under subsection (4) shall inquire into the matter and report to the President, recommending whether or not the Chairperson or the member ought to be removed under this section.

(6) Where the question of the removal of the Chairperson or a member of the Tribunal is referred to a committee under this section, the President shall suspend the Chairperson or member from performing the functions of his or her office.

(7) Where the Chairperson is suspended under subsection (6), the President shall nominate one member of the Tribunal to act as Chairperson.

(8) A suspension under subsection (6) shall cease to have effect if the committee advises the President that the Chairperson or member suspended should not be removed from office.

19I. Disclosure of interest.

(1) A member of the Tribunal who has an interest, pecuniary or otherwise on a matter before the Tribunal that could conflict with the proper performance of his or her functions, shall disclose the nature of his or her interest to the parties to the proceedings at any stage of the proceedings.

(2) A member who makes a disclosure under subsection (1) shall not take part in any decision of the Tribunal with respect to that matter.

19J. Official seal.

(1) The Tribunal shall have a seal which shall be judicially noticed.

(2) The seal of the Tribunal shall be affixed by or with the authority of the Tribunal to such documents as are required, by direction of the Chairperson, to be sealed with the seal of the Tribunal.

19K. Arrangement of business.

(1) Subject to this Act, the Chairperson is responsible for ensuring the orderly and expeditious discharge of the business of the Tribunal.

(2) Without limiting the operation of subsection (1), the Chairperson shall give directions as to—

- (a) the arrangement of the business of the Tribunal;
- (b) the places at which the Tribunal may sit;
- (c) the procedure of the Tribunal generally; and
- (d) the procedure of the Tribunal at a particular place.

19L. Constitution of the Tribunal.

(1) The Tribunal shall be constituted for a proceeding by three members.

(2) At a hearing before the Tribunal, at which the Tribunal is constituted by three members—

- (a) if the chairperson is a member of the Tribunal as constituted, he or she shall preside; or
- (b) in any other case a member elected by the members present from among their number shall preside.

(3) Where, in the case of a proceeding constituted by three members, one of the members ceases to be a member, or ceases to be available for the purposes of the proceeding before the matter to which the proceeding relates is determined, the proceedings shall be adjourned and another member shall replace the member who ceased to be a member for the purpose of the proceedings and the proceedings shall continue.

(4) The Tribunal shall, for the purposes of a proceeding to which subsection (3) applies, have regard to any record of the proceeding before the Tribunal as previously constituted, including a record of any evidence taken in the proceeding.

19M. Remuneration.

The Chairperson and a member of the Tribunal shall be paid such remuneration as may be determined by the Minister in consultation with the Minister responsible for public service and the Minister responsible for finance.

19N. Funds, accounts and audit.

(1) The funds of the Tribunal shall consist of—

- (a) money appropriated by Parliament for the functions of the Tribunal;
- (b) fees and fines levied by the Tribunal;
- (c) grants received by the Tribunal with the approval of the Minister; and
- (d) any other money as may with the approval of the Minister, be received by or made available to the Tribunal for the purpose of performing its functions.

(2) The funds of the Tribunal shall be administered and controlled by the Registrar.

(3) The Tribunal shall keep proper books of accounts which shall be subject to audit by the Auditor General.

19O. Financial year.

The financial year of the Tribunal shall be the same as the financial year of Government.

19P. Annual report.

The Chairperson shall submit to the Minister, as soon as is practicable but not later than four months after the end of each financial year, a report detailing its activities during the year to which the report relates, including the audited accounts of the Tribunal.

19Q. Jurisdiction of Tribunal.

The Tribunal shall have jurisdiction to hear and determine all breaches and offences under this Code.

19R. Powers of the Tribunal.

(1) For the purposes of proceedings before the Tribunal, the Tribunal—

- (a) shall take evidence on oath;
- (b) may proceed in the absence of a party who has had reasonable notice of the proceedings; and
- (c) may adjourn the hearing of the proceedings from time to time for sufficient cause.

(2) For the purposes of the hearing of a proceeding before the Tribunal, the Tribunal shall have powers of the High Court to summon a person to appear before it—

- (a) to give evidence; or
- (b) to produce books, documents or things in the possession, custody or control of the person named in the summons.

(3) Where the Tribunal considers it desirable for the purposes of avoiding expense or delay, or for any other justifiable reason, it may receive evidence by affidavit and administer interrogations and require the persons to whom interrogations are administered to make full and true reply to the interrogations.

(4) The Tribunal may issue a commission or request to examine witnesses abroad.

(5) The Tribunal may make an order as to costs against any party, and the order shall be enforceable in the same manner as an order of the High Court.

19S. Procedure.

(1) Subject to this Act, the Tribunal may determine its own procedure.

(2) A proceeding before the Tribunal shall be conducted with as little formality and technicality as possible, and the Tribunal shall not be bound by the rules of evidence, but may inform itself on any matter in such manner as it thinks appropriate.

(3) The proceedings of the Tribunal shall be conducted in accordance with such rules of practice and procedure as the Tribunal may specify, and the Tribunal may apply the rules of practice and procedure of any court subject to such modifications as the Tribunal may direct.

(4) The Tribunal shall have such assistance in carrying out its lawful summons, processes, orders, rules, decrees or commands as is available to a court in Uganda.

19T. Representation before the Tribunal.

In any proceedings before the Tribunal, a party may appear in person or may be represented by an advocate or a person of his or her choice.

19U. Decision of the Tribunal.

The Tribunal shall, as soon as practicable, after the hearing has been completed, make a decision and state the reasons for the decision.

19V. Appeals to the High Court from decisions of the Tribunal.

(1) A party who is dissatisfied with the decision of the Tribunal may, within thirty days after being notified of the decision or within such further time as the High Court may

allow, lodge, a notice of appeal with the registrar of the High Court, and the party appealing shall serve a copy of the notice of appeal on the other party to the proceeding before the Tribunal.

(2) The High Court shall hear and determine the appeal and shall make such orders as it thinks appropriate by reason of its decision, including an order affirming or setting aside the decision of the Tribunal or an order remitting the case to the Tribunal for reconsideration.

19W. Registrar of the Tribunal.

(1) There shall be a Registrar of the Tribunal, who shall be a person qualified to be a Registrar of the High Court and who shall be appointed by the Minister in consultation with the Judicial Service Commission.

(2) The registrar shall be responsible for the day-to-day administration of the affairs of the Tribunal, the keeping of a public record of the proceedings of the tribunal and the processing of the documents of the Tribunal.

19X. Appointment of other officers and staff.

(1) There shall be officers and staff of the Tribunal as may be necessary for the effective performance of the functions of the Tribunal.

(2) The officers and staff of the Tribunal shall be appointed by the Public Service Commission on terms and conditions determined by the Public Service Commission.

19Y. Failure to comply with summons.

Any person who has been served with summons issued by the Registrar—

- (a) to appear as a witness before the Tribunal; or

- (b) to produce a book, document or thing,

and who, without reasonable excuse, fails to comply with the summons, commits an offence and is liable, on conviction, to a fine not exceeding sixty currency points or to imprisonment not exceeding two years or both.

19Z. Contempt of Tribunal.

A person who—

- (a) insults a member in, or in relation to, the exercise of his or her powers or functions as a member of the Tribunal;
- (b) interrupts the proceedings of the Tribunal;
- (c) creates a disturbance, or takes part in creating a disturbance in or near a place where the Tribunal is sitting; or
- (d) does any other act or thing that would, if the Tribunal were a court of record, constitute contempt of court, commits an offence and is liable, on conviction, to a fine not exceeding twenty-five currency points or imprisonment not exceeding six months or both.”

16. Replacement of section 20 of the principal Act.

For section 20 of the principal Act, there is substituted the following—

“20. Action on decision of Tribunal.

(1) The Registrar of the Tribunal shall inform the authorised person in writing, of the decision of the Tribunal, within thirty days after the date of the decision.

(2) The authorised person shall upon receipt of the decision under subsection (1) take action within thirty days.

(3) The authorised person shall report to the Tribunal in writing within fourteen days after the expiration of the thirty days referred to in subsection (2) of the action taken by him or her.”

17. Amendment of section 21 of the principal Act.

Section 21 of the principal Act is amended—

(a) by substituting for subsection (1) the following—

“(1) Where, according to the decision of the Tribunal under section 20, a leader is proved to have obtained any property through a breach of this Code, the leader shall, subject to any appeal which the leader may make under section 19V, forfeit the property by virtue of the decision and the property shall be held in trust for the Government or the public body by an agent or broker appointed by the Tribunal, until it is lawfully disposed of.”

(b) in subsection (2) by substituting for “Inspector General” the word “Tribunal”.

18. Replacement of section 23 of the principal Act.

Section 23 of the principal Act is substituted with the following—

“23. Procuring information and attendance of witnesses.

Subject to this Act, the Inspectorate may—

(a) summon any person who, in the opinion of the Inspectorate, is able to give information relating to any matter relevant to the investigation being conducted by it, to appear before the Inspectorate and to furnish such information and produce any document, papers or thing that may be in the possession or under the control of that person; and

- (b) by order in writing, summon that person to attend before the Inspectorate at a specified time and place and to be examined on oath.”

19. Amendment of section 24 of the principal Act.

Section 24 of the principal Act is amended by substituting for subsection (3) the following—

“(3) A person who unlawfully discloses the identity of an informer or victimises a person for giving information to or assisting the Inspectorate commits an offence and is liable, on conviction, to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding five years or both.”

20. Replacement of section 26 of the principal Act.

For section 26 of the principal Act there is substituted the following—

“26. Inspectorate to observe rules of natural justice.

While investigating an allegation under this Code, the Inspectorate shall observe the rules of natural justice.”

21. Amendment of section 27 of the principal Act.

Section 27 of the principal Act is amended by substituting for the words “at an inquiry”, the words “during investigation”.

22. Replacement of section 28 of the principal Act.

For section 28 of the principal Act there is substituted the following—

“28. False information.

A person who knowingly makes a false, malicious, frivolous or vexatious allegation under this Code against a person commits an offence and is liable, on conviction, to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding five years, or both.”

23. Amendment of section 31 of the principal Act.

Section 31 of the principal Act is amended—

- (a) by repealing subsection (2).
- (b) by inserting immediately after subsection (6) the following new subsections—

“(6a) In the case of a chairperson or a member of the contracts committee of a district or district land board, the authorised person shall be the District Council.”

“(6b) In the case of a chairperson or a member of the Tribunal, the authorised person shall be the President.”

- (c) by inserting immediately after subsection (7) the following subsections—

“(8) Parliament may appoint an entity other than a public body to verify the declarations made under subsection (7) or to investigate any complaint for breach of this Code by the Inspector General and the Deputy Inspector General.

(9) The entity appointed under subsection (8) shall make a report of its findings and submit it to the Speaker of Parliament”.

24. Replacement of section 32 of the principal Act.

Section 32 of the principal Act is substituted with the following new section—

“32. Action against Chief Administrative Officer and Town Clerk

Where the Tribunal has made findings with respect to a violation of this Code—

- (a) by a Chief Administrative Officer or Deputy Chief Administrative Officer, the authorised person shall be the Public Service Commission;
- (b) by a Town Clerk or other employee of a district, the authorised person shall be the District Service Commission."

25. Repeal of section 33 of principal Act.

Section 33 of the principal Act is repealed.

26. Amendment of section 34 of the principal Act.

Section 34 (2) of the principal Act is amended—

- (a) by substituting for the word "inquiry" the word "investigation";
- (b) by repealing paragraph (b).

27. Amendment of section 35 of the principal Act.

Section 35 of the principal Act is amended by repealing paragraphs (b), (c)(iii) and (d).

28. Transitional provision.

Notwithstanding the amendment made by this Act, all things lawfully done by the Inspectorate immediately before the commencement of this Act, decisions made or directions given by the Inspectorate shall so far as are consistent with this Act continue in force and effect after the commencement of this Act.

29. Amendment of Second Schedule.

The Second Schedule of the principal Act is amended—

- (a) in Part A—
 - (i) by substituting for paragraph 4 the following—

“4. Chairperson, Vice chairperson and Secretary General of a Political Party or Organisation”;

(ii) by repealing paragraphs 6 and 9;

(b) in Part B—

(i) by substituting for the words “President and Deputy President of Industrial Court” with the words “Judge of the Industrial Court in paragraph 13”;

(ii) by inserting immediately after paragraph 18 the following—

“18A. Head of Government agency by whatever name called”;

(iii) by substituting for paragraph 22 the following—

“22. All officers in the Uganda Peoples Defence Forces of or above the rank of captain and officers in charge of the payroll.”;

(iv) by inserting immediately after paragraph 24, the following—

“24A. The Director of Public Prosecutions, Deputy Director of Public Prosecutions and all staff in the Directorate of Public Prosecutions of or above the rank of State Attorney.”

(v) by substituting for paragraph 31 the following—

“(31) A Chairperson, member and Secretary of any Commission, Board or Tribunal established by the Constitution or any other law.”;

(vi) by substituting for the words “of urban Local Government Tender Board” the words “district contract committee in paragraph 37”;

(vii) by repealing the words “Central Tender Board and” in paragraph 38.

30. Amendment of Third Schedule.

The Third Schedule to the principal Act is amended—

(a) in Part A—

(i) by substituting for paragraph 4 the following—

“4. Chairperson, Vice Chairperson and Secretary General of a Political Party or Organisation”; and

(ii) by repealing paragraph 6;

(b) in Part B, paragraph 16 by substituting for the words “Chairperson Central Tender Board” the words “Chairperson Contracts Committee.”