

PRESIDENTIAL TRANSITION BILL, 2014

MEMORANDUM

Object of the bill

The principal object of this bill is to make provisions for the procedure and ceremony for the assumption to the Office of President. It achieves this by providing for the requisite arrangements for assumption of office by the President-elect including the establishment of the Presidential Transition Committee and providing for the procedure for assumption of the Office of President by the President-elect, and his or her access to all state power instruments, national assets and state secrets.

Defects in existing law

Currently, there is no legislative framework to promote the orderly transfer of the executive power in connection with the expiration of the term of office of a President and the inauguration of a new President.

Provisions of the bill

PART I — provides for the preliminary provisions, the short title, and the interpretation of terms used in the Bill.

PART II — provides for arrangements to be made for assumption of office by the President-elect, including the requirement for State and public officers to brief the President-elect and the provision of necessary temporary facilities including office space for the President-elect.

PART III — provides for the establishment, composition, functions and powers of the Presidential Transition Committee.

PART IV— provides for the swearing in ceremony to be conducted in the capital city. It provides that the day the swearing in of the President elect shall be a public holiday. It further provides for the signing of a certificate of inauguration by the President and the handing over of the instruments of power and authority by the outgoing President to the President-elect.

Presidential Transition Bill, 2014

PART IV —sets out several miscellaneous and supplementary provisions. These include the provision of adequate security during the conduct of the swearing in ceremony, the amendment of the Public Holidays Act, the powers of the Prime Minister to make regulations under the Act as well as transitional provisions.

Hon. Dr. Bayigga Micheal Lulume
MP Buikwe County, South,
Buikwe District,

DRAFT

PRESIDENTIAL TRANSITION BILL, 2014

ARRANGEMENT OF CLAUSES.

PART I—PRELIMINARY.

Clause

1. Short title and commencement.
2. Interpretation.

**PART II - ESTABLISHMENT OF ASSUMPTION OF THE OFFICE
OF PRESIDENT COMMITTEE.**

3. Establishment of the Presidential Transition Committee.
4. Functions and powers of the Committee.
5. Sub-committees of the Presidential Transition Committee.
6. Procedures of the Committee.

**PART III—ARRANGEMENTS FOR ASSUMPTION OF OFFICE
BY THE PRESIDENT-ELECT.**

7. Security detail.
8. Security briefings.
9. Public officers to provide required information.

PART IV—THE SWEARING-IN CEREMONY.

10. Swearing-in ceremony.
11. Taking of oath and signing of certificate of inauguration.
12. Handing over of instruments of power and authority.
13. Inauguration speech.
14. Security.
15. Handing over notes.

Presidential Transition Bill, 2014

16. Availability of the handing over of notes.

PART V —MISCELLANEOUS PROVISIONS.

17. Report of the Committee.

18. Management of information and records.

19. Amendment of Cap. 255.

20. Regulations.

21. Transitional provisions.

SCHEDULE

DRAFT

A BILL for an Act

ENTITLED

PRESIDENTIAL TRANSITION BILL, 2014

AN ACT to provide for the presidential transition process; procedure and ceremony for the assumption of the Office of President by the President-elect, in accordance with Article 103(9) of the Constitution; and for related matters.

BE ENACTED by the Parliament, as follows:

PART I—PRELIMINARY

1. Commencement.

This Act shall come into force on a date appointed by the Minister, by statutory instrument.

2. Interpretation.

In this Act, unless the context otherwise requires—

“Permanent Secretary” means the Permanent Secretary as defined in accordance with Article 174 of the Constitution;

“certificate of inauguration” means a certificate signed by the President upon being sworn in;

“commission” means the Electoral Commission established under Article 60 of the Constitution;

“committee” means the Presidential Transition Committee established under section 4;

“President-elect” means the person elected as President under Article 103 of the Constitution but has not yet assumed the duties of the office of the President;

“public officer” has the meaning assigned to it under Article 175 of the Constitution;

PART II - ESTABLISHMENT OF THE PRESIDENTIAL TRANSITION COMMITTEE.

3. Establishment of the Presidential Transition Committee.

- (1) There is established a committee to be known as the Presidential Transition Committee.
- (2) The Committee shall be an adhoc committee and shall consist of —
 - (a) The Chief Justice who shall be the chairperson;
 - (b) The Prime Minister;
 - (c) The Minister responsible for the presidency;
 - (d) The Attorney General;
 - (e) The Head of Public service;
 - (f) The Inspector General of Police;
 - (g) The Inspector General of Government;
 - (h) The Permanent Secretary in the Ministry responsible for the Presidency who shall be the secretary to the committee;
 - (i) The State House Comptroller;
 - (j) The Permanent Secretary in the Ministry responsible for internal affairs;
 - (k) The Permanent Secretary in the Ministry responsible for finance;
 - (l) The Permanent Secretary in the Ministry responsible for foreign affairs;
 - (m) The Permanent Secretary in the Ministry responsible for Information and communication;
 - (n) The Solicitor General;
 - (o) The Chief of Defence Forces;
 - (p) The Director General of the Internal Security Organization;
 - (q) The Clerk to Parliament;

- (r) The Chief Registrar;;
- (s) five persons nominated by the President – elect; and
- (t) three persons nominated by the outgoing President.

- (3) The chairperson of the Committee shall convene the first meeting of the Committee at least thirty days before the date of the general elections.
- (4) The secretary to the committee shall be responsible for taking minutes and keeping the records of the Committee.
- (5) A vacancy in the membership of the Committee shall not affect the decisions of the Committee.
- (6) The quorum for the conduct of the business at a meeting of the Committee shall be two thirds of all the members of the Committee, provided that, at least one of the members nominated by the President –elect is present.

4. Functions and powers of the Committee.

- (1) The functions of the Committee shall be to—
 - (a) facilitate the handing over process by the outgoing President to the President-elect;
 - (b) organize for the security of the President-elect;
 - (c) organize for the necessary facilities and personnel for the President-elect;
 - (d) co-ordinate the briefings to the President-elect by relevant public officers;
 - (e) facilitate communication between the outgoing President and the President-elect;
 - (f) prepare the programme and organize for the swearing in ceremony;
 - (g) organize meetings between the members of the diplomatic corps and the president elect;
 - (h) ensure that no key decisions affecting the country are made without the endorsement of the President –elect; and
 - (i) carry out any other activity necessary for the performance of its functions under this Act and perform any other function assigned to it under any other written law.

- (2) The Committee shall have all powers necessary for the execution of its functions under the Constitution, this Act and any other written law.

5. Sub-committees of the Committee.

- (1) The Committee may from time to time, establish sub-committees for the better carrying out of its functions under this Act.
- (2) The Committee may co-opt into the membership of a sub-committee established under subsection (1), persons whose knowledge and skills are considered necessary for the functions of the Committee.

6. Procedures of the Committee.

Except as otherwise provided in this Act, the Committee may determine its own procedure.

**PART III — ARRANGEMENTS FOR ASSUMPTION OF OFFICE BY THE
PRESIDENT-ELECT**

7. Security detail.

Upon the declaration of the final results of a presidential election by the Electoral Commission under Article 103(6) of the Constitution and section 55 of the Presidential Elections Act, the Committee shall ensure that the President-elect is immediately accorded adequate presidential grade security.

8. Security briefing.

The Committee shall immediately after declaration of the final results of a presidential election ensure that the President-elect receives security briefings from the respective national security organs.

9. Public officers to provide required information.

- (1) The President-elect shall, in consultation with the Committee, carry out such preparations as may be necessary for the purpose of assuming office.

- (2) The President-elect may, in carrying out preparations under subsection (1), request for information from a public officer as the President-elect may consider necessary.
- (3) A public officer from whom information is requested under subsection (2) shall provide the information within a reasonable time.
- (4) A public officer who fails to comply with the provisions of this section commits an offence and is liable, on conviction, to a fine not exceeding two hundred currency points or to imprisonment for a term not exceeding two years, or to both.

PART IV— THE SWEARING-IN CEREMONY.

10. Swearing –in ceremony.

- (1) The swearing in of the President - elect shall be in accordance with article 103(8) of the Constitution and conducted in a public ceremony held in the capital city or in any other place as the committee may determine..
- (2) The Committee shall publish, by notice in the Gazette, the date and place for the conduct of the swearing-in ceremony.
- (3) The day on which the President-elect is sworn in shall be a public holiday.

11. Taking of oath and signing of Certificate of inauguration.

- (1) The President-elect shall, during the swearing in ceremony, take and subscribe the oath or affirmation of allegiance and the oath or affirmation for the execution of the functions of office in accordance with the fourth schedule of the Constitution.
- (2) The oath or affirmation under subsection (1) shall be administered to the President-elect by the Chief Justice or in the absence of the Chief Justice, the Deputy Chief Justice not earlier than 10.00 am and not later than 2.00pm.

- (3) Upon taking or subscribing to the oath or affirmation under subsection (1), the President shall sign a certificate of inauguration in the presence of the Chief Justice or, in the absence of the Chief Justice, the Deputy Chief Justice.

12. Handing over of instruments of power and authority.

Upon signing the certificate of inauguration, the Chief Justice shall hand over to the *President* the following instruments of power and authority-

- (a) Constitution of Uganda;
- (b) National flag;
- (c) Presidential standard flag;
- (d) National anthem;
- (e) National coat of arms;
- (f) Public seal of the Republic of Uganda; and
- (g) Symbolic key to State house.

13. Inauguration speech.

The President shall, upon being sworn, give an inauguration speech to the nation.

14. Security.

The Inspector General of Police shall ensure the provision of adequate security during the conduct of the swearing in ceremony.

15. Handing over notes

- (1) The Office of the President shall prepare a set of comprehensive handing over notes covering the term of Office of the President as the executive authority under article 99 of the Constitution.
- (2) The notes prepared under Subsection (1) shall include-
 - (a) the handing-over notes received by the President and the Ministers on assuming office; and
 - (b) notes on the activities of:

- (i) The office of the President and the office of the Vice President, and the agencies under the portfolios of the President and the Vice-President;
 - (ii) Ministries and other state departments;
 - (iii) Resident District Commissioners.
- (3) The handing over notes shall reflect the accurate developments which have taken place during the relevant tenure of office and the projections of development to take place before the end the full time tenure.
 - (4) The original and four other copies of the handing over notes shall be presented to the Head of Public Service appointed under Article 173(A) of the Constitution not later than thirty days before the date of the presidential elections.
 - (5) The handing over notes may be in an electronic form.

16. Availability of the handing over notes

- (1) The Head of Public Service shall make available to the person elected as President the original copies of the handing-over notes.
- (2) The copies shall be distributed to the following:
 - (a) the Speaker of Parliament;
 - (b) the Chief Justice;
 - (c) The Head of Public Service; and
 - (d) The National Archives.

PART V — MISCELLANEOUS PROVISIONS.

17. Report of the Committee.

- (1) The Committee shall, within a period of three months from the date of the swearing in of the President elect, cause to be prepared a report on the affairs of the committee.

- (2) The Committee shall submit to Parliament the report prepared under subsection (1).
- (3) The report shall contain, in respect to the assumption of office by the President-elect under this Act—
 - (a) the financial statements of the Committee;
 - (b) a description of the activities of the Committee;
 - (c) such other statistical information as the Committee considers appropriate relating to its mandate;
 - (d) any other information relating to its functions that the Committee considers necessary.
- (4) The Committee shall cause the report to be published in the Gazette.

18. Management of information and records.

- (1) The Committee shall publish and publicize all important information within its mandate affecting the nation.
- (2) A request for information in the public interest by a citizen—
 - (a) shall be addressed to the chairperson or such other person as the Committee may for that purpose designate;
 - (b) may be subject to the payment of a reasonable fee in instances where the Committee incurs an expense in providing the information; and
 - (c) may be subject to confidentiality requirements of the Committee.
- (3) Subject to Article 41 of the Constitution, the Committee may decline to give information to an applicant where —
 - (a) the disclosure of such information is undesirable in public interest;
 - (b) the information requested is at a deliberative stage by the Committee;
 - (c) failure of payment of the prescribed fee; or
 - (d) failure of the applicant to satisfy confidentiality requirements by the Committee.
- (4) The right of access to information under Article 41 of the Constitution shall be limited to the nature and extent specified under this section.

- (5) Every member and staff assigned to the Committee shall sign a confidentiality agreement.

19. Amendment of Cap.225.

The Public Holidays Act Cap 255 is amended in section 2 by inserting the following new provision in the schedule to the Act immediately after the words “women’s Day 8th March” the following words, “The day in any year during which a President-elect is sworn in shall be a public holiday.”

20. Regulations.

The Prime Minister may, in consultation with the Committee, make regulations for the better carrying into effect of the provisions of this Act.

21. Transitional Provisions.

- (1) On the assumption of Office of the person elected as President, a person holding any of the offices specified in the schedule shall cease to hold office, unless continued in office by the new President.
- (2) A public officer, whose office is not specified in the Schedule, shall continue to hold office on the assumption of office of the person elected as President, subject to the relevant law applicable to that public officer.
- (3) Before the President appoints a new cabinet, the Permanent Secretary of a Ministry shall be in charge of the Ministry.

Presidential Transition Bill, 2014

SCHEDULE

Minister
Prime Minister
Attorney General
Private Personal secretary
State House staff
Security offices

DRAFT