

ACTS SUPPLEMENT

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Act 9

Public Service Act

2008

THE PUBLIC SERVICE ACT, 2008.

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THE PUBLIC SERVICE ACT, 2008

An Act to make provision in relation to the Public Service in line with Chapter Ten and other relevant provisions of the Constitution; to give effect to the Government's Public Service Reform Programme; to repeal the Public Service Act, Cap. 288; and to provide for other related matters.

DATE OF ASSENT: 20th May, 2008.

Date of Commencement: See section 1.

BE IT ENACTED by 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—

“common cadre” means a category of analogous public service positions whose post holders possess generic qualifications and competences and render management support to a line department in a Ministry or Local Government;

- “common cadre list” means the list of public service positions or employees that constitutes a common cadre and prescribed in the Third Schedule to this Act;
- “department” means an area of Government for which an officer responsible reports directly to the President or to the Parliament of Uganda, like the Audit General’s Department, Uganda Police Force, Uganda Prison Services etc.;
- “district” means a district referred to in article 5(2) of the Constitution and in the First Schedule to this Act;
- “District Service Commission” means the District Service Commission established by article 198 of the Constitution for each district;
- “Education Service Commission” means the Education Service Commission established by article 167 of the Constitution;
- “employee” means a person other than a public officer employed in the public service;
- “Government” means the Government of the Republic of Uganda;
- “Health Service Commission” means the Health Service Commission established by article 169 of the Constitution;
- “Judicial Service Commission” means the Judicial Service Commission established by article 146 of the Constitution;
- “Local Government” has the meaning assigned to it by the Local Governments Act, Cap. 243;
- “Minister” means the Minister responsible for the public service;
- “ministry” means a ministry of the Government specified in the Second Schedule to this Act, and includes a department of the Government in a ministry;
- “private sector” means the part of the economy not under direct Government control;

“public office”, “public officer” and “public service” have the meanings respectively assigned to them by articles 175(a), 175 (b) and 257 (1) (w), (x) and (y) of the Constitution;

“Public Service Commission” means the Public Service Commission established by article 165 of the Constitution;

“regulations” means statutory instruments made by the Minister responsible for public service, provided for under section 18 of this Act;

“service commission” means any commission established by the Constitution or by Parliament by law in conformity with the Constitution, and includes the Education Service Commission, the Health Service Commission, the Judicial Service Commission, the Public Service Commission and the District Service Commission.

3. Application.

This Act does not apply to—

- (a) a person employed by the Government in an honorary capacity; or
- (b) a person remunerated by fees, allowances or commission.

PART II—CHANGES IN MINISTRIES OF THE GOVERNMENT

4. Changes in Government Ministries.

Where any ministry is abolished or any ministry is established in addition to, or in lieu of any such ministry, or an alteration is made in the name of any ministry, upon notification of the fact in the *Gazette*, the Second Schedule shall be deemed to be amended in the following manner—

- (a) where any ministry is abolished or another ministry established in lieu of any such ministry, by the omission of the reference to the ministry which has been abolished or in lieu of which another ministry has been established;

- (b) where any ministry is established either in addition to or in lieu of any ministry, by the addition of the name of the ministry so established; and
- (c) where an alteration is made in the name of any ministry, by a similar alteration of the name of the ministry.

PART III—OBJECTIVE, COMPOSITION AND MANAGEMENT OF THE
PUBLIC SERVICE.

5. Objective of the public service.

The objective of public service is to enable the Government to formulate and implement policies and programmes of Government for the development of Uganda.

6. Composition of the public service.

The public service shall be composed of all persons duly appointed by the appropriate service commission or other relevant appointing authority to hold or act in any office in the public service.

7. Management and administration of the public service.

- (1) Subject to the provisions of the Constitution, the Minister—
 - (a) shall subject to subsection (2) of this section, have authority for the overall management and administration of the public service including formulation and review of policies relating to structures, management systems and the terms and conditions of service;
 - (b) shall receive and consider on behalf of the Government, proposals for remuneration and benefits of persons whose emoluments are payable directly from the Consolidated Fund, or out of moneys provided by Parliament;
 - (c) shall liaise with the President in the performance of the President's functions under article 171 of the Constitution to establish offices in the public service;

(d) may prescribe or vary the common cadre list by regulations after consultation with the appropriate service commission or other relevant authority; and

(e) shall issue guidelines for the deployment of the common cadre and coordinate the deployment.

(2) Subject to subsection 7(1), the day to day management and administration of the public service of a district shall be the responsibility of the Chief Administrative Officer who shall be the Chief Executive Officer of the district.

PART IV—HEAD OF PUBLIC SERVICE AND PERMANENT SECRETARIES.

8. Head of the Public Service.

(1) In accordance with article 173A (1) of the Constitution, the President shall, acting on the advice of the Public Service Commission appoint the Head of the Public Service.

(2) In accordance with article 173A (2) of the Constitution, the functions of the Head of the Public Service are as follows—

- (a) tendering advice to the President on matters relating to the Public Service;
- (b) coordination of the activities of Permanent Secretaries;
- (c) supervision of the work of Permanent Secretaries;
- (d) serving as a link between the Executive and the Public Service;
- (e) serving as a link between Service Commissions;
- (f) ensuring the implementation of Cabinet and other Government decisions; and
- (g) any other duties assigned to him or her from time to time by the President.

9. Deputy Head of the Public Service.

(1) In accordance with articles 171 and 172 of the Constitution, the President may, acting in accordance with the advice of the Public Service Commission, appoint the Deputy Head of the Public Service.

(2) The Deputy Head of the Public Service shall deputise for the Head of the Public Service.

(3) The Deputy Head of the Public Service shall perform such other functions or duties assigned to him or her by the Head of the Public Service.

10. Permanent Secretaries.

(1) In accordance with article 174 of the Constitution, a ministry or department of the Government shall be under the supervision of a Permanent Secretary whose office shall be a public office.

(2) A Permanent Secretary shall be appointed by the President, acting in accordance with the advice of the Public Service Commission.

(3) In accordance with clause (3) of article 174 of the Constitution, the functions of a Permanent Secretary shall include—

- (a) organisation and management of the ministry or department;
- (b) tendering advice to the responsible Minister in respect of the business of the ministry or department;
- (c) implementation of the policies of the Government;
- (d) subject to article 164 of the Constitution, responsibility for the proper expenditure of public funds by or in connection with the ministry or department.

(4) Without prejudice to subsection (3) of this section, the management and administration of a ministry or department shall be the responsibility of a Permanent Secretary who shall be the Chief Executive of that ministry or department.

11. Chief Administrative Officers and Town Clerks.

(1) A district shall be under the supervision of a Chief Administrative Officer in accordance with article 188 of the Constitution and section 63 of the Local Governments Act.

(2) The Chief Administrative Officer shall be appointed by the Public Service Commission in accordance with article 188(2) of the Constitution and section 63 of the Local Governments Act.

(3) The functions of the Chief Administrative Officer shall be in accordance with article 188(3) of the Constitution and section 64 of the Local Governments Act.

PART V—OBLIGATIONS, RIGHTS AND PRIVILEGES OF PUBLIC OFFICERS.**12. Obligations of public officers in relation to the public service.**

Subject to the provisions of the Constitution and any other written law, public officers shall—

- (a) owe allegiance and loyalty to the Government and shall advise on, develop and defend the policies of the Government at all times;
- (b) unreservedly tender advice to the Government in respect of the business of their ministry or department or district;
- (c) in performing their duties, be transparent, accountable, impartial and professional;
- (d) in performing their duties, exhibit expertise and integrity and portray a good image of the public service;
- (e) in performing their duties, apply such management techniques as may be prescribed to ensure economy, efficiency and cost effectiveness in service delivery; and
- (f) promote the growth and development of the private sector as the principal engine of growth of the economy.

13. Protection of public officers.

In accordance with article 173 of the Constitution, a public officer shall not be—

- (a) victimized or discriminated against for having performed his or her duties faithfully in accordance with the Constitution; or
- (b) dismissed or removed from office or reduced in rank or otherwise punished without just cause.

14. Performance evaluation and disciplining of public officers.

(1) The evaluation of performance of public officers shall be based on such objective, open and interactive performance appraisal system as may be prescribed.

(2) Public officers shall be disciplined and removed from the public service only in accordance with laid down regulations and procedures.

(3) A public officer aggrieved by any administrative or other decision taken against him or her shall have a right to appeal to the relevant authority, including a court of law.

(4) The service commissions shall put in place a tribunal to handle appeals from public officers.

(5) Appeals shall be disposed of in a period not exceeding 90 days.

15. Rights and privileges of public officers.

The rights and privileges of public officers shall be in accordance with the applicable law, including relevant statutory instruments, regulations and administrative instructions issued from time to time.

16. Participation in labour union activities by public officers.

The participation of public officers in labour union activities shall be in accordance with the provisions of the Constitution and the applicable legislation providing for public service negotiating and disputes settlement machinery.

PART VI—MISCELLANEOUS PROVISIONS.

17. Minister's power to amend Schedules.

(1) The Minister may, by statutory instrument, and with the approval of the Cabinet, amend the First Schedule to this Act.

(2) The Minister may by statutory instrument, amend the Second Schedule in accordance with, section 4 to reflect any changes in the ministries specified in the Schedule.

18. Regulations.

The Minister shall, after consultation with the Public Service Commission and other appropriate Service Commissions, by statutory instrument, make regulations for giving full effect to the provisions of this Act.

19. Repeal.

(1) The Public Service Act, Cap. 288, is repealed.

(2) Notwithstanding the repeal under subsection (1), any statutory instrument made under the repealed Act or any other Act relating to the Public Service, and in force on the date of commencement of this Act, shall, in so far as it is not inconsistent with the provisions of this Act, continue in force until repealed, or until new regulations are made under this Act.

SCHEDULES.

FIRST SCHEDULE

DISTRICTS OF UGANDA

Section 2

1. Apac
2. Arua
3. Bundibugyo
4. Bushenyi
5. Gulu
6. Hoima
7. Iganga
8. Jinja
9. Kabale
10. Kabarole
11. Kalangala
12. Kampala
13. Kamuli
14. Kapchorwa
15. Kasese
16. Kitgum
17. Kotido
18. Kumi
19. Lira
20. Luwero
21. Masaka
22. Masindi
23. Mbale
24. Mbarara
25. Moroto
26. Moyo
27. Mpigi
28. Mubende
29. Mukono
30. Nebbi
31. Rakai
32. Rukungiri
33. Soroti

34. Tororo
35. Kibaale
36. Kiboga
37. Kisoro
38. Pallisa
39. Ntungamo
40. Adjumani
41. Bugiri
42. Busia
43. Katakwi
44. Nakasongola
45. Sembabule
46. Kaberamaido
47. Kamwenge
48. Kanungu
49. Kayunga
50. Kyenjojo
51. Mayuge
52. Nakapiripirit
53. Pader
54. Sironko
55. Wakiso
56. Yumbe
57. Oyam
58. Lyantonde
59. Bududa
60. Maracha-Terego
61. Namutumba
62. Bukedea
63. Buliisa
64. Amuru
65. Dokolo
66. Budaka
67. Abim
68. Amolatar
69. Bukwo
70. Ibanda

- 71. Isingiro
- 72. Kiruhura
- 73. Kabong
- 74. Kaliro
- 75. Koboko
- 76. Butaleja
- 77. Nakaseke
- 78. Amuria
- 79. Mityana
- 80. Manafwa

MUNICIPALITIES

- 1. Arua Mun.
- 2. Soroti
- 3. Moroto
- 4. Kabale
- 5. Masaka
- 6. Fortportal
- 7. Entebbe
- 8. Mbarara
- 9. Jinja
- 10. Tororo
- 11. Gulu
- 12. Lira
- 13. Mbale

MINISTRIES OF GOVERNMENT

Office of the President

Office of the Prime Minister

Ministry of Defence

Ministry of Public Service

Ministry of Foreign Affairs

Ministry of Justice and Constitutional Affairs

Ministry of Finance, Planning and Economic Development

Ministry of Internal Affairs

Ministry of Agriculture, Animal Industry and Fisheries

Ministry of Local Government

Ministry of Education and Sports

Ministry of Health

Ministry of Tourism, Trade and Industry

Ministry of Works, and Transport

Ministry of Gender, Labour and Social Development

Ministry of Water, and Environment

Ministry of Information and Communications Technology

Ministry of Lands, Housing and Urban Development

Ministry of East African Community Affairs

Ministry of Energy and Mineral Development

THIRD SCHEDULE

Section 2.

COMMON CADRES IN PUBLIC SERVICE.

Cadre	Technical Ministry
1. Administrative Officers	Office of the President
2. Accounts Staff	Ministry of Finance, Planning and Economic Development
3. Statisticians	Ministry of Finance, Planning and Economic Development
4. Economists/Finance Officers	Ministry of Finance, Planning and Economic Development
5. Personnel Officers	Ministry of Public Service
6. Secretarial Staff	Ministry of Public Service
7. Records Staff	Ministry of Public Service
8. Telephone Operators	Ministry of Public Service
9. Office Supervisors	Ministry of Public Service
10. Stores	Ministry of Finance, Planning and Economic Development
11. Procurement Officers	Ministry of Finance, Planning and Economic Development
12. Policy Analysts	Office of the Prime Minister

Cross References.

Constitution of 1995.

Local Governments Act, Cap. 243.

Public Service Act, Cap. 288