

Act 5 *Leadership Code (Amendment) Act* **2017**

THE LEADERSHIP CODE (AMENDMENT) ACT, 2017

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THE LEADERSHIP CODE (AMENDMENT) ACT, 2017

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.

DATE OF ASSENT: 17th May, 2017.

Date of Commencement: 2nd June, 2017.

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—

“gift” means anything of value or benefit given to a leader directly or indirectly, gratuitously or solicited in his or her official capacity at a public or ceremonial occasion;

“Inspectorate” means the Inspectorate of Government;

“public office” means an office in the public service.

“public officer” means a person holding or acting in any public office;

“public service” means service in a civil capacity of the Government or of a local government;

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

“Tribunal” means the Leadership Code Tribunal established under 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 of the Code.

The Leadership Code shall be enforced by the Inspectorate and the Tribunal.”

3. Insertion of section 3A in the principal Act.

The principal Act is amended by inserting immediately after section 3 the following new section—

“3A. Functions of the Inspectorate.

In enforcing this Code, the Inspectorate shall carryout the following functions—

- (a) receive, examine and verify 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) prosecute breaches of the Code before the Tribunal;
- (e) make a report to the Directorate of Public Prosecutions on offences committed under the Code;
- (f) 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;
- (g) collaborate with other Government agencies to facilitate the enforcement of this Code;
- (h) investigate the actions or omissions of a former leader for breach of this Code; and
- (i) carry out any other functions prescribed under this Code.”

4. Replacement of section 4 of the principal Act.

For section 4 of the principal Act there is substituted the following—

“4. Declaration of income, assets and liabilities.

(1) A leader shall—

- (a) within three months after the commencement of this Code; and
- (b) thereafter every two years, during the month of March—

submit to the Inspectorate a written declaration of the leader’s income, assets and liabilities in the prescribed form.

(2) A person shall—

- (a) within three months after becoming a leader; and

- (b) thereafter every two years, during the month of March—

submit to the Inspectorate a written declaration of his or her income, assets and liabilities in the prescribed form.

(3) A leader shall before the expiration of his or her term of office declare his or her income, assets and liabilities, if his or her term of office expires six months after his or her last declaration.

(4) A leader shall state how he or she acquired or incurred, as the case may be, the income, assets or liabilities included in a declaration submitted to the Inspectorate.

(5) Notwithstanding anything to the contrary, a leader shall only declare income, assets or liabilities—

- (a) in which he or she has an interest, or
- (b) which is owned by any other person but was, with or without consideration, bequeathed, donated, sold, assigned, transferred by the leader having been declared as his or her income, assets or liabilities in a preceding declaration.

(6) In this section, a leader shall be taken to have an interest where—

- (a) in case of an income or assets—
 - (i) it is owned by the leader;
 - (ii) it is jointly owned by the leader with any other person;
 - (iii) it is held in trust by the leader for any other person; or

(iv) it is contained in a joint account for the benefit of the leader and any other person.

(b) in case of a liability, it was acquired, guaranteed or is payable by the leader on his or her behalf or on behalf of any other person.

(7) A leader shall ensure that all the information contained in the declaration submitted to the Inspectorate is true and correct to the best of his or her knowledge.

(8) Where possible, a declaration shall be accompanied by proof of ownership of the income, assets or liabilities contained in the declaration.

(9) A leader, who without justifiable cause, submits a declaration to the Inspectorate any time after the period prescribed in subsections (1) and (2) commits a breach of this Code.”

5. Insertion of sections 4A, 4B, 4C and 4D in the principal Act.

The principal Act is amended by inserting immediately after section 4 the following—

“4A. Declaration of income, assets and liabilities to accounting officer.

(1) A public officer, to whom section 4 of this Code does not apply, shall—

(a) within three months of commencing work in the public service; and

(b) thereafter, every two years,

submit to the accounting officer or the head of the Ministry, department or agency, a written declaration of his or her income, assets and liabilities.

(2) Notwithstanding subsection (1), a public officer shall only declare income, assets and liabilities in which he or she has an interest.

(3) In this section, a public officer shall be taken to have an interest where—

(a) in case of income and assets—

(i) it is owned by the public officer;

(ii) it is jointly owned by the public officer with any other person;

(iii) it is held in trust by the public officer for any other person; or

(iv) it is contained in a joint account for the benefit of the public officer and any other person.

(b) in case of a liability, it was acquired, guaranteed or is payable by the public officer on his or her behalf or on behalf of any other person.

(4) A public officer making a declaration under this section shall ensure that all the information contained in the declaration to the accounting officer or the head of the Ministry, department or agency submitted is true and correct to the best of his or her knowledge.

(5) The accounting officer or the head of the Ministry, department or agency to whom a declaration is made under subsection (1) shall keep the information contained in the declaration confidential and shall not disclose it to any person.

(6) The accounting officer or the head of the Ministry, department or agency to whom a declaration is made under subsection (1) shall examine the declaration and if he or she has reason to believe that the public officer is in possession of income or assets disproportionate to his or her known sources of income, make a reference to the Inspectorate.

(7) The accounting officer or the head of the Ministry, department or agency shall, prior to making a reference to the Inspectorate under subsection (6), require the public officer to account for any matter contained in a declaration submitted to him or her.

(8) The Inspectorate shall, within thirty days of receipt of the reference in subsection (6), investigate the reference and take any action as authorised by this Code or any other law.

(9) The accounting officer or the head of the Ministry, department or agency shall, in taking any decision under this section, comply with the rules of natural justice.

(10) A public officer aggrieved by the decision of the accounting officer or the head of the Ministry, department or agency may apply to the High Court for redress.

(11) Notwithstanding anything to the contrary, no action shall be taken against a public officer based on any matter set out in the reference under subsection (6), until it has been adjudicated by the Tribunal or as the case may be, as directed by the Inspectorate.

(12) In this section, accounting officer means a person who is—

- (a) designated or appointed in writing, as Accounting Officer, by the Secretary to the Treasury, to be responsible for a vote; or

- (b) appointed as Accounting Officer under an Act of Parliament or under an instrument of appointment made under an Act of Parliament, to be responsible for a vote.

4B. Prohibition of anticipatory declaration of income, assets and liabilities.

A leader who includes in a declaration submitted to the Inspectorate, income, assets or liabilities that he or she does not own or has not yet acquired or has no interest in, at the time he or she makes a declaration, commits a breach of this Code.

4C. Verification of declaration.

(1) The Inspectorate may verify the contents of a declaration submitted by a leader under this Code.

(2) The Inspectorate shall, within seven days of making the decision to verify the contents of a declaration under subsection (1)—

- (a) by notice in writing, inform a leader of the decision; and
- (b) appoint a date on which the verification shall commence.

(3) The Inspectorate may, in verifying the contents of a declaration submitted by a leader—

- (a) access any document relating to the income, assets and liabilities declared by the leader in possession of the leader or any other person or institution;
- (b) access the physical location of all immovable property declared by a leader;
- (c) require the production of any document relating to the income, assets and liabilities declared by a leader;

- (d) access bank accounts or any other financial records relating to a declaration made by the leader; or
- (e) do any other act necessary for the enforcement of this Code.

(4) A leader whose declaration is being verified may, during the verification process be present personally or be represented by any person of his or her choice.

(5) The Inspectorate shall within three months of carrying out a verification of the contents of a declaration, submit to the leader, a report of the findings of the verification.

(6) The Inspectorate shall, during the verification process comply with the rules of natural justice.

(7) Where the verification reveals a breach of this Code, the Inspectorate shall take any action as authorised by this Code.

(8) The Inspectorate shall ensure that the verification process is carried out within a reasonable time, in any case not later than sixty working days from the date of commencement of the verification.

4D. Request for verification of a leader.

A person who—

- (a) obtains a declaration under section 7 of this Code, or
- (b) has reason to believe that the declaration made by a leader does not reflect the leader's actual income, assets or liabilities, or
- (c) has information concerning a leader's income, assets or liabilities,

may, by notice in writing, avail such information to the Inspectorate and the Inspectorate may verify the declaration made by a leader.”

6. Replacement of section 7 of the principal Act.

For section 7 of the principal Act there is substituted the following—

“7. Declaration to be public.

(1) The contents of a declaration under this Code shall be treated as public information and shall be accessible by the public in accordance with this section.

(2) A person intending to access a declaration submitted by a leader shall make a written application to the Inspectorate, accompanied by the prescribed fee.

(3) The application in subsection (2) shall contain—

- (a) the particulars of the applicant;
- (b) the physical address of the applicant;
- (c) the name of the leader whose declaration the applicant seeks to access;
- (d) a statement that the applicant will not disclose the contents of the declaration to any other person; and
- (e) a list of the income, assets or liabilities the applicant reasonably believes was not included in the declaration submitted by a leader.

(4) The Inspectorate shall only grant access to a declaration submitted under this Code on being satisfied that—

- (a) the access to the declaration will help in the enforcement of this Code or any other law; and

- (b) the applicant will not disclose the contents of the declaration to any other person.

(5) The Inspectorate shall, within twenty one days of receipt of the application in subsection (2)—

- (a) submit a certified copy of declaration to the applicant;
- (b) avail the applicant an opportunity to view the declaration form submitted by the leader; or
- (c) reject the application and communicate the reasons for rejection of the application to the applicant.

(6) The Inspectorate shall, within seven days of submitting a certified copy of the declaration to the applicant under subsection (5), inform the leader who made the declaration, of the grant.

(7) Where the Inspectorate rejects the application or does not grant access to the declaration within the time prescribed under subsection (5), the applicant may apply to a Magistrate court for redress.

(8) The Inspectorate shall, upon request, grant access to a declaration submitted by a leader to the Director of Public Prosecutions and the Uganda Police Force.

(9) The fees referred to under subsection (2) shall be prescribed by the Minister and shall not exceed twenty five currency points.”

7. Amendment of section 10 of the principal Act.

Section 10 of the principal Act is amended by inserting immediately after subsection (5), the following—

“(5a) 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.

(5b) 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.

(5c) The Inspectorate shall issue guidelines on how perishable goods and gifts of live animals shall be dealt with by a leader.”

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

The principal Act is amended by inserting immediately after section 12 the following—

“12A. 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 provides 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) A public officer whose personal interest conflicts with his official duties shall—

- (a) declare the personal interest to his or her superior or other appropriate body and comply with any direction to avoid the conflict; and
- (b) refrain from participating in any deliberation with respect to the matter.

(4) Notwithstanding any direction to the contrary under subsection (3)(a), a public officer shall not award a contract, or influence the award of a contract, to—

- (a) himself or herself;
- (b) any person related to him or her by blood or marriage;
- (c) a business associate, agent or partner,
- (d) a company, partnership or other entity or body in which the leader, any person related to him or her by blood or marriage, has an interest.

(5) In this section, personal interest, in relation to a leader, includes the personal interest of any person related to the leader by blood or marriage, or any agent, business associate or partner of which the leader has knowledge or would have had knowledge if he or she exercised due diligence having regard to all circumstances.”

9. 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”.

10. Amendment of section 17 of the principal Act.

Section 17 of the principal Act is amended—

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

“(2) A former leader shall not use or divulge to any person, body, entity, or association, information that is not available to the public concerning a program or policy of government or 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 and is liable on conviction to a fine not exceeding twenty five currency points or imprisonment not exceeding one year, or both.

(4) Where a former leader has obtained any monetary benefit from the disclosure, Court may, in addition to the penalty prescribed under subsection (3), order that benefit to be forfeited to Government.”

11. 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) by inserting immediately after subsection (2), the following—

“(2a) The Inspectorate shall, upon completion of an investigation and being satisfied with the circumstances set out under subsection (2) (a) and (b), inform a leader that a complaint has been made against him or her.”
- (c) 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”.
- (d) in subsection (4), by repealing the words “and shall be afforded a hearing”;

- (e) by inserting immediately after subsection (4) the following—

“(4a) A leader shall, within thirty days of receipt of the notification under subsection (2a), respond in writing to the complaint made against him or her.”

12. 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 completion of an investigation under section 18, the Inspectorate shall—

- (a) in case of findings disclosing an act or omission constituting a breach of this Code, make a report and refer the matter to the Tribunal for adjudication;
- (b) in case of findings disclosing no act or omission constituting a breach of this Code, make a report to the complainant or any other person as the Inspectorate deems fit;
- (c) in case of findings disclosing an act or omission constituting an offence under this Code or any other law, make a report to the Directorate of Public Prosecutions.

(2) The report of the Inspectorate under subsection (1) 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.

(3) The Inspectorate shall, within seven days of submitting a report to the Tribunal, avail the report to the leader against whom it is made and all such persons as the Inspectorate deems fit.

(4) Notwithstanding subsection (1), where the investigation in section 18 relates to a sitting President, the Inspectorate shall comply with Article 98 (4) and (5) of the Constitution.

13. 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, Deputy Chairperson and three other members, at least two of whom shall be female.

19B. Functions of the Tribunal.

In enforcing this Code, the Tribunal shall, in addition to any other functions under this Code, carry out the following functions—

- (a) receive, examine and adjudicate any breach of the Code referred to it by the Inspectorate;
- (b) make a decision on any matter referred to it by the Inspectorate and submit it to the authorised person and the Inspectorate; and

- (c) make recommendations to the authorised person on disciplinary action to be taken against a leader.

19C. Appointment of Members of the Tribunal.

(1) The Chairperson, Deputy Chairperson and the other members of the Tribunal shall be appointed by the President, acting on the advice of the Judicial Service Commission and with the approval of Parliament.

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

(3) The Deputy Chairperson shall preside over meetings of the Tribunal in the absence of the Chairperson.

19D. Qualifications for appointment.

(1) A person shall not be eligible for appointment as a member of the Tribunal unless that person—

- (a) is a citizen of Uganda;
- (b) is a person of high moral character and proven integrity; and
- (c) possesses considerable experience and demonstrated competence and is of high caliber in the conduct of public affairs.

(2) A member of the Tribunal, other than the Chairperson and Deputy Chairperson, shall—

- (a) be a holder of a degree granted by a university in Uganda or outside Uganda, that is recognized as a degree, by the Uganda National Council for Higher Education, and
- (b) possess at least ten years' work experience.

19E. Tenure of office

(1) A Member of the Tribunal shall hold office for five years and shall be eligible for reappointment for one more term only.

(2) A member of the Tribunal shall be appointed on full-time basis.

(3) The appointment of a new member of the Tribunal or the re-appointment of a current member of the Tribunal shall be made at least three months before the expiry of the current term of a member of the Tribunal or within three months from the date on which the Judicial Service Commission notifies the President of the existence of a vacancy on the Tribunal.

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 appointed as a member of the Tribunal shall resign his or her office if he or she is serving in an office listed under the second or third schedule to this Code.

(3) Notwithstanding subsection (2), the appointment of a Judge as a member of the Tribunal shall not affect his or her tenure of office as a Judge, or his or her rank, title, status, precedence, salary and allowances or other rights or privileges as the holder of the office of Judge of the courts of judicature and for all purposes, his or her service as a member of the Tribunal shall be taken to have been service as holder of the office of such a Judge.

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;
- (e) being convicted of an offence and sentenced to imprisonment for six months or more by a competent court in Uganda or other jurisdiction; or
- (f) breach of any provision of this Code.

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

(8) A suspension under subsection (6) shall cease to have effect if the President, upon recommendation of the committee not to remove the member from office, lifts the suspension, by written notification to the Tribunal.

19I. Disclosure of interest.

(1) A member of the Tribunal who has an interest, pecuniary or otherwise in 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.

(3) A member of the Tribunal who fails to disclose any interest in a matter before the Tribunal and participates in the proceedings of the Tribunal commits an offense and is liable on conviction to a fine not exceeding one hundred and fifty currency points or imprisonment not exceeding three years or both.

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. Quorum of the Tribunal.

The quorum of the Tribunal shall be three members.

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 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) grants received by the Tribunal with the approval of the Minister; and
- (c) 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 the Tribunal's activities during the year to which the report relates, including the audited accounts of the Tribunal.

19Q. Jurisdiction of the Tribunal.

The Tribunal shall have jurisdiction to hear and determine all breaches referred to it by the Inspectorate under section 19 of 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;
- (c) may adjourn the hearing of the proceedings from time to time for sufficient cause; and
- (d) may make any order which it deems appropriate to give effect to its orders.

(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 expenses or delay, or for any other justifiable reason, it may receive evidence by affidavit and administer interrogatories and require the persons to whom interrogatories are administered to make a full and true reply to the interrogatories.

(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.

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

(2) The Tribunal shall within seven days of making a decision in subsection (1), avail it to the Inspectorate, the leader against whom the proceedings were instituted and any other person as the Tribunal deems fit.

(3) Where the Tribunal finds that a leader has contravened any of the provisions of this Code, it shall impose upon that leader any of the punishments specified in section 35 of this Act.

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

(1) A party who is aggrieved by the decision of the Tribunal may, within thirty days after being notified of the decision in section 19U, appeal that decision to the High Court.

(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.

A 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.”

14. 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, within thirty days of receipt of the decision under subsection (1), take action as directed by the Tribunal.

(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.

(4) Notwithstanding subsection (2), where the grounds or procedure for the dismissal or removal from office of a leader is prescribed under the Constitution, the decision of the Tribunal to the authorised person shall be a recommendation to the authorised person to exercise such disciplinary action as prescribed under the Constitution.

(5) Notwithstanding anything to the contrary, where a leader is dismissed or removed from office for misbehavior or misconduct under any law, a breach of this Code shall constitute misbehavior or misconduct under that law.

(6) Where any disciplinary action is recommended by the Tribunal, the authorised person shall ensure that the disciplinary action is carried out in accordance with the procedure prescribed in the law under which such a leader is disciplined.

(7) A person who is dismissed, removed from office, or convicted for breach of this Code as a result of the decision of the Tribunal, shall not hold any other public office whether appointive or elective for a period of five years from the date of dismissal, removal from office or conviction.”

15. 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 of the Tribunal 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”.

16. 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.”

17. 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.”

18. 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.”

19. 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”.

20. 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 allegations 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.”

21. 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 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 and any other person appointed by the President, 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”.

22. 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.”

23. Repeal of section 33 of principal Act.

Section 33 of the principal Act is repealed.

24. Amendment of section 34 of the principal Act.

Section 34 of the principal Act is amended by repealing subsection (2).”

25. Transitional provision.

(1) Notwithstanding the amendment 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.

(2) The Inspectorate shall continue any action or investigation commenced and not concluded at the commencement of this Act.

26. Insertion of section 28A in the principal Act.

The principal Act is amended by inserting immediately after section 28 the following new section—

“28A. Repeal of section 9 of the Anti-Corruption Act, 2009.

Section 9 of the Anti-Corruption Act, 2009 is repealed.”

27. 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 a Government agency by whatever name called”;

(iii) by substituting for paragraph 22 the following—

“22. All officers of the Uganda People’s Defense Forces of or above the rank of major 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 25, the following—

“25. Inspector General of Police, Deputy Inspector General of Police and an officer of or above the rank of Assistant Superintendent of Police”

(vi) 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.”;

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

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

(ix) by substituting for paragraph 39, the following —

“39. Accountant, Internal Auditor and Procurement officer in a Government department or parastatal, Constitutional Commissions and all other statutory bodies set up by an Act of Parliament.”

28. 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.”