

STATUTES SUPPLEMENT

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THE CONSTITUENT ASSEMBLY STATUTE, 1993.

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**THE CONSTITUENT ASSEMBLY STATUTE, 1993.**

A Statute to provide for the establishment of a Constituent Assembly for the purpose of considering and enacting a new national Constitution for the Republic of Uganda; to provide for the composition and functions of the Assembly; to establish a Commission for conducting the election of the delegates to the Assembly and to serve as the Secretariat for the Assembly and for other connected or incidental matters.

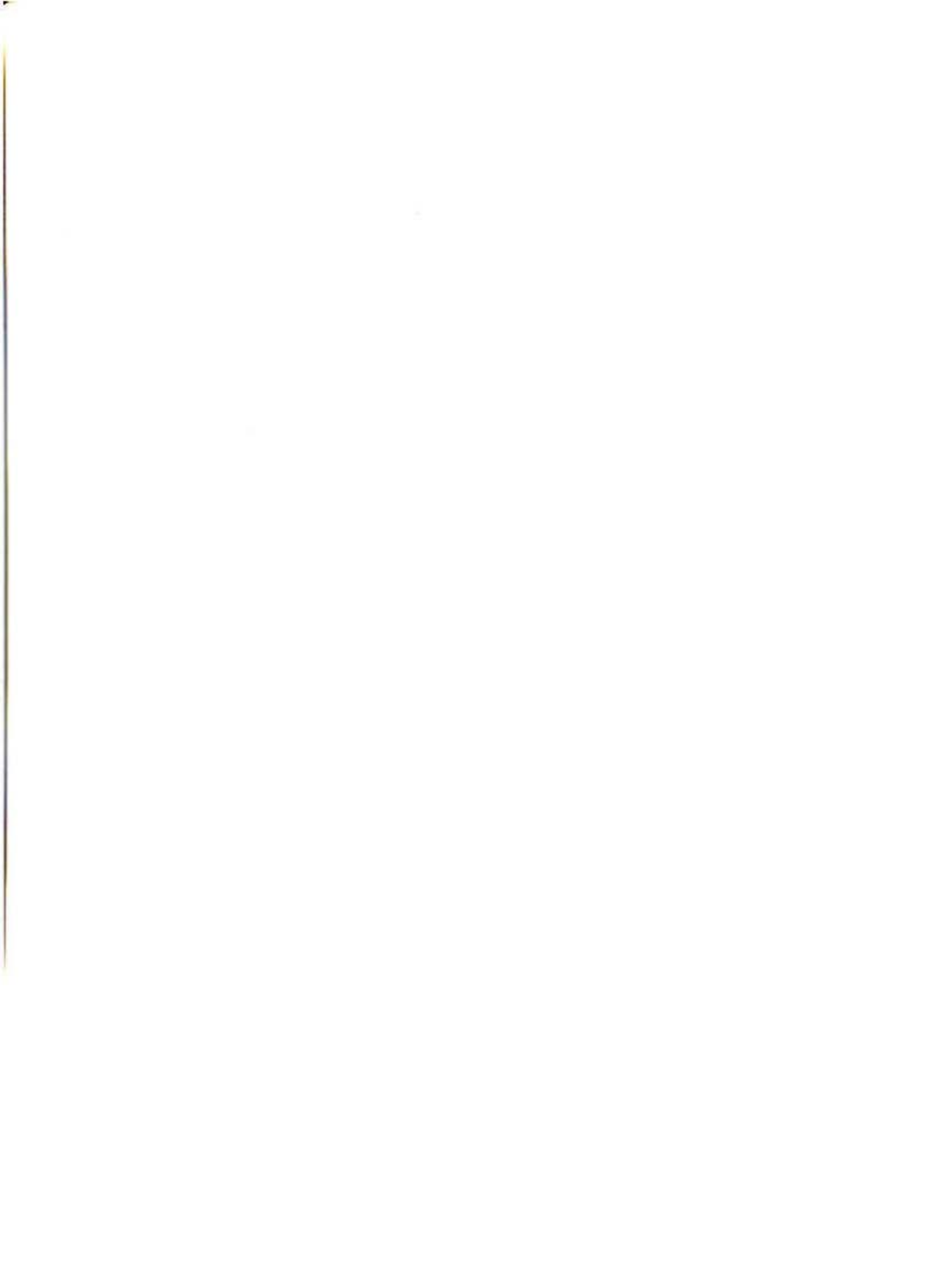
DATE OF ASSENT: 14th May, 1993.

Date of commencement: See section 2.

31st May, 1993  
SI No. 22 of  
2003

**PREAMBLE**

WHEREAS under the Ten-Point Programme, the National Resistance Movement envisioned a fundamental need for the development of a new national consensus upon Uganda's constitutional arrangements as a prerequisite for the democratic process and the rule of law:



AND WHEREAS the National Resistance Council, by enacting the Uganda Constitutional Commission Statute, 1988, took concrete steps towards achieving the ideal of procuring a national Constitution freely made by all the people of Uganda.

AND WHEREAS it is deemed expedient, and in concert with the policy of involving the will of the people in the entire process of the national Constitution-making, that truly representative Constituent Assembly be established to scrutinise, debate, finally re-draft and enact the Constitution prepared and submitted to the Minister in accordance with subsection (6) of section 6 of the Uganda Constitutional Commission Statute, 1988:

NOW THEREFORE, BE IT ENACTED by the President and the National Resistance Council as follows:

PART I—PRELIMINARY.

- Short title. 1. This Statute may be cited as the Constituent Assembly Statute, 1993.
- Commence-  
ment. 2. This Statute shall come into force on such date as the Minister may, by statutory instrument, appoint and shall remain in force until the day the new Constitution comes into force, and on that day, shall expire.
- Interpre-  
tation. 3. In this Statute, unless the context otherwise requires—  
“Assembly” means the Constituent Assembly established by subsection (1) of section 4;  
“candidate” means a person who has been duly nominated as a candidate for election as a delegate to the Assembly;  
“Chairman” means the Chairman of the Constituent Assembly and a reference to “the Chairman” in sections 15, 17 and 18, shall be construed to mean the Chairman or the Deputy Chairman, as may be presiding;

- "Commission" means the Commission for the Constituent Assembly established by section 20;
- "Commissioner" means the Commissioner for the Constituent Assembly appointed under subsection (2) of section 21;
- "Constitution" means the Constitution adopted or to be adopted by the Assembly;
- "court of competent jurisdiction" means a Chief Magistrate's Court or a court presided over by a Magistrate Grade I;
- "delegate" means a person elected or appointed as a delegate to the Constituent Assembly under the provisions of subsection (2) of section 4;
- "election officer" includes a registration officer, a returning officer, a deputy returning officer, a presiding officer and a polling assistant;
- "Electoral Area" means an area designated as such by the Commissioner under this Statute;
- "Minister" means the Minister responsible for constitutional affairs;
- "parish" includes a ward.

PART II—ESTABLISHMENT AND COMPOSITION OF  
CONSTITUENT ASSEMBLY AND QUALIFICATIONS  
OF DELEGATES.

4. (1) There is hereby established a Constituent Assembly for the purpose of scrutinising, debating, enacting and promulgating a new Constitution of the Republic of Uganda.

(2) The Assembly shall, subject to the provisions of this Statute, consist of the following delegates—

Establishment and Composition of Constituent Assembly.

- (a) such number of directly elected delegates as is equivalent to the number of Electoral Areas designated by the Commissioner and elected in accordance with the rules set out in the Third Schedule to this Statute, one delegate being elected for each Electoral Area;
- (b) the number of delegates specified in the First Schedule to this Statute, elected in relation to each body specified in that Schedule, in the manner specified in that Schedule or prescribed under this Statute; and
- (c) not more than ten delegates appointed by the President in accordance with the advice of the Cabinet.

(3) The Rules set out in the Third Schedule to this Statute shall have effect with regard to the election of the delegates referred to in paragraph (a) of subsection (2).

Qualifica-  
tions of  
Delegates.

5. A person shall be qualified to be elected or appointed as a delegate if that person—

- (a) is a citizen of Uganda;
- (b) has attained the age of 18 years;
- (c) has paid all liabilities in respect of any taxes and other revenue obligations due from that person under any law for the time being in force in Uganda or has made arrangements for their payment satisfactory to the authority responsible for the collection of the taxes; or
- (d) in the case of delegate referred to under paragraph (b) of subsection (2) of section 4, is a member of the body in respect of which the person seeks to be elected.

6. (1) No person shall be qualified to be elected or appointed as a delegate to the Assembly who—

Disqualifi-  
cations of  
delegates.

- (a) is of unsound mind or is detained as a criminal lunatic;
- (b) owes allegiance or has declared allegiance to a country other than Uganda and has not, in accordance with the law, renounced such allegiance;
- (c) has been declared bankrupt or insolvent under any law for the time being in force in Uganda or in any other country and is an undischarged bankrupt or insolvent;
- (d) is under sentence of death or is under a sentence of imprisonment exceeding six months imposed upon that person by any court or public tribunal for an offence involving moral turpitude;
- (e) within a period of ten years immediately prior to the date of election or appointment as a delegate, has been convicted of an offence involving fraud, dishonesty, moral turpitude or violence or has been convicted of an offence relating to or connected with elections under any law in force in Uganda and has not been granted a pardon in relation to such conviction;
- (f) holds office as a Commissioner, Deputy Commissioner or as an election officer, employee or agent of the Commission; or
- (g) is, for any other reason, disqualified to be elected or appointed a delegate by any law for the time being in force.

(2) For the avoidance of doubt, it is hereby declared that a member of the National Resistance Council or a person who holds public office shall not be disqualified from being elected or appointed a delegate by reason only of membership of the National Resistance Council or of holding public office.



(3) A person holding public office who wishes to be a candidate shall apply for leave of absence at least thirty days before the commencement of the nomination day or days.

(4) Where a person holding a public office is a candidate he shall, before proceeding on leave, relinquish any vehicle or other equipment or thing in his custody belonging to his employer and shall not use any such vehicle, equipment or thing for the purposes of campaigning for his election.

(5) For the purpose of subsections (2), (3) and (4) "public office" has the same meaning as in clause (1) of Article 130 of the Constitution in force on the commencement of this Statute and includes an office in the Teaching Service and service in a statutory corporation or in a company in which the Government owns a controlling interest.

(6) Every employer to whom subsection (3) relates shall, upon receiving an application by an employee, grant to the employee leave of absence, with or without pay, to seek nomination as a candidate and to be a candidate for election as a delegate, and for such period as may be requested by the employee.

7. (1) Subject to subsection (2), a person shall be qualified to be registered as a voter or to vote at an election of delegates if—

- (a) that person is a citizen of Uganda and has attained the age of eighteen years; and
- (b) for the purposes of registering or voting for delegate in an Electoral Area, the person—
  - (i) originates from the Electoral Area; or
  - (ii) resides in the Electoral Area; or
  - (iii) works in gainful employment in the Electoral Area; or
- (c) for the purpose of registering or voting for a delegate from a body referred to in paragraph (b) of subsection (2) of section 4, is a member of that body.

Qualifications for registration as a voter or for voting.

(2) No person shall be registered as a voter or, notwithstanding that that person has been registered as a voter, to vote at an election of delegates if—

- (a) the person is not qualified to be registered as a voter under subsection (1); or
- (b) being a registered voter, circumstances arise which, if that person were not a registered voter, would have caused such person to be disqualified to be registered as such; or
- (c) the person is of unsound mind or is detained as a criminal lunatic.

(3) No person shall register as a voter more than once or in more than one Electoral Area.

8. (1) The functions of the Assembly shall be—

- (a) to scrutinise, debate, and prepare a final draft of the constitutional text prepared and submitted to the Minister by the Uganda Constitutional Commission under the provisions of subsection (6) of section 6 of the Uganda Constitutional Commission Statute, 1988; and
- (b) to enact and promulgate a new Constitution of the Republic of Uganda.

Functions  
of Consti-  
tuent As-  
sembly.

Statute  
No. 5 of  
1988.

(2) The Assembly shall complete its functions under this Statute within a period not exceeding four months commencing from the date of its first meeting.

(3) If the Assembly does not complete its functions within the period prescribed under subsection (2), the Minister may, in consultation with the Minister responsible for finance, by statutory instrument, extend the period by an additional period of, or periods not exceeding in the aggregate, three months.

PART III—CHAIRMAN, DEPUTY CHAIRMAN, OFFICERS  
AND STAFF OF THE ASSEMBLY.

Chairman  
and Deputy  
Chairman.

9. (1) The Assembly shall have a Chairman and a Deputy Chairman.

(2) The President shall submit to the Assembly, at the Assembly's first meeting, a list of not more than five names of persons nominated by the President, in accordance with the advice of the Cabinet, to be candidates for the offices of Chairman and Deputy Chairman.

(3) The Chief Justice shall introduce to the delegates each person whose names appear on the list submitted by the President and circulate particulars of the qualifications and experience of each nominee.

(4) The delegates shall, after due consultations, elect a Chairman and a Deputy Chairman from the Presidential nominees.

(5) The first meeting of the Assembly shall be convened by the Commissioner.

(6) The Chairman and, in the absence of the Chairman, the Deputy Chairman, shall preside at all meetings of the Assembly but the Chief Justice shall preside over the first two sittings of the Assembly for the purpose of administering the oath of allegiance to the delegates and for the election of the Chairman and Deputy Chairman.

Qualifica-  
tions for  
appoint-  
ment or  
election  
to the  
office of  
Chairman  
or Deputy  
Chairman,  
etc.

10. (1) A person shall not be qualified for election to the office of Chairman or Deputy Chairman of the Assembly unless the person—

- (a) is of high moral character, integrity and impartiality;
- (b) has had experience in public affairs or in employment in a high public office for a period of not less than ten years; and
- (c) is capable of attending to the duties of the office of Chairman or Deputy Chairman on a full time basis.

- (a) such number of directly elected delegates as is equivalent to the number of Electoral Areas designated by the Commissioner and elected in accordance with the rules set out in the Third Schedule to this Statute, one delegate being elected for each Electoral Area;
- (b) the number of delegates specified in the First Schedule to this Statute, elected in relation to each body specified in that Schedule, in the manner specified in that Schedule or prescribed under this Statute; and
- (c) not more than ten delegates appointed by the President in accordance with the advice of the Cabinet.

(3) The Rules set out in the Third Schedule to this Statute shall have effect with regard to the election of the delegates referred to in paragraph (a) of subsection (2).

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- (b) has attained the age of 18 years;
- (c) has paid all liabilities in respect of any taxes and other revenue obligations due from that person under any law for the time being in force in Uganda or has made arrangements for their payment satisfactory to the authority responsible for the collection of the taxes; or
- (d) in the case of delegate referred to under paragraph (b) of subsection (2) of section 4, is a member of the body in respect of which the person seeks to be elected.

6. (1) No person shall be qualified to be elected or appointed as a delegate to the Assembly who—

Disqualifi-  
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delegates.

- (a) is of unsound mind or is detained as a criminal lunatic;
- (b) owes allegiance or has declared allegiance to a country other than Uganda and has not, in accordance with the law, renounced such allegiance;
- (c) has been declared bankrupt or insolvent under any law for the time being in force in Uganda or in any other country and is an undischarged bankrupt or insolvent;
- (d) is under sentence of death or is under a sentence of imprisonment exceeding six months imposed upon that person by any court or public tribunal for an offence involving moral turpitude;
- (e) within a period of ten years immediately prior to the date of election or appointment as a delegate, has been convicted of an offence involving fraud, dishonesty, moral turpitude or violence or has been convicted of an offence relating to or connected with elections under any law in force in Uganda and has not been granted a pardon in relation to such conviction;
- (f) holds office as a Commissioner, Deputy Commissioner or as an election officer, employee or agent of the Commission; or
- (g) is, for any other reason, disqualified to be elected or appointed a delegate by any law for the time being in force.

(2) For the avoidance of doubt, it is hereby declared that a member of the National Resistance Council or a person who holds public office shall not be disqualified from being elected or appointed a delegate by reason only of membership of the National Resistance Council or of holding public office.

(3) A person holding public office who wishes to be a candidate shall apply for leave of absence at least thirty days before the commencement of the nomination day or days.

(4) Where a person holding a public office is a candidate he shall, before proceeding on leave, relinquish any vehicle or other equipment or thing in his custody belonging to his employer and shall not use any such vehicle, equipment or thing for the purposes of campaigning for his election.

(5) For the purpose of subsections (2), (3) and (4) "public office" has the same meaning as in clause (1) of Article 130 of the Constitution in force on the commencement of this Statute and includes an office in the Teaching Service and service in a statutory corporation or in a company in which the Government owns a controlling interest.

(6) Every employer to whom subsection (3) relates shall, upon receiving an application by an employee, grant to the employee leave of absence, with or without pay, to seek nomination as a candidate and to be a candidate for election as a delegate, and for such period as may be requested by the employee.

7. (1) Subject to subsection (2), a person shall be qualified to be registered as a voter or to vote at an election of delegates if—

- (a) that person is a citizen of Uganda and has attained the age of eighteen years; and
- (b) for the purposes of registering or voting for delegate in an Electoral Area, the person—
  - (i) originates from the Electoral Area; or
  - (ii) resides in the Electoral Area; or
  - (iii) works in gainful employment in the Electoral Area; or
- (c) for the purpose of registering or voting for a delegate from a body referred to in paragraph (b) of subsection (2) of section 4, is a member of that body.

Qualifications for registration as a voter or for voting.

(2) No person shall be registered as a voter or, notwithstanding that that person has been registered as a voter, to vote at an election of delegates if—

- (a) the person is not qualified to be registered as a voter under subsection (1); or
- (b) being a registered voter, circumstances arise which, if that person were not a registered voter, would have caused such person to be disqualified to be registered as such; or
- (c) the person is of unsound mind or is detained as a criminal lunatic.

(3) No person shall register as a voter more than once or in more than one Electoral Area.

8. (1) The functions of the Assembly shall be—

- (a) to scrutinise, debate, and prepare a final draft of the constitutional text prepared and submitted to the Minister by the Uganda Constitutional Commission under the provisions of subsection (6) of section 6 of the Uganda Constitutional Commission Statute, 1988; and
- (b) to enact and promulgate a new Constitution of the Republic of Uganda.

Functions  
of Consti-  
tuent As-  
sembly.

Statute  
No. 5 of  
1988.

(2) The Assembly shall complete its functions under this Statute within a period not exceeding four months commencing from the date of its first meeting.

(3) If the Assembly does not complete its functions within the period prescribed under subsection (2), the Minister may, in consultation with the Minister responsible for finance, by statutory instrument, extend the period by an additional period of, or periods not exceeding in the aggregate, three months.

PART III—CHAIRMAN, DEPUTY CHAIRMAN, OFFICERS  
AND STAFF OF THE ASSEMBLY.

Chairman  
and Deputy  
Chairman.

9. (1) The Assembly shall have a Chairman and a Deputy Chairman.

(2) The President shall submit to the Assembly, at the Assembly's first meeting, a list of not more than five names of persons nominated by the President, in accordance with the advice of the Cabinet, to be candidates for the offices of Chairman and Deputy Chairman.

(3) The Chief Justice shall introduce to the delegates each person whose names appear on the list submitted by the President and circulate particulars of the qualifications and experience of each nominee.

(4) The delegates shall, after due consultations, elect a Chairman and a Deputy Chairman from the Presidential nominees.

(5) The first meeting of the Assembly shall be convened by the Commissioner.

(6) The Chairman and, in the absence of the Chairman, the Deputy Chairman, shall preside at all meetings of the Assembly but the Chief Justice shall preside over the first two sittings of the Assembly for the purpose of administering the oath of allegiance to the delegates and for the election of the Chairman and Deputy Chairman.

Qualifica-  
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appoint-  
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to the  
office of  
Chairman  
or Deputy  
Chairman,  
etc.

10. (1) A person shall not be qualified for election to the office of Chairman or Deputy Chairman of the Assembly unless the person—

- (a) is of high moral character, integrity and impartiality;
- (b) has had experience in public affairs or in employment in a high public office for a period of not less than ten years; and
- (c) is capable of attending to the duties of the office of Chairman or Deputy Chairman on a full time basis.



(2) No delegate shall be elected to the office of Chairman or Deputy Chairman of the Assembly unless the delegate obtains the votes of two-thirds of all the other delegates to the Assembly.

(3) If, at the conclusion of the vote for the election of a Chairman or Deputy Chairman, no delegate obtains the number of votes required by subsection (2), the vote shall be repeated until a Chairman or Deputy Chairman is elected.

11. A delegate shall vacate the seat in the Assembly if—

Tenure of  
office of  
delegates.

(a) the delegate ceases to be a citizen of Uganda; or

(b) the delegate is absent from the sittings of the Assembly in contravention of section 27 of this Statute; or

(c) any relevant circumstances relating to the provisions of section 5 arise that, if the person were not a delegate, would cause that person to be disqualified for election as a delegate; or

(d) any of the circumstances referred to in subsection (1) of section 6 arise in relation to the delegate.

(2) The Chairman may, at any time, upon a decision of the Assembly signified by a resolution supported by the majority of delegates, invite any person to address the Assembly on any matter before the Assembly.

12. (1) The Commissioner for the Constituent Assembly appointed under subsection (2) of section 21, shall be the head of the Secretariat of the Assembly and shall be responsible for the day-to-day administration of all the affairs of the Assembly.

Secretariat  
of the  
Assembly.

(2) The Attorney-General shall provide the Assembly with the services of a technical committee to prepare the draft of the constitutional text.

PART IV—CONDUCT OF BUSINESS OF THE ASSEMBLY.

Oath of  
allegiance.

13. Every delegate including the Chairman shall, upon taking a seat in the Assembly, take and subscribe the oath of allegiance specified in the Second Schedule and administered either by the Chief Justice under subsection (5) of section 9 or, at any other meeting, by the Commissioner and, except for the purpose of taking and subscribing the oath of allegiance, no person shall sit or vote in the Assembly before taking and subscribing such oath.

Official  
language  
of Assem-  
bly.

14. The proceedings and records of the Assembly shall be in English.

Quorum.

15. (1) The quorum of the Assembly, for the purpose of transacting any business other than adjournment, shall comprise the Chairman and not less than one-half of the total number of delegates.

(2) Any delegate, other than the Chairman, may, at any time during the proceedings of the Assembly, take objection that there are fewer delegates present at the meeting than those necessary to constitute the quorum required under subsection (1).

(3) Whenever objection is taken under subsection (2) and is upheld by the Chairman, the Assembly shall stand suspended or adjourned until such time as a quorum realised.

Procedure  
of  
Assembly.

16. (1) Except as otherwise provided in this Statute, the proceedings of the Assembly shall be conducted in accordance with the Rules of Procedure of the National Resistance Council in force on the date of commencement of this Statute, with such modifications as the Minister may, with the prior approval of the Assembly signified by resolution supported by the majority of the total number of delegates, by statutory instrument make, and subject to such modifications, those Rules shall apply as the Rules of Procedure of the Assembly.

(2) Subject to the provisions of subsection (1), the Assembly may regulate its own procedure.

17. (1) Every decision of the Assembly shall as far as possible be by consensus. Decisions of  
Assembly.

(2) Where on any matter consensus cannot be obtained—

(a) the Chairman may make a ruling that the matter be resolved by voting; or

(b) if the Chairman has not made a ruling under paragraph (a) of this subsection, a delegate may propose a motion that the matter be resolved by voting.

(3) Where the Chairman has ruled that a matter be resolved by voting or where a motion proposed under paragraph (b) of subsection (2) is supported by fifty or more other delegates, the following provisions shall apply in resolving the matter—

(a) voting shall be by division in the lobby and the vote of each delegate voting for or against the motion shall be recorded against the name of the delegate;

(b) every delegate other than the Chairman shall have one vote; and

(c) the Chairman shall have neither an original nor a casting vote;

(d) the motion shall be carried if it obtains the support of not less than two thirds of the delegates voting;

(e) the motion shall be lost if it is supported by less than the votes of the majority of the delegates voting; and

(f) the matter shall be regarded as contentious if the motion is supported by the votes of the majority of delegates voting but does not obtain the support of two-thirds of the delegates voting.

(4) A vacancy in the membership of the Assembly shall not invalidate any proceedings of the Assembly.

Matters  
which may  
be resolved  
by  
national  
referendum.

18. (1) Any contentious matter referred to in paragraph (f) of subsection (3) of section 17 shall, if it is a matter of national character, be referred by the Chairman to the Minister to present to the nation for resolution through a national referendum.

(2) Where a national referendum is held on any contentious matter, any question presented by the Minister for approval shall be approved if it is supported by the votes of the majority of all the persons voting in the referendum.

(3) Without prejudice to subsection (1), the President may, upon the advice of the Cabinet, at any time before, during or after the deliberations of the Assembly, direct that any issue or specified issues be resolved by a referendum.

(4) Whenever the President directs that a referendum be held under subsection (3), any decision of the Assembly on the issue or issues, presented for decision at the referendum shall be confirmed or varied by the outcome of the referendum which shall be final and conclusive.

(5) For the avoidance of doubt, it is hereby declared that no national referendum may be held on any contentious matter which is of a local character to a particular region, district or community but the matter shall be settled through negotiation or consultation between the concerned region, district or community and the Government.

Effective  
date for  
new Con-  
stitution.

19. (1) The Constitution enacted by the Assembly under this Statute shall come into effect as the Constitution of the Republic of Uganda, by law established, on such day as the President may, by statutory instrument, appoint for its promulgation.

(2) The day to be appointed by the President, under subsection (1), shall be not later than sixty days after the day on which the Assembly enacts the Constitution.

(3) The promulgation of the Constitution by the Assembly as referred to in subsection (1) shall be done in the presence of the President and the members of the National Resistance Council.

PART V—COMMISSION FOR THE  
CONSTITUENT ASSEMBLY.

20. There is hereby established a Commission to be known as the Commission for the Constituent Assembly which shall consist of—

Establishment and composition of Commission for the Constituent Assembly.

- (a) a Commissioner for the Constituent Assembly; and
- (b) two Deputy Commissioners for the Constituent Assembly to be designated as follows:

- (i) a Deputy Commissioner for the Constituent Assembly responsible for Technical Affairs;
- (ii) a Deputy Commissioner for the Constituent Assembly responsible for Administration.

21. (1) The Commissioner and the Deputy Commissioners shall be appointed not later than fourteen days after the commencement of this Statute.

Appointment and qualifications of Commissioner and Deputy Commissioners.

(2) The Commissioner shall be appointed by the President in accordance with the advice of the Cabinet and upon such terms and conditions as the President may, in the instrument of appointment, specify.

(3) The Deputy Commissioners shall be appointed by the President in accordance with the advice of the Minister and upon such terms and conditions as the President may, in their instruments of appointment, specify.

(4) A person shall not be appointed Commissioner or Deputy Commissioner unless that person—

- (a) in the case of the Commissioner, is qualified for appointment to the office of Permanent Secretary;
- (b) in the case of a Deputy Commissioner for Technical Affairs, is qualified for appointment as a judge of the High Court of Uganda; and
- (c) in the case of a Deputy Commissioner for Administration, possesses relevant qualifications and proven ability in the field of public administration.

(5) The Commissioner and each Deputy Commissioner shall take and subscribe before the Chief Justice the oath of allegiance specified in the Second Schedule to this Statute.

Functions  
of Com-  
missioner.

22. (1) The functions of the Commissioner shall be—
- (a) to designate Constituent Assembly Electoral Areas throughout Uganda;
  - (b) to organise and supervise the election of the delegates specified in paragraph (a) of subsection (2) of section 4;
  - (c) to exercise general direction and supervision over the administration and management of the election of delegates and to ensure, on the part of all election officers, fairness, impartiality and compliance with the provisions of this Statute and any other law made under this Statute;
  - (d) to appoint, for the purposes of this Statute, by name or office, registration officers and returning officers;
  - (e) to issue to election officers such instructions as the Commissioner may from time to time, deem necessary to ensure the effective execution of the provisions of this Statute;
  - (f) to carry out the day-to-day administration of the Assembly;

- (g) to publish daily a record of the deliberations of the Assembly;
- (h) to organise, administer and conduct any referendum required under this Statute;
- (i) to pay such allowances, as the Minister may authorise, to election officers, and other persons assisting the Commissioner in carrying out the purposes of this Statute, as the Minister may determine;
- (j) to employ, with the prior approval of the Minister and upon such terms as the Minister may determine, any person whose special expertise may be required for the proper discharge of the functions of the Commission under this Statute; and
- (k) to exercise and perform such other powers and duties as are conferred or imposed upon the Commissioner by this Statute or any other law made under this Statute.

(2) For the purpose of performing the functions entrusted to the Commissioner under this Statute, the Commissioner may bring an action before any court in Uganda and may seek from the court any remedy which may be available.

(3) The functions of the Deputy Commissioners shall be to assist the Commissioner in the performance of the Commissioner's functions.

23. (1) The Commissioner and Deputy Commissioners shall enjoy the same independence as a judge of the High Court and, in the performance of the functions entrusted to the Commissioner by this Statute and the Constituent Assembly Election Rules, the Commissioner shall not be subject to the direction or control of any person or authority.

Guarantee  
of the in-  
dependence  
of Commis-  
sioner  
and De-  
puty Com-  
missioners.

(2) A Deputy Commissioner or a person appointed by the Commissioner shall in the exercise of the powers

conferred upon the Commissioner by this Statute or any other law be answerable only to the Commissioner and not to any other person or authority.

(3) The Commissioner, a Deputy Commissioner or any other person performing any functions of the Commission shall not be personally liable to civil proceedings for any act done in good faith in the performance of those functions.

Settle-  
ment of  
disputes,  
jurisdic-  
tion, etc.

24. (1) Any person who is aggrieved by a decision of the Commissioner or who has any objection or complaint against the election or appointment of any person as a delegate to the Assembly may, within seven days from the date of such decision, election or appointment, apply to a court of competent jurisdiction for such remedy as the court considers appropriate and just in the circumstances.

(2) Every court of competent jurisdiction to which an application is made under subsection (1) shall determine the application expeditiously and in summary proceedings.

(3) In every application under subsection (1), the decision of the court of competent jurisdiction shall be final and shall not be subject to any appeal.

#### PART VI—FINANCE.

Expenses  
charged  
upon Con-  
solidated  
Fund.

25. (1) All monies required to defray all the expenses to be incurred in carrying out the purposes of this Statute including the allowances to delegates and the Commissioner, Deputy Commissioners and the staff and employees of the Commission, are hereby charged upon and shall be issued out of the Consolidated Fund without any further appropriation than this Statute.

(2) All funds referred to in subsection (1) shall be controlled and administered by the Commissioner who, in respect of monies required for the purposes of this Statute, shall be the accounting officer in accordance with the Public Finance Act.

Cap. 149,



26. The delegates, the Commissioner, the Deputy Commissioners, the staff and employees of the Commission and the members of the technical committee, shall be paid such allowances and enjoy such benefits as the Minister may, in consultation with the Minister responsible for finance, determine.

Allowances to be paid to delegates, Commissioners, etc.

#### PART VII—GENERAL

27. (1) Every delegate shall attend to the business of the Assembly on a full time basis.

Unauthorised absence of delegate from sittings.

(2) Any delegate who, without the prior permission of the Chairman or without good cause, fails to attend to the business of the Assembly for more than seven days within any one month during which the Assembly is sitting, whether the seven days are consecutive or in the aggregate, shall cease to be a delegate and shall vacate his seat.

28. (1) In the event of the absence of a delegate contrary to section 27 or due to death, mental or physical incapacity or to any other cause which may render a delegate unable to participate in the proceedings of the Assembly, the Chairman shall immediately upon the occurrence of that event inform the Minister.

Replacement of delegate in case of absence, death or incapacity, etc.

(2) On receipt of the information referred to in subsection (1), the Minister shall issue a writ to the Commissioner requiring the Commissioner to take steps, within fourteen days of the issuing of the writ, for the replacement of the delegate.

29. The National Assembly (Powers and Privileges) Act shall apply to the Assembly, its delegates and other persons and in respect of all other matters as it applies to the National Resistance Council.

Powers and privileges of Assembly, etc.  
Cap. 249.

30. (1) For the better carrying out of the provisions of this Statute, the Minister may, by Statutory Instrument, with the approval of the National Resistance Council signified by resolution—

Rules and Regulations.

(a) amend the Third Schedule;  
and

(b) make Regulations in respect of any matter which  
may be regulated under this Statute.

Decree No.  
18 of 1976.

(2) Notwithstanding section 38 of the Interpretation  
Decree, 1976, rules or regulations made under subsection (1)  
may provide for penalties not exceeding imprisonment for  
five years or a fine of two hundred thousand shillings or both

Prohibi-  
tion of  
non-dele-  
gates from  
sitting or  
voting in  
the Asse-  
mbly.

31. (1) No person, who is not a delegate shall sit or vote  
in the Assembly.

(2) Any person who, not being a delegate, sits, or  
votes in the Assembly, knowing or having reasonable grounds  
for knowing that such person is not so entitled to sit or vote  
commits an offence and is liable, on conviction, to a fine not  
exceeding two hundred and fifty thousand shillings or to  
imprisonment for a term not exceeding one month for each  
day such person sits or votes in the Assembly.

Rules of  
Court.

32. The Attorney-General, in consultation with the Chief  
Justice, may make court rules regulating the procedure for—

(a) the determination of any application made under  
subsection (1) of section 24; and

(b) the determination of any election petition filed  
under sub-rule (1) of rule 28 of the Constituent  
Assembly by Election Rules set out in the Third  
Schedule to this Statute.

Repeal and  
savings.  
Legal No-  
tice No. 1  
of 1986.  
Act No. 12  
of 1987.

33. (1) Paragraph 14B of Legal Notice No. 1 of 1986  
is repealed.

(2) The Constituent Assembly Act, 1967, is repealed,

(3) Notwithstanding the expiry of this Statute, as  
provided in section 2, if at the time of such expiry, there  
are functions which, in the opinion of the Minister should  
continue to be discharged by the Commission or any  
officer of the Commission, the Commissioner, or a Deputy

Commissioner or officers of the Commission specified by the Commissioner for that purpose, may continue to perform those functions and to hold the same offices as they would have held immediately before the expiry of this Statute, for such period as the Minister may determine, as if this Statute had not expired; and all funds necessary for the discharge of those functions shall continue to be disbursed to the Commission accordingly.

## SCHEDULES.

## FIRST SCHEDULE. (2 + (2) (b))

DELEGATES TO BE ELECTED BY  
SPECIFIED BODIES

<i>Name of Specified Body</i>	<i>Number of delegates to be elected by each body</i>
1. One woman delegate from each district, elected, in each case, by an electoral college comprising all councillors at RC III level, within the district and all members of the Sub-County Women's Councils within the district.	
2. The National Resistance Army ...	10
3. The National Organisation of Trade Unions ... ..	2
4. The four political parties which took part in the general elections held on the 10th December, 1980, namely—	
(a) the Conservative Party;	
(b) the Democratic Party;	
(c) the Uganda Patriotic Movement; and	
(d) the Uganda Peoples Congress ... ..	8 (2 each)
5. A National Youth Council established by law ... ..	4
6. The National Union of Disabled People of Uganda ... ..	1