



**REPORT OF THE SECTORAL COMMITTEE ON LEGAL AND
PARLIAMENTARY AFFAIRS ON THE LEADERSHIP CODE
(AMENDMENT) BILL, 2020**

Office of the Clerk to Parliament
Parliament Buildings, Kampala
March, 2021

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1.0. Introduction

The Leadership Code (Amendment) Bill, 2020 was read for the First time on the 19th November, 2020 and referred to the of Legal and Parliamentary affairs for scrutiny as required under Rule 128 of the Rules of Procedure of Parliament.

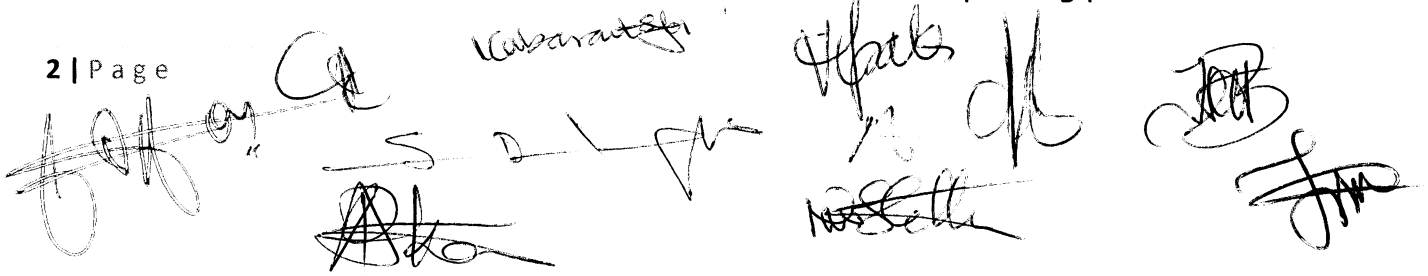
2.0. Object and need for the Bill

The objects and principles of this Bill are to amend the Leadership Code Act, 2002 No.17, to clarify what constitutes interest in property by a leader; to require all public officers to declare their income, assets and liabilities to the Inspector General, to extend the jurisdiction of the Leadership Code Tribunal to complaints made by any person aggrieved by the decision of the Inspectorate of Government under section 7(7) of the Code, to prescribe remedies for breach of the Code and to provide for other related matters.

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

Parliament in 2017, passed the Leadership Code (Amendment) Act, 2017. The Act establishes the Leadership Code Tribunal that is responsible for enforcing the Act. The Leadership Code Tribunal is now operational. Various loopholes have however been identified in the Act that will hinder the effectiveness of the Tribunal in enforcing the Leadership Code of Conduct. For instance, the penalties prescribed in the Leadership Code (Amendment) Act, 2017 are not aligned to the breaches in the Code.

Prior to the amendment of the Act, penalties for breach of the Code were provided for in section 35 of the Act. Each of the prescribed penalties corresponded with a particular section regarding breach of the law. When the provisions were amended and substituted, there was no consequential amendment of section 35 to correspond with the substituted provisions. Unless this is amended, it will jeopardize the enforcement of the Act since it is untenable to enforce the law as is without breaches and corresponding penalties.

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3.0. Methodology

The Committee was guided by the provisions of Rule 128 of the Rules of Procedure to examine the Bill in detail, made inquiries in relation to it and received views and memoranda from the following stakeholders;-

- (a) The Minister of State for Ethics and Integrity & Mover of the Bill
- (b) The Judiciary
- (c) The Directorate of Public Prosecutions
- (d) The Leadership Code Tribunal
- (e) The Inspectorate of Government

4.0. Analysis of the provisions of the bill

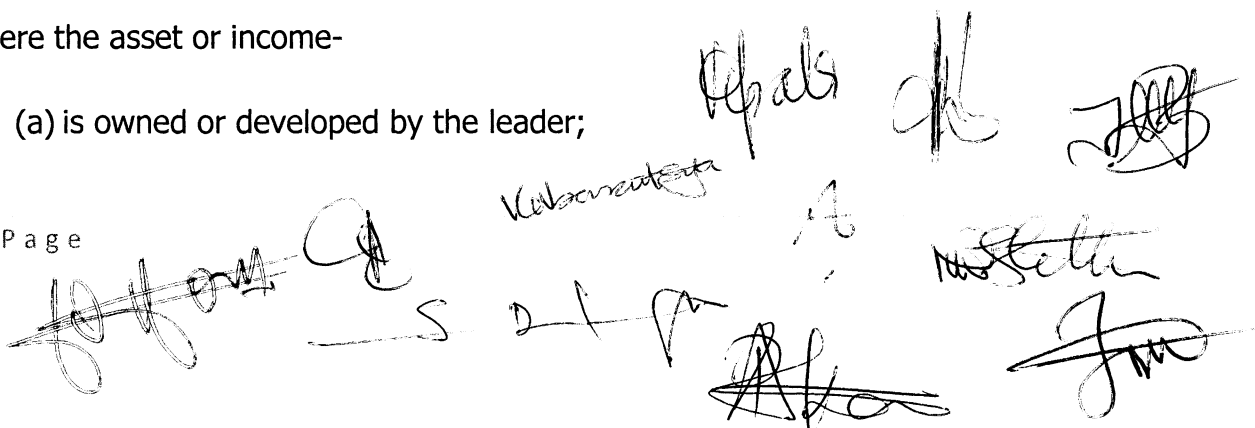
This section of the report provides a critical analysis of the proposed amendments to the Leadership Code Act of 2002, as contained in the Bill. It states the proposed amendment, and in some cases the provision being amended, explains the effect of the proposed amendment, including on other laws or provisions in the Bill and finally provides the Committee's recommendation on the Clause.

4.1. Declaration by a Leader

Clause 2 of the Bill proposes to amend section 4 of the Principal Act by substituting for the definition of interest in section 4 (6) (a) of the principal Act and inserting new subsection to make provision for a leader who makes false declaration of his or her income, assets or liabilities as well as a leader who, without reasonable cause, fails to file a declaration within the prescribed time.

Clause 6 (4) (a) proposes that a leader shall be taken to have an interest in an income or an asset and therefore required to make a declaration of the same to the Inspectorate where the asset or income-

- (a) is owned or developed by the leader;

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- (b) is jointly owned or developed by the leader with another person;
- (c) is acquired by the leader or developed by the leader for another person;
- (d) is held in trust by the leader for another person; or
- (e) is contained in a joint account for the benefit of the leader and another person.

Currently, section 4 (6) of the Leadership Code Act requires that a leader shall be taken to have an interest in an income or an asset and therefore required to make a declaration of the same to the Inspectorate where the income or asset-

- (a) is owned by the leader;
- (b) is jointly owned by the leader with another person;
- (c) is held in trust by the leader for another person; or
- (d) is contained in a joint account for the benefit of the leader and another person

The Committee observes that the amendment proposed in the Bill introduces two matters in the provision. The first matter relates to assets or income owned, jointly acquired or developed by the leader with another person. The second matter relates to the requirement for a leader to declare assets and income acquired by the leader or developed by the leader for another person.

The Committee notes that in obligating the leader to declare their assets and income, regard must be had to the protection of privacy of the other persons who are connected to the leader but are not themselves leaders, say, like the leader's spouse or children. The Committee therefore notes that the requirement to declare any asset or income should be limited to the asset or income owned by the leader alone or jointly with another person, to income or assets that are held in trust by the leader for another person and any asset or income contained in a joint account for the benefit of the leader and another person.

The Committee therefore finds the proposal to require a leader to declare income or assets which the leader "develops" alone, with or for another person to be redundant since it is not only already covered in the required that the leader has to declare assets

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and income where he or she has an interest but also extends into matters that may infringe on the right to privacy of persons who are not leaders.

The Committee observes that already, there is an obligation for a leader to declare assets or income where he/she has an interest in the asset or income. The Committee is of the considered opinion that extending the proposal to cover assets or income developed by the leader for another person where the leader has no interest in such an asset would be overstretching the provision.

For instance, that provision will require a leader to declare to the Inspectorate any expenditure on an asset made by a leader for any other person, irrespective that the leader has no interest in such asset. By this provision, a leader who contributes in building a local community church will have to declare his contribution to the Inspectorate notwithstanding that the leader has no interest in the local church whose ownership is communal in nature.

The Committee also notes that given the broad definition of the word "asset", which is defined to mean "a thing owned by a person such as property, which has value and can be sold or used to pay a debt", the proposal will require a leader to declare all the expenditure made on any item of value made by a leader, making the declaration process tedious and impracticable since the leader will have to declare every expenditure made as long as it relates to something of value. The chances of a leader forgetting an item he or she made expenditure over are high yet the consequences of such a mistake are grave and may lead to a leader to lose his or her seat if a Member of Parliament, or losing the office he or she occupies.

The Committee is therefore of the considered opinion that the proposed substitution of subsection (6) (a) be rejected but the proposal to insert new sections 10 and 11 supported since they bring clarity as to the effect of a false declaration by a leader.

Recommendation

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The Bill also proposes to allow the Minister to, by statutory instrument, specify the categories of public officers who have to declare their assets.

The Committee observes that section 4A which the Bill proposes to replace makes provision for public officers to declare their assets, income and liabilities to their accounting officers, within three months of commencing work in the public service and thereafter every 2 years.

The Committee observes that section 4A was an amendment intended to cater for public officers to whom section 4 does not apply to, to ensure that such public officers declare their assets, liabilities and income when they commence work in the public service. This was borne out of a realization that corruption and unjust enrichment was prevalent among junior public officers who do not declare their assets. At the time of this amendment, the Committee was also informed that some public officers had turned down promotions to higher levels in the public service because they did not want to declare their assets.

The Committee was also informed that many public officers to whom section 4 does not apply to would amass a lot of assets and incomes corruptly and allege that they joined the public service with such assets and incomes yet this was not true. The Inspectorate would find it difficult to prove that these assets and incomes were illegally acquired during the substance of the officer's employment in Public Service since there was no mechanism for tracking the incomes and assets of public officers from the point they join the public service to the day they start declaring their assets.

At the time of this amendment, the Committee had been informed that the Inspectorate did not have the capacity to receive or verify the declarations made by public officers and that explains why the House had required such public officers to declare their assets and liabilities to their accounting officers.

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The Committee has analyzed this proposal and agrees in principle to extend the requirement to declare assets to all public officers. This is progressive since it will go a long way in fighting corruption and abuse of public office.

Whereas the Committee is agreeable in principle, it is of the considered opinion that the provision should be restricted to incomes, assets and liabilities in which the public officer has interest in and not as proposed in the Bill, wherein, the proposal extends to matters where the public officer does not have interest.

The Committee also proposes that the requirement in section 4A should be maintained, for a public officer to declare his or her assets, income and liabilities, three months from the Commencement of his or her employment in the public service. This will cater for those who join the public service after the Bill has been enacted into law since those will have to wait for 5 years before complying with the provisions of this Act, thereby watering down the gains proposed in the Bill.

The Committee also associates with the analysis made to the proposal to have a leader declare their expenditure and reasons that in the declarations made by a Public officer, the requirement for such a public officer to declare any asset acquired or developed by the public officer for another person should be dropped since the public officer has no interest in such asset, thereby, the potential to infringe on the right of another person is high.

The proposal to allow the Minister to extend or limit the application of the provision to public officers should be deleted since it has potential to be abused. This might water down the intended achievements of the provision. This provision should apply to all public officers whom section 4 does not apply to.

Recommendations

Based on the above analysis, the Committee recommends that clause 3 be adopted albeit with the following amendments-

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- (a) the provision should only be limited to assets, income and liabilities in which a public officer has interest. Delete the words "developed" wherever they appear in the provision since they will extend the provision to expenditure of the public officer.*
- (b) Require a public officer to, within three months of the commencing work in the public service, declare his or her assets, incomes and liabilities.*
- (c) Delete the proposed 4A (16) since it has potential to be abused and allow the provisions to apply to all public officers without exception.*
- (d) Clauses 4, 6, 8, 10, 11, 13, 14, 15,16,17,18, 19, 21, 22, 23 and 24 that extend the Act to apply to public officers should be adopted albeit with amendment to include the word "or" before the word "public officer" whenever appropriate.*

4.3. Duration of verification

The Bill proposes in clause 5 to amend section 4C of the principal Act by replacing subsections (5) and (8) of the principal Act.

The Bill proposes to expand the duration allocated to the Inspectorate to submit a report to the leader or public officer being verified, three months after the verification. The Bill further proposes to expand the duration of a verification from sixty working days to 90 working days.

The Committee observes that currently section 4C (5) requires the Inspectorate to submit a report to a leader within three months of commencement of the verification and also, in subsection (8) to ensure a verification is carried out within a reasonable time, in any case not later than 60 working days.

The Committee agrees to the expansion of the time within which a report is supposed to be submitted as well as the time for verification as proposed in the Bill. The Committee notes that since the jurisdiction of the Inspectorate has been expanded to include public officers. This additional obligation means that the declarations that have to be verified has grown, necessitating the expansion of this time.

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Recommendations

The Committee recommends that clause 5 stands part of the Bill.

4.4. Power of the Inspectorate to require clarification

The Bill proposes in clause 7 to amend section 5 of the Principal Act to empower the Inspectorate to, in writing, require a leader or public officer to account for any matter in connection to a declaration made by the leader or public officer to the Inspectorate.

The Bill proposes to penalise a leader who does not, without justifiable cause, comply with the request within sixty days to a warning or caution, dismissal or vacation of office.

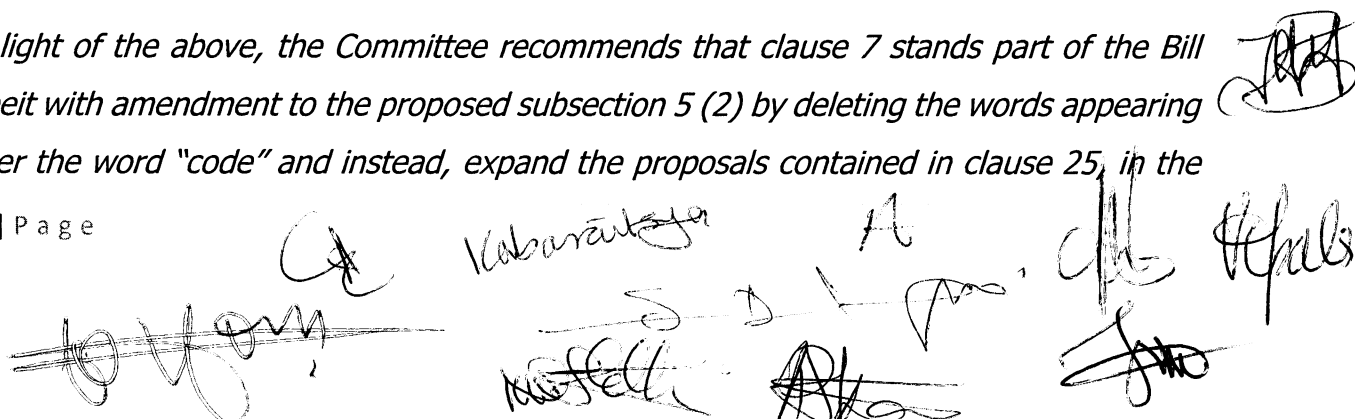
Whereas the Committee agrees with the principle to penalise a leader or public officer who fails to respond to a request for clarification from Inspectorate, the proposal to vacation of office is too harsh when compared to other penalties proposed in the Bill.

The Committee notes that while a person who does not clarify a declaration may be dismissed from office, a person who does not file a declaration is, under clause 25, liable to a fine not exceeding twenty currency points per month for the initial three months of non-submission of a declaration, rising to a forty currency points per month for the next two months and then withholding of emoluments after that before a warning is issued, then if non-compliance continues, then the Tribunal may require the demotion of the leader or officer or their vacation from office.

The Committee is of the considered opinion that the proposals contained in clause 25, in the proposed paragraph (b) of the amendment to section 35, should be adopted since they escalate with every refusal and they are commensurate with the seriousness of the breach committed.

Recommendation

In light of the above, the Committee recommends that clause 7 stands part of the Bill albeit with amendment to the proposed subsection 5 (2) by deleting the words appearing after the word "code" and instead, expand the proposals contained in clause 25, in the

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proposed paragraph (b) of the amendment to section 35 by including a breach of section 5 (2). This will prescribe a penalty that is commensurate with the breach committed by the leader or public officer, given that non-declaration and failure to respond to requests for clarification are different.

4.5. Functions of the Tribunal

Clause 20 of the Bill proposes to amend section 19B of the Principal Act by expanding the jurisdiction of the tribunal to, among others, adjudicating complaints referred to it by any person aggrieved by the decision of Inspectorate under section 7 (7) of the Code.

The Bill also proposes to delete paragraph (c) of the current section 19B which had allowed the Tribunal to make recommendations to the authorized person on disciplinary action to be taken against a leader.

Whereas the proposal to expand the jurisdiction of the tribunal is welcome, the proposal to delete paragraph (c) should be rejected. Paragraph (c) of the section 19B allows the Tribunal to make recommendations to the authorized person on disciplinary action to be taken against a leader.

The inclusion of paragraph (c) among the functions of the Tribunal was borne out of the decision the **Constitutional Court in the case of Fox Odoi-Oywelowo and James Akampumuza Versus Attorney General, Constitutional Court, Constitutional Petition No. 8 of 2003**. That decision declared section 19(1), 20(1), 35(b) and 35(d) of the Leadership Code Act unconstitutional for being inconsistent with articles 144, 56 and 120 (7) in that those sections of the Leadership Code Act were inconsistent with and contravened the stated articles of the Constitution, in that they fettered the discretionary powers conferred on the President by the various articles of the Constitution, in disciplining his or her appointees. The Court reasoned that the Inspectorate or for that matter any person cannot direct the President to exercise the discretion granted to the him/her under the Constitution in so far as removing persons appointed by him to constitutional offices.

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This mean therefore, that the decisions of the inspectorate or in this case the Tribunal to the President are merely recommendations to the President to consider exercising his discretion under the relevant article of the Constitution to remove such a leader where the leader breaches the leadership code Act. By extension, the President is not bound by the decision of the Tribunal and may decide to do otherwise.

The proposal to delete paragraph (c) of section 19B will therefore make the decisions of the Tribunal binding on the President thereby fettering his discretion in disciplining his appointees, a matter that already held unconstitutional in the above case.

Recommendations

In light of the above, the Committees recommends that clause 20 be adopted albeit with amendment by deleting the proposed paragraph (b) since it has the effect of reversing the decision of court in Constitutional Court in the case of Fox Odoi-Oywelowo and James Akampumuza Versus Attorney General, Constitutional Court, Constitutional Petition No. 8 of 2003 as well as fettering the disciplinary control of the President over persons appointed by him to constitutional offices.

4.6. Penalties for breach of code

The Bill proposes in clause 25, to amend section 35 of the principal Act by substituting with the proposal in the Bill. The bill proposes to prescribe a number of penalties for breach of the Code.

The Bill proposes that where a person breaches sections 4 (10) and 4A (5), (sections relating to false declarations), the excess or undeclared property should be confiscated and forfeited to the Government or the leader or public officer shall forfeit the monetary equivalent of the excess or undeclared property to the Government.

The Bill further proposes that a public officer or leader who fails to submit a declaration within the time prescribed is liable to pay a fine not exceeding twenty currency points per month for the initial three months of non-submission of the declaration. If the behavior

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The Bill further provides for penalties against a leader who makes an anticipatory declaration of income, assets and liabilities which he or she does not own at the time of the declaration or makes a reckless declaration of assets, liabilities or incomes or participates in a decision when he or she has conflict of interest is liable to pay a fine not exceeding two hundred currency points, demotion, dismissal from office or vacate office.

The Committee notes that in 2017, Parliament passed the Leadership Code (Amendment) Act, 2017 which revised some of the provisions of the principal Act. The Committee notes that the penalties prescribed in the Leadership Code (Amendment) Act, 2017 were not aligned to the breaches in the Code, thereby affecting the effectiveness of the Act. Whereas each of the prescribed penalties corresponded with a particular section regarding breach of the law, when the provisions were amended and substituted, there was no consequential amendment of section 35 to correspond with the substituted provisions.

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the monetary equivalent of the excess or undeclared property to the Government where a leader or public officer makes a false declaration to be excessive.

The Committee is of the considered opinion that the proposal to confiscate or forfeit the excess or undeclared property to the Government or to forfeit the monetary equivalent of the excess or undeclared property to the Government is an excessive punishment considering that the leader may have acquired the property legitimately. The Committee is of the considered opinion that only property that was illicitly acquired by the leader or Public officer should be forfeited to Government.

The Committee also notes that for breaches under sections 4 (10) and 4A (5), there is need for the penalties to be expanded to include the option for a leader to pay a fine or be demoted or dismissed or vacate his or her office for breach of the code rather than only providing for the confiscation of the property of the leader when in breach.

The Committee also considered the proposal to withhold the emoluments of a leader who does not file a declaration within the prescribed time and is of the considered opinion that whereas the principle to withhold the emoluments of a leader or public officer is agreeable, there is need to make provision for duration for withholding the emoluments as well as the refund of emoluments when the leader complies with the provisions of that Act.

Recommendations

In light of the above, the Committee recommends that clause 25 stands part of the Bill albeit with the following amendments-

- *In paragraph (a),*
 - (a) include other penalties, such as caution or warning in writing, demotion, dismissal from office or vacate office;*
 - (b) The property that should be confiscated or forfeited should be property that is illicitly obtained by the leader or public officer;*

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- *in paragraph (b), provide for the refund of the emoluments of a leader or public officer withheld and also, limit the withholding of the funds for a reasonable time.*

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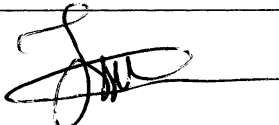


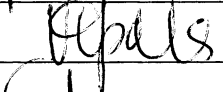

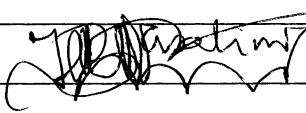
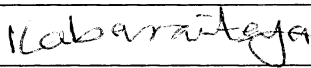
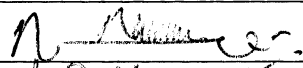
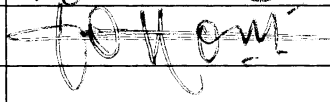

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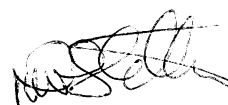


**SIGNATURE OF MEMBERS ENDORSING THE REPORT ON THE LEADERSHIP CODE (AMENDMENT)
BILL,2020**

SN	NAME	CONSTITUENCY	SIGNATURE
1.	Hon. Jacob Marksons Oboth (Chair)	West Budama South	
2.	Hon. Bitangaro Sam Kwezira	Bufumbira South	
3.	Hon. Jovah Kamateeka	Mitooma DWR	
4.	Hon. Isala Eragu Veronica	Kaberamaido County	
5.	Hon. Kajara Aston	Mwenge South	
6.	Hon. Mwiru Paul	Jinja East County	
7.	Hon. Basalirwa Asuman	Bugiri Municipality	
8.	Hon. Gureme R. Rwakoojo	Gomba West	
9.	Hon. Ongalo Kenneth Obote	Kalaki County	
10	Hon. Agaba Abbas Mugisha	Kitagwenda County	
11	Hon. Azairwe Dorothy. K	DWR Kamwenge	
12	Hon. Mugoya Kyawa Gaster	Bukooli North	
13	Hon. Akamba Paul	Busiki County	
14	Hon. Otto Edward Makmot	Agago County	
15	Hon. Adeke Anna Ebaju	NFY MP	
16	Hon. Nsereko Muhammed	Kampala Central Division	
17	Hon. Wilfred Niwagaba	Ndorwa East	
18	Hon. Abdu Katuntu	Bugweri County	
19	Hon. Ssemujju Ibrahim	Kira Municipality	
20	Hon. Medard Ssegona Lubega	Busiro East	
21	Hon. Mathias Mpuuga	Masaka Municipality	
22	Hon. Byarugaba Alex	Isingiro County South	
23	Hon. Akello Rose Lilly	DWR, Karenga	
24	Hon. Asamo Hellen Grace	PWD Eastern	
25	Hon. Namoe Stella	Napak DWR	

26	Hon. Akampulira Prosy	DWR Rubanda	
27	Hon. Suubi Brenda Asinde	DWR Iganga	
28	Hon. Amoding Monica	DWR Kumi	
29	Hon. Silwany Solomon	Bukooli County West	







**PROPOSED AMENDMENTS TO THE LEADERSHIP CODE (AMENDMENT) BILL,
2020**

CLAUSE 2: AMENDMENT OF SECTION 4 OF PRINCIPAL ACT

Delete paragraph (a) of clause 2

Justification

- *The proposal contained in paragraph (a) will require a leader to declare expenditure, which shall be contrary to the object of the Leadership Code Act, 2002 that requires a leader to declare his or her income, assets and liabilities and his or her interest in the assets, liabilities and income.*

CLAUSE 3: REPLACEMENT OF SECTION 4A OF THE PRINCIPAL ACT

Clause 3 of the Bill is amended-

(a) in sub clause (1), by deleting the words "Subject to subsection (16)";

(b) in section 4A (1), by inserting immediately after paragraph (a) the following and renumbering the provision accordingly-

"(b) within three months after appointment to the public service;"

(c) in section 4A (3) (a) by-

(i) deleting the words "or developed" whenever the words appear in the provision;

(ii) deleting subparagraph (iii);

(d) by deleting the section 4A (16).

Justification

- (a) The requirement for a public officer to declare his or her assets, liabilities and income within three months after appointment to the public service is intended to ensure that persons who join the public service declare their income, assets and liabilities on appointment in order to curtail the illicit acquisition of wealth.*
- (b) The proposal to delete the words “or developed” is intended to clarify that a public officer is only required to declare his or her income, assets and liabilities or the income, assets and liabilities in which a public officer has interest. Requiring a public officer to declare property he or she has “developed” will extend the provision to declaration of expenditure of the public officer, which will be contrary to the object of the Leadership Code Act, 2002.*
- (c) The proposal to delete sub paragraph (iii) is to limit the declaration to only assets, income or liabilities that a public officer has interest in.*
- (d) The proposal to delete 4A (16) is intended to ensure that the section 4A applies to all public officers without exception.*

CLAUSE 7: REPLACEMENT OF SECTION 5 OF PRINCIPAL ACT

Clause 7 is amended by-

- **by substituting for section 5 (2) (a), (b) and (c), the following-**
 - (a) pay a fine not exceeding ten currency points per month for the initial three months after the failure to comply with the request for clarification under subsection (1);*
 - (b) pay a fine not exceeding twelve currency points per month for the next two months after the request referred to in subparagraph (a);*
 - (c) have his or her emoluments withheld until he or she complies with the request for clarification referred to in subparagraph (b); and*
 - (d) a warning, demotion, or dismissal from office, in addition to the penalty prescribed in subparagraph (c).*
- **by inserting immediately after section 5 (2), the following-**
 - “(3) The authorised officer shall refund the emoluments withheld under subsection (2)(c) to the leader or public officer upon the leader or public officer*

submitting a clarification of his or her declaration in accordance with this section.”

Justification

- *To provide for penalties for failure to comply with an order to clarify a declaration made by a leader or public officer and to require the penalties escalate in intensity with every failure to comply with the order.*
- *To allow for the refund of a leader’s emoluments upon compliance with the request for clarification.*

CLAUSE 12: AMENDMENT OF SECTION 12A OF PRINCIPAL ACT

Clause 12 of the Bill is amended-

(a) by substituting for paragraph (a), the following-

“(a) in subsections (1), (2) and (5), by inserting the words “or public officer” immediately after the word “leader”, where it appears”

(b) by inserting a new paragraph (b) and renumbering the clause accordingly-

“(b) in subsection (3) by inserting immediately before the word “public officer” the words “leader or a;”

(c) by substituting for subsection (4), the following-

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

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

Justification

- *The proposal is intended to extend application of the provision to a public officer.*

INSERTION OF NEW CLAUSE IMMEDIATELY AFTER CLAUSE 12

The Bill is amended by inserting immediately after clause 12 the following-

“Insertion of section 12B in Principal Act

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

“12B. Abuse of public property

- (1) A leader or public officer shall protect and preserve public property under his or her personal use and shall not use such property or allow its use for any other purpose other than authorised purpose.
- (2) In this section “public property” includes any form of real or personal property in which the Government or public body has ownership; a plant, equipment, leasehold, or other property interest as well as any right or other intangible interest that is purchased with public funds, including the services of contractor personnel, office supplies, telephones and other telecommunications equipment and services, mails, automated data, public body records, and vehicles.
- (3) A leader or public officer who knowingly misuses or allows public property entrusted to his or her care to be misused, abused or left unprotected shall make good the loss occasioned to the property and the value of the property or damage to the property shall constitute a debt from the leader or public officer to the Government or public body concerned.
- (4) Notwithstanding the provisions of subsection (3), a leader or public officer who knowingly misuses or allows public property entrusted to his or her care to be misused or abused or left unprotected may, in addition to the sanctions under that subsection be-
 - (a) warned or cautioned;
 - (b) demoted; or
 - (c) dismissed from office.”

Justification

To provide for further protection of public property.

CLAUSE 13: AMENDMENT OF SECTION 13 OF PRINCIPAL ACT

Delete Clause 13

Justification

- *Section 13 of the Principal Act, which clause 13 seeks to amend was repealed by section 70 of the Anti-Corruption Act, 2009. Section 13 is no longer in existence to warrant amendment.*

CLAUSE 15: AMENDMENT OF SECTION 15 OF PRINCIPAL ACT

In clause 15, insert the words “or a” immediately before the word “public officer”

Justification

- *To insert missing words.*

CLAUSE 16: AMENDMENT OF SECTION 16 OF PRINCIPAL ACT

In clause 16, insert the words “or a” immediately before the word “public officer”

Justification

- *To insert missing words.*

CLAUSE 17: AMENDMENT OF SECTION 17 OF PRINCIPAL ACT

In clause 17, insert the words “or a” immediately before the words “public officer”

Justification

- *To insert missing words.*

CLAUSE 18: AMENDMENT OF SECTION 18 OF PRINCIPAL ACT

In clause 18, insert the words “or a” immediately before the words “public officer”

Justification

- *To insert missing words.*

CLAUSE 20: AMENDMENT OF SECTION 19B OF PRINCIPAL ACT

Delete paragraph (b)

Justification

- *To maintain the unfettered discretion in the exercise of disciplinary control granted to the President over persons appointed to constitutional offices as was stated in the decision of the Constitutional Court in the case of Fox Odoi-Oywelowo and James Akampumuza Versus Attorney General, Constitutional Court, Constitutional Petition No. 8 of 2003. The proposal to delete the paragraph (c) of section 19B will in effect fetter the disciplinary control of the President over persons appointed by him to constitutional offices and will reverse the decision of court in the above mentioned case.*

CLAUSE 23: AMENDMENT OF SECTION 21 OF PRINCIPAL ACT

In clause 23, insert the words “or a” immediately before the words “public officer”

Justification

- *To insert missing words.*

CLAUSE 24: AMENDMENT OF SECTION 22 OF PRINCIPAL ACT

In clause 24, insert the words “or a” immediately before the words “public officer”

Justification

- *To insert missing words.*

CLAUSE 25: REPLACEMENT OF SECTION 35 OF PRINCIPAL ACT

Clause 25 of the Bill is amended-

- **By substituting for paragraph (a) the following-**

“(a) in the case of a breach under sections 4 (10) and 4A (5), be liable to—

- (i) pay a fine not exceeding two hundred currency points;
- (ii) caution;
- (iii) demotion;
- (iv) dismissal from office;
- (v) have the excess or undeclared property confiscated and forfeited to the Government where it is proved that the excess or undeclared property was unlawfully acquired; or
- (vi) forfeit the monetary equivalent of the excess or undeclared property referred to in subparagraph (iv), to the Government;”

- **In paragraph (b)-**

- (i) in subparagraph (iii), by inserting the words “until he or she submits a declaration” immediately after the word “withheld”
- (ii) in subparagraph (iv), by substituting for the word “remedies” the word “penalties”;

- by renumber the current provision as subsection (1) and inserting immediately after, the following-

“(2) The authorised officer shall refund the emoluments withheld under subsection (1)(b)(iii) to the leader or public officer upon the leader or public officer submitting a declaration of his or her income, assets and liabilities in accordance with this Act.”

Justification

- *The amendments to paragraph (a) are intended to expand the provision to include other penalties that may be imposed by the Tribunal and to limit the power to forfeit to property that was illicitly acquired by the leader or public officer;*

- *The amendments to paragraph (b) are intended to prescribe the duration of withholding of the emoluments of a leader or public officer for delay or failure to submit a declaration;*
- *The insertion of new subsection (2) is to allow for a refund of the withheld emoluments of a leader or a public officer upon submission of a declaration.*